

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

Book 1

24 February 2005

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Thursday, 24 February 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.04 p.m. and read the prayer.

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The PRESIDENT — At the beginning of the autumn sitting the Parliament today acknowledges the land of the tribes and nations of the Aboriginal people of Victoria.

BOXING DAY TSUNAMI

The PRESIDENT — On Boxing Day last year countries around the Indian Ocean suffered tragic loss of life and massive devastation due to the tsunami disaster. Many thousands of people from those countries and many tourists who were visiting the region lost their lives in the disaster. This house extends its deepest sympathy to all people from the affected countries and the many tourists and their families who lost loved ones, and wishes a speedy recovery to the injured. The house also mourns those Victorians who lost their lives following the tsunami and shares in the grief of the families of these Victorian victims. In memory of those who lost their lives in the tsunami tragedy, I ask all members to stand in silence for 1 minute.

Honourable members stood in their places.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I welcome to the gallery the Honourable Michael Polley, the Speaker of the Tasmanian Parliament; Mr Brett Whiteley, MP, the opposition Treasury spokesperson; and Mr Tim Morris, MP, the Green opposition whip.

MINISTRY

Mr LENDERS (Minister for Finance) — I rise to advise the house formally of the changes to the ministry since the house last met. As members would be aware, there were three changes in this house. I remain Minister for Finance, but I am taking on additional responsibilities as Minister for Major Projects and Minister for WorkCover and the TAC. The consumer affairs portfolio has moved to my colleague, Marsha Thomson. The Deputy Leader of the Government, Gavin Jennings, will represent the Minister for Children

in this place. Marsha Thomson continues as Minister for Information and Communication Technology but adds the very important consumer affairs ministry to her portfolio. The small business portfolio has gone to André Haermeyer, in the Legislative Assembly, but Minister Thomson will continue to represent that portfolio in this chamber.

The changes in the Legislative Assembly are that Peter Batchelor continues as Minister for Transport; Rob Hulls continues as Attorney-General and Minister for Industrial Relations but adds the planning ministry to his portfolio; Sherryl Garbutt continues as Minister for Community Services and also becomes Minister for Children; Mary Delahunty continues as Minister for the Arts and Minister for Women's Affairs; André Haermeyer becomes Minister for Manufacturing and Export, Minister for Small Business and Minister for Financial Services; and Tim Holding becomes Minister for Police and Emergency Services and Minister for Corrections.

ROYAL ASSENT

Message read advising royal assent on 21 December 2004 to:

Accident Compensation Legislation (Amendment) Act
Fair Trading (Enhanced Compliance) Act
Gambling Regulation (Further Amendment) Act
Heritage (World Heritage) Act
Housing (Housing Agencies) Act
Occupational Health and Safety Act
Public Administration Act
Safety on Public Land Act
Transport Legislation (Amendment) Act.

SERIOUS SEX OFFENDERS MONITORING BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources).

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I move:

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Hon. Philip Davis — On a point of order, President, it appears that the government believes this is an urgent bill, and I think it would be useful for the house to be informed as to the urgency of this bill and why it cannot wait for the normal sittings of Parliament. If the minister could outline that, I might respond to his request for leave.

Hon. T. C. Theophanous — I am happy to respond to the Leader of the Opposition in relation to this important bill. This bill will provide a further level of protection to the community from child-sex offenders who are presently in custody. We do not want the community to wait any longer than it has to for that additional protection. We see it as an important government priority. The government has a concern also about all serious child-sex offenders who are currently in custody and liable to be released in the near future. As the proposed legislation is not retrospective the government believes it is important that serious sex offenders subject to release be captured by the legislation. It is important that the legislation be therefore dealt with urgently by the Parliament so that it is bedded down and processes are developed in a timely manner to ensure that those objectives are met.

Hon. Philip Davis — I thank the minister for his explanation, and leave is granted.

Motion agreed to.

WATER EFFICIENCY LABELLING AND STANDARDS BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

QUESTIONS WITHOUT NOTICE

Electricity: supply

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Minister for Energy Industries and Resources. On a number of occasions, most recently on 15 December last year, he informed the house that Basslink was on track to provide a further 600 megawatts of intermediate and peaking power in Victoria in time for the summer of 2005–06. We now know that the project is at least six months late and that no power at all will be available from that source until, at the earliest, late autumn 2006. Given the

concerns of Nemmco — National Electricity Market Management Company Ltd — about supply next summer, what action will the minister take in the months ahead to guarantee that Victoria's power supplies are sufficient?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the honourable member for his question on what is a very important issue for me as minister for energy in this state. The honourable member's information about the Basslink project is correct. It was due to come on stream this summer and therefore provide up to an additional 600 megawatts of peaking power capacity at critical times over the summer in Victoria. We have moved heaven and earth to get that project up in that time frame, including when on one occasion there was a problem with a ship and the laying of the cable. Rather than sending the ship back to bring the new cable out, as was the original proposal, we insisted on a new ship being provided to bring the cable out to meet that time frame.

However, there were factors outside of my control. Six transformers are required for the project. They were being transported on a vessel that was relatively new, but that vessel suffered damage during the trip over. In an unforeseen circumstance it lost its rudder and was then subjected to five days of heavy seas. As a result the transformers were damaged. The damage has meant that the new transformers will have to be ordered, and that will delay the project.

As minister I am acutely aware of this issue. The member would know that in addition to the bringing on stream of peaking power from the Basslink project, the government had already undertaken a further contingency plan in relation to encouraging other projects as well. That encouragement has taken place over a number of years on a number of different projects. The member would be aware that we are in the process of trying to complete the project at Laverton — a peaking station which will provide 320 megawatts of power — which is due to be completed in the same time frame. We are determined that that project will be completed in the time frame to take up some of that slack. We are also looking at other, smaller hydro enhancement projects. I would be happy to make available to the member a list of those smaller projects if he so desires.

The other thing is that we are very keen to make sure that the rest of the system has integrity, which is why we have been very keen to ensure that the Cranbourne switching station — where there were some industrial problems and where I intervened directly in the issues

associated with that to ensure that switching station was repaired — operates. We will continue to do that kind of thing to ensure that we are with power and have that available for next summer.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister very much for his answer, and I certainly wish him luck with having Laverton on stream by November. Is it true that the minister is canvassing the option of banning the use of domestic airconditioners next summer on days over 30 degrees?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — It certainly sometimes get hot in here, but it does not get that hot! I can assure the honourable member that we are certainly not looking at that proposal. What I can add to the honourable member's comment is that it is important that we have tried to get the Basslink project on stream for a number of years, but we have not received any assistance from the opposition on it, I can tell you! The opposition always wants to have two bob each way on these things. It was happy to support people who wanted to put the cables underground and all sorts of things that would have delayed the project even further. It is a bit much to come in here and raise furrphies of the sort that Mr Forwood just did in order to try to frighten the community. We have a strategic plan, and we will carry that out.

The PRESIDENT — Order! The minister's time has expired.

State Library of Victoria: redevelopment

Hon. H. E. BUCKINGHAM (Koonung) — My question is directed to the Minister for Major Projects. Can the minister advise the house if the State Library of Victoria, one of the world's 1000 most significant buildings in the 20th century, is to remain open throughout stage 6 of its restoration process, and is he aware of any alternative policies that may jeopardise this stage of the project?

Mr LENDERS (Minister for Major Projects) — I thank Ms Buckingham for her question. It certainly gives me an opportunity to speak of this fantastic cultural icon which the State Library of Victoria is and canvass some of the cultural, economic and major project construction issues that she raised in her question.

Firstly, I guess we need to look at this as fairly symptomatic of what can go right and wrong in major projects. This was a decision by the Cain and Kirner

governments to redevelop one of the best cultural icons in this state. This project was established back in those days with an estimated cost of \$190 million. The project was started, the concept was in place to restore this great icon, to do it in a way so that the users from all over Victoria, whether it be inner or outer Melbourne or the country, who come to this great library could use it. So the project was set in place by those great Cain and Kirner governments.

Then that side opposite came along and something started going wrong with the project. The Auditor-General has made a comment on this great project. Any member who walks into the library will see it for its ambience. There is some sense of this great building, built at the same time — whether it be the columns, the quiet space or the light. On the journey — and we have now announced stage 6 of the seven stages of the library project — costs have blown out. I am not one to start apportioning political blame for costs — certainly not as the incoming Minister for Major Projects — because these things come back and bite you.

What I will say as an illustration of what can go wrong with a major project is that we had the project, a lot of stages, considering the users and the rest of it, and what suddenly happened? In one phase of the project the library and museum were together. Ultimately the museum was moving out. The Cain and Kirner governments set up a site on Southbank for the museum. All was going to plan.

Then the Kennett government came into power and by the Premier's interference, the rules changed. What happened was that the museum stayed in the library for another five years. How can you plan a major project and stage when interference by the Premier means that for five years the staging is messed up? Not just that, but the National Gallery of Victoria had to leave its artworks in the library for a longer time.

So the lessons for the Victorian community are that if you are going down the path of undertaking a major project, you get your plan in place, you stick to the plan and you do not have Jeff Kennett sticking his nose into it and interfering in it for a period. If you do, you will have cost overruns.

Honourable members interjecting.

The PRESIDENT — Order!

Mr LENDERS — There is more than that. Some of the other lessons I guess for us to learn out of this project — —

Honourable members interjecting.

The PRESIDENT — Order! That is enough! This is the first question time of this sitting — —

Hon. Bill Forwood interjected.

The PRESIDENT — Order! While the President is on her feet Mr Forwood will not interject — he will not speak. If he continues to do so, he will leave chamber.

I ask all honourable members to desist from interjecting to allow the Minister for Major Projects to conclude his answer in the time allocated to him and to allow Hansard to record his answer, because I am sure members of the opposition will want to take note of it tomorrow.

Mr LENDERS — So there are lessons from this. Then, as the Auditor-General's report pointed out, we have had issues such as the asbestos found in the dome and the \$14 million for fixing that. I guess some of the lessons that we can learn from this are that if you do not have asbestos, you have good planning and you do not have Jeff Kennett interfering, you are more likely to have a project running on time.

The other issue I raise in response to Ms Buckingham's question is what other alternative policies out and about might threaten these types of things. I guess the absolute fundamental in sound financial management is that governments need to honour their contracts and the contracts of governments before them, and that governments need to actually spend within their means and not go down the frolics of arguably \$7.5 billion for a project. Even The Nationals agree with this government that the opposition and Louise Asher — —

Hon. Philip Davis — On a point of order, President, I remind the Minister for Major Projects that the procedures in this place do not allow ministers to go on a freelance commenting on opposition matters. Indeed, you have given consistent rulings that reflect precedents in other houses of Parliament, including the practice of the House of Representatives, which make it absolutely clear that question time is not to be used by government ministers to comment on matters involving other parties. I also make the point that if the Minister for Major Projects wants to take responsibility for the Scoresby freeway project, then the opposition would be pleased to put questions to him on that issue.

The PRESIDENT — Order! There are a couple of things with respect to the response of the Minister for Major Projects, and I make this comment to all members of the house. When members are referring to former premiers they should do so by their correct

titles, unless they are referring to the government. I think a couple of times the minister referred to 'Kennett'. He should could use either 'Mr Kennett' or the 'Kennett government'. I direct that to all members — to remember that courtesy of the house.

With respect to sessional orders and past practices of the house, in a ruling I made from the chair last year I made the comment that in responding to questions ministers should not overtly criticise the opposition. That stands. I remind ministers that when they are making comments to the house they are entitled to look at issues in the context of their portfolio responsibilities and how they came to making any decisions they make within their portfolio responsibilities. I ask members to be cognisant of that.

Minister for Major Projects: responsibilities

Hon. PHILIP DAVIS (Gippsland) — I direct a question to the Minister for Major Projects. I wish to commiserate with the minister on his losing the consumer affairs portfolio, but I congratulate him on his appointment as Minister for Major Projects. Will the minister outline to the house which projects he is partly or wholly responsible for within the portfolio?

Mr LENDERS (Minister for Major Projects) — The question the Leader of the Opposition asked me is very interesting because he would be aware under the act that there are certain projects for which the Minister for Major Projects is specifically allocated to take the lead responsibility. We have a policy minister, and on a project like the Melbourne showgrounds the Minister for Agriculture is the policy minister. We also have an implementation minister, and that particular project is the responsibility of the Minister for Major Projects. So we have a certain number of projects and responsible ministers. One of the obvious projects that comes to mind in that respect is the Melbourne showgrounds which is certainly a large one. There are about another 10 or 15 projects in that category.

There are other projects where a lot of the work is being done by Major Projects Victoria, but the minister responsible for that project happens to be a portfolio minister. One example of that is the Spencer Street station redevelopment where the project minister would be the Minister for Transport; or in the case of Kew Cottages the minister responsible would be the Minister for Community Services. There are a range of different projects and under administrative arrangements in his recommendation to the Governor in Council it ultimately depends on who the Premier allocates as the lead minister in that area.

In most projects with which Major Projects Victoria is involved you would expect in the normal operations of cabinet that I as a member of cabinet would have some views and would obviously assist ministers in those areas; but at the same time, as is correct in a Westminster system, each project has a minister who is ultimately accountable to the Parliament. So the first category of projects, as I mentioned to the Leader of the Opposition, would include the ones for which I am accountable as a minister designated by the Premier. There are other projects where, as Minister for Major Projects — or for that matter, Minister for Finance — I would have a general role in assisting and working with ministers to go through these projects. This government is absolutely committed to keeping its projects on time and on budget and it will work through ways of doing that.

In answer to an earlier question I alluded to some of the challenges in major projects, and the practice this government will follow is to make sure that we work on these projects from the very start. The Premier has given me an ongoing role to try and work on getting those policy settings right. Last year the government put in place the Gateways project which operates at the very start of projects to run them through gates and asks all the appropriate questions, whether that be in respect of quantity surveying or other questions, so that before we announce a project we actually get it right. This means that, for example, on a project like Federation Square, which was a major project commenced under the previous government but which is now completed, you get the business case in place, ask the questions and work out what you are doing before you announce it via media release and then desperately back-pedal for a number of years to get it all right.

I have a number of specific projects and I am happy to give the Leader of the Opposition and the house a list of the projects for which I have ministerial responsibility. Beyond that I have a role in providing general policy assistance to other ministers, but the accountability under the act rests with an individual minister on all projects. Some projects are with me and some are with other ministers under the same act.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his answer and the commitment to provide to me and to the house a list of his responsibilities. Can the minister advise the house if he is wholly or partly responsible for the most significant infrastructure project in Victoria at this time: the Port Phillip channel deepening project; and if he is not responsible, why not?

Mr LENDERS (Minister for Major Projects) — The projects for which I have responsibility under the Project Development and Construction Management Act are the Austin Hospital, the synchrotron, Beacon Cove, the former fish market site, the Jolimont East site, Kensington Banks, the Melbourne Convention Centre, Melbourne showgrounds, Melbourne Markets, Mont Park, the State Library of Victoria and the Yarra arts integration project. Through other administrative arrangements I am also responsible for the West Gate Bridge memorial project, the Bonegilla Migrant Reception Centre and the hazardous waste project.

They are the projects for which I have specific responsibility as a minister on behalf of the client minister who is in charge of the policy and of setting them up, so there are other projects for which various ministers have responsibility. The Premier's general line on allocating these is that projects that cross portfolio areas, or for which a particular department may not necessarily have the expertise and skills, are given to Major Projects Victoria. But, again, it is up to the Premier as to which he thinks is most appropriately aligned with the relevant minister.

Consumer affairs: product safety

Mr SMITH (Chelsea) — My question is to the reincarnated Minister for Consumer Affairs, the Honourable Marsha Thomson. One aim of the Bracks government has been to enforce laws protecting consumers relating to safety and product quality. Can the minister advise the house of any recent examples where consumers have been protected from dangerous products?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for his question. Consumers do rely on Consumer Affairs Victoria to keep an eye on products and ensure that they are not on the market while posing a risk to consumers and endangering their health in any way. For this reason Consumer Affairs Victoria takes very seriously its role in investigating claims about dangerous products. Members in this chamber have often seen some of those products that have been collected by consumer affairs inspectors and found to be unsafe.

We have some concern that when you ban a product it may go off the shelves for some time but then reappear. For that reason we maintain a register of banned goods, along with regulated products and product recalls. It was very pleasing to see that recently an employee of the Reject Shop saw a product come into the storeroom that he suspected was banned and checked the list. Sure

enough, he was correct; it was a banned product. It was a dangerous toy called the Love Meter. It actually contained the toxic chemicals methyl chloride and methanol. It was an hourglass-shaped novelty toy marked with gradings: cold-hearted, good friends and red-hot lover. The liquid in the hourglass rises, depending on the heat. The problem with this Love Meter is that if you expose it to too much heat, it can actually explode. We certainly would not want to see one of those in the Liberal Party room at this point in time!

After this was brought to the attention of Consumer Affairs Victoria it confiscated 11 000 of them, and they have all now been safely destroyed. That indicates the importance of retailers and their staff and consumers being vigilant in looking at what is on the shelves. If they have any concerns about the safety of the toys or goods that may be for sale, they should contact Consumer Affairs Victoria so it can investigate.

Recently a Melbourne company became the first supplier to be convicted and fined for supplying illegal ice pipes since the product was banned late last year. It was a dangerous product; it was being used by young people for drugs such as ice or crystal meth, and it was obvious that it needed to be off the market. It was banned last year, and we now have our first conviction in relation to that. Consumer Affairs Victoria is serious about not putting consumers at risk — unlike the opposition, which is prepared to put our budget at risk for \$7 billion.

Wind farms: planning

Hon. P. R. HALL (Gippsland) — My question without notice is directed to the Minister for Energy Industries and Resources. I note that the company, Wind Power, has abandoned proposals to build wind farms in the Ballarat and Macedon regions. In particular I refer the minister to the statement in his press release of 11 February this year, where he suggested that the company had withdrawn these proposals because they:

... do not meet a number of criteria identified in the Bracks government's policy and planning guidelines for wind energy projects.

I ask the minister: what exactly are the criteria in the planning guidelines that these projects failed to meet?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the honourable member for his question. I want to answer this question in the first instance by indicating to the honourable member that although it is true that the company has decided not to proceed with two wind farms — that is,

the two he mentioned in the Ballarat region and the Macedon region — those two farms in no way represent a change of policy position or any change of direction of this government in its determination to ensure that renewable energy through wind farm development in this state continues.

Indeed, there are a number of projects which are continuing in relation to wind farm development in this state, and this is a very important part of our being able to provide for renewable energy for Victoria and protect the environment on the one hand, but on the other hand it is important for us in developing a wind industry in this state which also has a manufacturing aspect to it.

As I have informed the house before, I am pleased that we have within that context the project at Portland, which includes a manufacturing base for producing the blades, and also, through Keppel Prince, another facility to produce the towers themselves. We are talking about a wind industry, and we very much support that industry.

In relation to those two projects, the company made the decisions not to proceed in relation to the two projects because the guidelines specifically request the proponents to undertake a number of things, including that they must examine matters in considering and consulting with the local community. It is one of the factors in the guidelines that are to be taken into account.

Whenever I had discussions with the company I insisted that it abide in full by this and that it go and consult with the local communities. I was pleased to receive representations from all of the local members who also put arguments to me about community attitude in this instance.

Ultimately on the basis of both an analysis of the wind speeds in one case and of what was possible in relation to the entire project in the other case, and given the guidelines, the developer decided that it would not proceed with those projects. Then the announcement was made.

This shows that the guidelines are in fact working, and it means that where there are inappropriate locations, companies themselves will recognise that they will not be able to get past the guidelines.

Hon. P. R. Hall interjected.

Hon. T. C. THEOPHANOUS — We want a wind industry in this state, and we are determined to ensure that that wind industry is developed, despite whatever

attempts are made by, in particular, The Nationals to try to scuttle wind development in this state. Despite those efforts we will continue to ensure, in a responsible way, that wind development continues in appropriate locations.

Supplementary question

Hon. P. R. HALL (Gippsland) — Given the failure of the minister to clearly inform the house of exactly what criteria these particular proposals failed to meet, one can only make assumptions. For the sake of transparency and truthfulness, when will the minister have incorporated into the guidelines the apparent new criteria for wind farms in Victoria — those being that, firstly, they must have community support and, secondly, they must not be in a marginal Labor seat?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I noticed that the Leader of The Nationals in the other place, Peter Ryan, who is interested in his seat, decided to go to New Zealand to try to lobby and scuttle another wind project in the South Gippsland area. I remind the honourable member that there are people who are taking a balanced view of this. I want to quote one such person who has made the following comment about wind energy. He said:

There are people coming and saying what a fantastic tourist opportunity these towers are, but there are other people saying they are eyesores, and that's human nature, but the issue here is if we want renewables these are some of the best ways to produce renewable power —

referring to wind power. Who made that statement? The Leader of The Nationals in Western Australia, Mr Max Trenorden, and The Nationals here, should take — —

The PRESIDENT — Order! The minister's time has expired.

Occupational health and safety: legislation

Mr SOMYUREK (Eumemmerring) — My question is directed to the Minister for WorkCover and the TAC. Can the minister advise the house of what preparations are being undertaken by Victorian businesses and their employees before the introduction of the updated health and safety laws on 1 July 2005? Is the minister aware of alternative policies that may threaten the financial viability of Victoria's business sector in light of this legislation?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Somyurek for his question. As the house will know, the new workplace safety laws come into effect on 1 July this year. Victorian businesses are

showing that they are seriously committed to preparing for the new laws.

I guess one of the best examples of their enthusiasm is that more than 5000 people were attracted to attend WorkSafe Victoria's occupational health and safety information sessions during February. They came along to the first series of sessions in eight regional and metropolitan locations to find out more information, which is not surprising as there will be changes to the law. A second series, to be held in May, will build on the platforms established from the extremely positive feedback generated during February.

WorkSafe, the Victorian Employers Chamber of Commerce and Industry, the Victorian Farmers Federation, the Australian Industry Group, the Victorian Trades Hall Council and other groups have shown great commitment to making sure that the new occupational health and safety act works for businesses and their employees from 1 July. Their invaluable contributions and feedback on workplace health and safety will mean that occupational health and safety will be more openly discussed than it has been before.

As part of implementing the new act WorkSafe will provide increased support to everybody in the workplace. An increased focus on education, building skills and encouraging greater involvement in occupational health and safety will benefit all workplaces and ultimately will identify how we can reduce or eliminate risk completely from work places — the sorts of issues where people who work together and see a common problem in their workplace can address it.

It ties a lot of this back to some of the issues we have, such as who is an officer in charge, what is the obligation — there are a lot of things in a debate. To use an example of a workplace and how this could work, if we could visualise a workplace that had a rodent infestation, for example — that is, mice or rats, any of those things — how does the officer in charge deal with that? Clearly there is an obligation for an officer in charge to deal with the problem, because if there are rodents in a workplace, that has implications on all the members working in that workplace.

There are some real challenges for us under this act on what sort of advice we should offer an officer in charge of a hypothetical workplace, or a workplace in my example, and what they should do if there are rodents in their midst. Should they call Rentokil, should they call the Flick man, or should they call the state president of the Liberal Party?

I have a serious question. Workplaces deal all the time with these sorts of issues. How do they deal with the problem? We can only speculate on the example I used as to what the solution would be, but one of the good things is we have had 5000 businesses in Victoria coming forward with problems, and they want us to try to address the problems. They want to see how the new act helps them, but I think more than amendments to the Occupational Health and Safety Act are required to help those opposite.

Gas: regional supply

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Minister for Energy Industries and Resources. The government has delayed implementing its election promise of connecting natural gas to country towns. In addition, recent announcements by TXU indicate that it will charge a 30 per cent price premium for new country customers. Therefore I ask: what action will the minister take to protect country gas customers from this huge price penalty?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — The gas extension program is a program which this government is proud of. It is a \$70 million program which is designed to deliver gas which would otherwise not be delivered to regional Victoria and to regional Victorians, and has the potential to deliver gas to as many as 100 000 regional Victorians. It is a program which you would think ought be welcomed by the opposition.

I can inform the house that there are some 23 towns that have been announced as recipients of the extensions, and I can say that the savings that are expected for consumers and businesses in those towns will be between \$600 and \$1200 per year. That is a huge saving.

I can also say the following: towns connected under the natural gas extension program will pay no more than existing natural gas users in Mildura, Bunyip, Tynong, Garfield, Nar Nar Goon, Gippsland and towns along the Murray such as Cobram, Yarrawonga and Rutherglen. So this natural gas extension program is about delivering natural gas at prices which will be less than half the cost of liquefied petroleum gas.

The opposition can go around saying that somehow country Victorians are going to be disadvantaged as a result of that, but I can tell members that country Victorians cannot wait to be able to connect with natural gas and to get the more-than 50 per cent savings

that they would otherwise pay on LPG. That is the situation.

If Mr Davis wants to talk sensibly about this, he knows the economics of this are that these projects, if they were put up, would be non-commercial on their own. Significant investments must be made both by the government and by companies such as TXU. In relation to some of those projects, TXU is putting up millions of dollars of additional investment beyond what would be commercial in their cases. So the difficult decision that has to be made when you are in government, as opposed to when you are out, is you have to make decisions about getting the best possible outcome for the largest number of people.

That is what we did in relation to these cases. We wanted to get as much as we could. We believed that if we could get gas to these places in regional Victoria at more than 50 per cent below the cost of LPG, that that was not a bad outcome, especially if we could get it to a larger number of towns as a result. We are happy to stand by our record in making decisions which deliver natural gas to regional Victorians at competitive prices, at prices of more than half of what they would be paying for LPG, and we are prepared to stand by that.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — This week Ms Dianne Hadden said on ABC radio:

There's the issue of natural gas... we now find out that the Creswick community's going to be slugged \$3 a gigajoule surcharge, the CPI index for 20 years, that was never part of the promise and the community is absolutely irate about it.

Will the minister act to remove this price penalty, or will he, as Ms Hadden said, dump on country Victoria?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I welcome the supplementary question, and I am happy to respond to it. First of all, let's get the numbers right. The cost of liquefied petroleum gas is roughly \$34 a gigajoule. Under the proposal we are talking about delivering it to country Victorians, specifically to Creswick, for about \$14 to \$16 a gigajoule, so it is going from \$34 to somewhere between \$14 and \$16. As I said before to the honourable member, this is similar to other country towns, and it represents a massive reduction on what would otherwise be the case, and he should welcome it.

The PRESIDENT — Order! The minister's time has expired.

Real estate agents: practices

Mr PULLEN (Higinbotham) — My question is to the Minister for Consumer Affairs. I refer the minister to the changes that this government introduced over a year ago to improve the transparency and fairness of the real estate industry and ask her if she could update the house on how the changes have been received and are being communicated.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for his question. I know he is interested in this issue. People will be aware that dummy bidding as an issue was first raised when I was the Minister for Consumer Affairs in the last life of the Bracks government and was brought to this Parliament by legislation introduced by my predecessor in this portfolio, the Minister for Finance, who did a fantastic job of introducing a very considered and balanced piece of legislation.

It is important not only that we legislate but that people actually understand what that legislation means for them. Consumer Affairs Victoria has put in place an education program for potential home buyers, to ensure that they are aware of the new laws and what they mean. This takes place through traditional means — through pamphlets and advertising and seminars. Over 950 people registered an intention to attend the 10 seminars held to date. One was held two weeks ago in Warrnambool. Two more scheduled will be at Balwyn and Seymour, and the seminars will be held around the state to give Victorians access to the information that the seminars provide.

Consumers have indicated that after attending the seminars they go away far more informed about the laws and far more aware about things that they need to look for when purchasing a house. We have also produced a real estate guide for buyers and sellers — an invaluable document for those who are thinking of buying or selling. Research undertaken by Consumer Affairs Victoria has found that 80 per cent of consumers are aware there have been changes to the law in relation to real estate and that of those who have attended the seminars 90 per cent have said that the guide gave them a better understanding of the market and their rights.

We are continuing to look at innovative ways of getting this important message out. One of the processes we have put in place is to include Westpac as one of the agencies that ensures the guide gets out to the public. It now has 60 home finance managers across the state distributing the guide throughout Westpac's 160 Victorian branches, ensuring it is getting out far

and wide. This is being done along with our more traditional means of getting those documents out to consumers.

It is important again to demonstrate that these laws are working. The level of complaints to Consumer Affairs Victoria is extremely low. We have had one successful prosecution against dummy bidding, and we will continue to monitor the industry. Consumers have a right when they make what is probably the largest purchase of their lives to be certain they are being treated fairly, that the price they pay for a property is on a fair basis and that there is a fair negotiation of that price. We will continue to look after consumers. We will continue to make sure we introduce considered legislation — not policy on the run, no \$7 billion black holes, but policies that meet the needs of consumers.

Hume: planning decisions

Hon. J. A. VOGELS (Western) — My questions is to the Minister for Local Government. Section 76 of the Local Government Act deals with conduct and interests of councillors and penalties for failure to comply. In that context, last year Peet & Company applied for a rezoning of boundaries to Hume city, which council approved. Before that decision this company donated \$5000 to ALP councillor and former mayor, Mohamed Abbouche, and \$5000 to the Victorian ALP. As Cr Abbouche failed to declare a pecuniary interest at the planning meeting and therefore breached the Local Government Act, will the minister enforce the appropriate penalties that apply under the act?

Ms BROAD (Minister for Local Government) — It is the case that these questions were asked in the Legislative Assembly of the Minister for Planning earlier in the week, and there were very clear answers to those questions in the lower house. I have received no information about these alleged matters. If I do receive information or my department does — —

An honourable member interjected.

Ms BROAD — With respect, that hardly constitutes information. If I do receive information raising a complaint, or my department does, it will be investigated as other complaints are.

I will also say that the Bracks government has acted to strengthen the Local Government Act to raise the status of local government and to improve local government by the addition of requirements like declarations of interests and declarations of receipts of donations. Those are actions which this government, not the previous Liberal government, has taken to acquire

greater accountability in local government and to apply the same standards which apply to the state Parliament. Those are actions which I stand by as local government minister, and also stand —

Hon. Bill Forwood — You are as crooked as the rest of them!

The PRESIDENT — Order! Mr Forwood's interjection across the chamber is unparliamentary, and I ask him to withdraw.

Honourable members interjecting.

The PRESIDENT — Order! The member has withdrawn. I ask the minister to continue.

Hon. Bill Forwood — You are not as crooked as the rest of them.

Ms BROAD — I did not hear the member's interjection, but it is his usual not-high standard of debate.

In conclusion I reiterate that if complaints are lodged with some supporting information to back them up, they will be investigated by my department. I have received no such advice. I am only aware of matters that have been raised in the newspapers.

Supplementary question

Hon. J. A. VOGELS (Western) — Cr Abbouche has stated that the \$5000 gift he received did not influence his vote. However, he did discuss the money with other ALP members at Hume City Council. Three of these councillors work for Bracks government ministers: Cr Abbouche for John Brumby, Cr Jungwirth for Theo Theophanous and Cr Yigit for Marsha Thomson. Is the minister going to take any action against these three under the act for failure to declare their conflict of interest in this matter, as they were all privy to the \$10 000 paid by this developer to the ALP and the former mayor to influence favourable planning decisions?

Ms BROAD (Minister for Local Government) — The member opposite is not making any sense at all. Yes, there are local government councillors who hold a range of jobs, including some jobs working for members of Parliament. There are former members of this chamber who are now councillors, and in fact mayors in local government, and there is no problem at all as far as the government is concerned with local government councillors holding a range of positions.

If the member wishes to make some information available about specific accusations, as opposed to abusing parliamentary privilege in this place to attack people who cannot defend themselves without providing anything to back up the statements he is making, he can continue to do that. But for my part as the local government minister I will act on properly made complaints and have my department investigate them.

Hon. Bill Forwood — When did you ever do that?

Ms BROAD — Always.

Road safety: government initiatives

Hon. J. H. EREN (Geelong) — My question is directed to the Minister for WorkCover and the TAC. Will the minister please inform the house of what activities the TAC is undertaking to raise the profile of road safety in Victoria, and is he aware of any alternative proposals that may threaten the financial viability of such activities?

Mr LENDERS (Minister for WorkCover and the TAC) — I am really pleased to take Mr Eren's question. The responsibility of the Transport Accident Commission is one of the things in the WorkCover portfolio that brings before us some of the most profound social issues we will ever need to deal with.

We as a state can take enormous pride in some of the things we have done with road safety. Over successive governments we in the Victorian jurisdiction have had five firsts in the world. We were the first jurisdiction in the world in 1961 to require motorcycle helmet wearing. In 1970 we were the first to have compulsory seatbelt wearing and in the mid-1980s the first in the world to have random breath testing. In 1990 we became the first jurisdiction in the world to have the compulsory wearing of bicycle helmets, and in 2004 we became the first jurisdiction in the world to have random drug testing. Five firsts! It is in that context that I would like to address this issue.

I remember from my childhood some of the campaigns being run at the time by the then *Sun* newspaper about the road toll. We have brought the road toll down to the extent now that it is in the low 300s. I remember as a teenager that it was four times that figure when there were half as many vehicles on the roads. Those five compulsory issues plus better roads, better cars and more sensible laws have actually brought down the road toll.

The road toll has been brought down by seven-eighths, but there is still a stubborn, tragic resistance — a lot

more than 300 people are killed a year on our roads and a much larger number are grievously injured. That raises the profound question of what more can we as the community do to address those issues. One way concerns the behavioural issues of how drivers drive. The Wipe Off 5 campaign, which was introduced by the Transport Accident Commission some years ago, was designed to take that responsibility back to individual drivers so they would make decisions to be better citizens and make the roads safer.

We all know the dangers if someone is speeding at 120 kilometres an hour — that is obvious to everybody — so that message is far easier to get through. But we need to get the message on other speeding issues through to the community. For example, if a person is driving at 60 kilometres an hour and hits the brakes, it takes 45 metres for the vehicle to stop; by travelling at 65 kilometres an hour, after 45 metres a person is still driving at 32 kilometres an hour. Something that appears as marginal as 5 kilometres per hour makes a profound difference. The challenge for us is to communicate that message out into the community. It is one of the things the Transport Accident Commission is doing.

Last week I had the privilege of releasing a new series of advertisements which, among other things, try to highlight that these consequences go through to the driver, the victim who is injured and also the families of the driver. These things are profound as they go through the community. My challenge in this portfolio is how do we continue to get these messages out? How do we continue to build on the important firsts we have put in place for a long time? I am looking forward to that. We have done it in a bipartisan fashion — the five firsts were bipartisan, and we will continue — —

The PRESIDENT — Order! The minister's time has expired.

QUESTIONS ON NOTICE

Answers

Hon. Bill Forwood — On a point of order, President, I want to raise the issue of questions on notice. Honourable members in this place know we are sitting today and then we do not sit again until the end of March. It has been well past 30 days since this house last sat. Honourable members know that the rule says that questions on notice will be answered within 30 days. If you look at the notice paper, you will see pages of questions which are unanswered. I make the

point again that this house rises tonight and does not sit again for another month.

I wonder if the Leader of the Government could explain to the house how come not one of the questions on notice that have been on notice for months and months can be answered on the one day in February when we are here, and perhaps later in the day he might see if it is possible for at least some answers to questions on notice to be answered before the end of March.

Mr Lenders — On the point of order, President, I will ask the six ministers in this house whether there are any more answers to questions that can be tabled during this day. If there are, we will certainly seek to have them tabled.

Further to the point of order, the material point in answering questions on notice is that we, as ministers, wish to extend to this chamber whatever courtesy we can to respond as promptly as possible. We made every effort in the last sitting week, and a vast number of answers to questions on notice were tabled. Every minister here worked incredibly hard to get them here in response to that courtesy.

I will, though, make the point that there has been an absolute record number of questions on notice lodged in this place — I think an all-time parliamentary record. I make the observation, without trying to score any political points, that from my perspective if I get a question from an opposition member who has asked 5, 10 or 15 questions on notice in a year, I will bust my boiler to get those questions answered.

If, however, it comes from someone who has asked thousands — and I mean thousands — of questions on notice which have been generated from a word processor and often ask inane questions like, as in my case on occasions, questions seeking information on the major capital works programs of advisory committees, then you tend to put less effort into answering them. As a courtesy to members of this house, where a member has asked a small number of questions, I as a minister will go out of my way to get a quick response. Where a member has asked thousands of questions, answers are even further down the list of my priorities.

Hon. Bill Forwood — Further on the point of order, President, I thank the minister both for his response and also for the commitment that he will try to get some answers today. I would ask that the minister, on behalf of the house, make some effort to get questions answered by the end of March.

PETITION**Rochester and Elmore District Health Service:
operating theatre**

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria praying that the Victorian government orders the reopening of the Rochester hospital operating theatre and provide all the necessary capital funds necessary for its upgrade to a full contemporary operating theatre (2175 signatures).

Laid on table.

**GEOFFREY GARDINER DAIRY
FOUNDATION****Report 2003–04**

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources), by leave, presented report.

Laid on table.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE****Statute Law Revision Bill**

Ms ARGONDIZZO (Templestowe) presented report, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest Nos 1 and 2

Ms ARGONDIZZO (Templestowe) presented *Alert Digest Nos 1 and 2 of 2005*, together with appendices.

Laid on table.

Ordered to be printed.

**ECONOMIC DEVELOPMENT
COMMITTEE****Labour hire**

The Clerk presented interim report, together with appendices and minutes of evidence.

OMBUDSMAN**Essendon Rental Housing Cooperative
Medical Practitioners Board of Victoria**

The Clerk presented reports pursuant to Ombudsman Act.

PAPERS**Laid on table by Clerk:**

Auditor-General — Report on Regulating operational rail safety, February 2005.

Environment Protection Act 1970 — Order in Council of 14 December 2004 declaring the Waste Management Policy (Siting, Design and Management of Landfills).

Ethical Clothing Trades Council of Victoria — Report, 2004.

Greater Victoria Wine Grape Industry Development Committee — Minister for Agriculture's report of receipt of 2003–04 report.

Hesse Rural Health Service —

Minister's report of failure to submit 2003–04 report within the prescribed period and the reasons therefor.

Report, 2003–04.

Heywood Rural Health —

Minister's report of failure to submit 2003–04 report within the prescribed period and the reasons therefor.

Report, 2003–04.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 175/2004.

Legal Practice Act 1996 — Practitioner Remuneration Order, 22 December 2004.

Office of Police Integrity — Report on the leak of a sensitive Victoria Police information report, February 2005.

Parliamentary Committees Act 2003 — Government response to recommendations of the Family and Community Development Committee's inquiry on the Roles of Community Advisory Committees of Metropolitan Health Services.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Alpine Resorts Planning Scheme — Amendment C5.

Ararat Planning Scheme — Amendment C10.

Ballarat Planning Scheme — Amendments C71 and C73 (Part 1).

Baw Baw Planning Scheme — Amendment C30.

- Bayside Planning Scheme — Amendment C40.
- Bendigo — Greater Bendigo Planning Scheme — Amendment C37.
- Boroondara Planning Scheme — Amendments C45 and C60.
- Brimbank Planning Scheme — Amendment C32.
- Cardinia Planning Scheme — Amendments C47 and C61.
- Casey Planning Scheme — Amendments C62 and C63.
- East Gippsland Planning Scheme — Amendment C32.
- Frankston Planning Scheme — Amendment C21.
- Gannawarra Planning Scheme — Amendments C7 and C10.
- Geelong — Greater Geelong Planning Scheme — Amendments C49, C52 and C104.
- Hobsons Bay Planning Scheme — Amendment C31 (Part 1).
- Hume Planning Scheme — Amendment C46.
- Kingston Planning Scheme — Amendment C10.
- Latrobe Planning Scheme — Amendment C29.
- Loddon Planning Scheme — Amendment C9.
- Manningham Planning Scheme — Amendment C29.
- Melbourne Planning Scheme — Amendments C99 to C101.
- Mildura Planning Scheme — Amendments C26 and C29 (Part 1).
- Monash Planning Scheme — Amendment C44.
- Moonee Valley Planning Scheme — Amendments C35, C53 (Part 1) and C70.
- Moorabool Planning Scheme — Amendment C28.
- Moreland Planning Scheme — Amendments C28, C51 and C52.
- Mornington Peninsula Planning Scheme — Amendment C71.
- Mount Alexander Planning Scheme — Amendment C27.
- Murrindindi Planning Scheme — Amendment C10.
- Nillumbik Planning Scheme — Amendments C20 and C26.
- Northern Grampians Planning Scheme — Amendment C4.
- Port Phillip Planning Scheme — Amendment C51.
- Shepparton — Greater Shepparton Planning Scheme — Amendments C46, C49 and C52.
- South Gippsland Planning Scheme — Amendments C17, C24 and C25.
- Strathbogie Planning Scheme — Amendments C17, C18 and C40.
- Surf Coast Planning Scheme — Amendment C21.
- Towong Planning Scheme — Amendments C5 (Part 2) and C12.
- Victoria Planning Provisions — Amendment VC32.
- Wangaratta Planning Scheme — Amendment C25.
- Wellington Planning Scheme — Amendment C20.
- West Wimmera Planning Scheme — Amendment C6.
- Whitehorse Planning Scheme — Amendments C40 and C52 (Part 1).
- Wodonga Planning Scheme — Amendment C29.
- Wyndham Planning Scheme — Amendment C63.
- Yarra Planning Scheme — Amendment C90.
- Yarra Ranges Planning Scheme — Amendment C35 (Part 2).
- Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Animals on Private Game Reserves licensed to hunt game birds.
- Road Management Act 2004 —
- Code of Practice for Management of Road and Utility Infrastructure in Road Reserves Code of Practice for Operational Responsibility for Public Roads.
- Code of Practice for Worksite Safety — Traffic Management.
- Road Safety Act 1986 — Order in Council of 14 December 2004 declaring certain electric scooters not to be motor vehicles.
- Robinvale District Health Service —
- Minister's report of failure to submit 2003–04 report within the prescribed period and the reasons therefor.
- Report, 2003–04.
- Statutory Rules under the following Acts of Parliament:
- Births, Deaths and Marriages Registration Act 1996 — No. 179/2004.
- Building Act 1983 — No. 174/2004.
- Co-operative Housing Societies Act 1958 — No. 3/2005.
- Confiscation Act 1997 — No. 164/2004.

Conservation, Forests and Lands Act 1987 — No. 172/2004.

County Court Act 1958 — Nos. 180 and 181/2004.

Credit Act 1984 — No. 165/2004.

Credit (Administration) Act 1984 — No. 167/2004.

Domestic (Feral and Nuisance) Animals Act 1994 — No. 162/2004.

Electricity Safety Act 1998 — Nos. 182 and 183/2004.

Fair Trading Act 1999 — No. 168/2004.

Health Act 1958 — No. 4/2005.

Health Services Act 1988 — No. 173/2004.

Magistrates' Court Act 1989 — Nos. 163/2004 and 5/2005.

Motor Car Traders Act 1986 — No. 169/2004.

Petroleum Act 1998 — No. 6/2005.

Petroleum (Submerged Lands) Act 1982 — No. 175/2004.

Road Management Act 2004 — Nos. 176 and 177/2004.

Road Safety Act 1986 — Nos. 178 and 184/2004.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 170/2004.

Subordinate Legislation Act 1994 — Nos. 1 and 2/2005.

Travel Agents Act 1986 — Nos. 166 and 171/2004.

Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2005.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 154, 174, 180 and 181/2004 and Nos. 1, 2 and 5/2005.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 128, 162, 165 to 173 and 175 to 177/2004 and Nos. 4 and 6/2005.

Wrongs Act 1958 — Notice of Scale of fees and costs for referrals of medical questions to medical panels, pursuant to section 28LXA (9) of the Act.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Animals Legislation (Animal Welfare) Act 2003 — Section 20(1) — 16 December 2004 (*Gazette* No. G51, 16 December 2004).

Public Administration Act 2004 — Sections 1, 2 and Part 9 — 21 December 2004 (*Gazette* No. S275, 21 December 2004).

Royal Agricultural Showgrounds Act 2003 — Whole Act other than Part 6 — 30 December 2004 (*Gazette* No. G52, 23 December 2004).

Transport Accident (Amendment) Act 2004 — Sections 11, 12 and 13 — 16 December 2004; sections 5, 6, 8, 9, 14, 15 and 17 — 1 January 2005; sections 10, 23 and 24 — 1 March 2005 (*Gazette* No. G51, 16 December 2004).

Transport Legislation (Amendment) Act 2004 — Part 12 — 1 February 2005 (*Gazette* No. G3, 20 January 2005).

World Swimming Championships Act 2004 — 16 February 2005 (*Gazette* No. G6, 10 February 2005).

CORRECTION OF BILL TITLES

Mr LENDERS (Minister for Finance) — I move, by leave:

That where a bill has passed through both houses and any title of the bill includes a reference to a calendar year earlier than that in which the passage of a bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the bill title and any corresponding reference within the bill itself to accord with the year in which its passage was completed.

Motion agreed to.

SERIOUS SEX OFFENDERS MONITORING BILL

Second reading

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I recognise the importance of this bill and the cooperation of the opposition in facilitating its introduction in a short period, and on that basis I intend to read the entire second-reading speech into *Hansard*. I move:

That the bill be now read a second time.

The government is concerned about risks to children and to the community more generally when convicted child-sex offenders are discharged back into the community at the conclusion of a sentence of imprisonment. The community is rightly concerned about the evidence that some paedophiles are likely to offend again and again throughout their lifetime and that they are likely to have many victims. Today, there is also a much greater understanding of the fact that victims of child-sex offenders and their families can continue to experience the damaging and painful consequences of these terrible crimes for many, many years.

The government views the risk of reoffending by child-sex offenders as so great as to be unacceptable.

Too many children are at risk of serious and long-lasting harm. Until now there has been no system of active monitoring of high risk child-sex offenders after the completion of their time in prison. This inability to monitor has harmed our community. In light of what we now know about child-sex offenders it is appropriate and necessary to provide for the supervision of these individuals.

This bill establishes a new regime that provides for the extended supervision of high-risk child-sex offenders beyond the term of their sentence. This monitoring will only be available where authorised by a court that has considered all the relevant circumstances of the offender, including expert evidence about his or her pattern of sexual offending. The child-sex offender will then be made the subject of an extended supervision order that contains a range of conditions for the purpose of ensuring adequate protection of the community, for promoting the offender's rehabilitation, care and treatment and for monitoring the offender. The orders will be supervised by the Adult Parole Board, which will be empowered to give the child-sex offender directions and instructions individually tailored to his or her current circumstances. The deterrent effect of ongoing supervision, reduction of the offenders' exposure to environmental risk factors and ongoing access to treatment and support will deter the commission of further offences.

These requirements will be balanced against the need to protect the individual rights of offenders who are subject to this scheme. The bill contains a number of safeguards including a right of offenders to be legally represented at hearings, a right to obtain an independent clinical assessment of the risk of reoffending, periodic review by the court of all extended supervision orders and the right to appeal against the making of an order.

The scheme achieves the appropriate balance between affording sufficient rights to individual offenders and the need to protect the community from offenders who are assessed as being at high risk of reoffending.

Our community will be protected by this monitoring scheme that will reduce the likelihood that these convicted serious child-sex offenders will reoffend.

The scheme of the bill

The new monitoring scheme contained in the bill will apply to a category of persons known as 'eligible offenders'. These are persons sentenced in relation to a wide range of sexual offences against children who have been sentenced to a term of imprisonment.

The secretary to the Department of Justice will be able to apply to the court for an extended supervision order in relation to an eligible offender. It is anticipated that such applications would be made only where a child-sex offender is assessed as being a high risk of sexually reoffending.

The application will be made to the County Court if the eligible offender was sentenced by that court or the Magistrates Court or to the Supreme Court if the offender was sentenced by the Supreme Court.

An application for an extended supervision order must be accompanied by a report from a psychologist, psychiatrist or other prescribed health service provider who has conducted an assessment of the likelihood that the offender will reoffend.

The court will be empowered to make an extended supervision order if it is satisfied that the offender is likely to commit another relevant offence after his or her sentence is completed if an order is not made. The court must be satisfied of this to a high degree of probability.

The offender will have the right to be legally represented at the hearing, be permitted to produce their own independent psychological and psychiatric reports and to give evidence to the court.

If the court makes an extended supervision order, it will apply to the offender for an initial period of up to 15 years. The court would be able to renew this order for additional periods of up to 15 years if, on application by the secretary, it forms the view that the offender is likely to commit another relevant offence after the expiry of the initial order.

An extended supervision order would be suspended during any period when the offender subject to the order is in custody.

Each order will contain a number of core conditions. These are:

- a requirement that the offender must not commit, whether in or outside Victoria, another relevant offence;

- a requirement that the offender attends at any place as directed by the secretary or the Adult Parole Board for the purpose of supervision, assessment or monitoring;

- a requirement that the offender reports to and/or receives visits from the secretary and any person

nominated by him or her for the purpose of monitoring the order;

a requirement that the offender notifies the secretary of any proposed change of his or her name or employment at least two clear working days before the change occurs;

a requirement that the offender must not move to a new address without the prior written consent of the secretary;

a requirement that the offender does not leave Victoria without the permission of the secretary granted either generally or in relation to the particular case;

a requirement that the offender comply with any lawful instructions and directions given to him or her by the secretary; and

a requirement that the offender comply with any lawful instructions or directions given by the Adult Parole Board. These instructions and directions may be made about any matters that the Adult Parole Board thinks are necessary to ensure adequate protection of the community or for the offender's treatment, care and rehabilitation or the monitoring of the offender.

The Adult Parole Board will be able to give the offender directions and instructions that may include but are not limited to matters such as:

where the offender is to reside;

setting curfews;

specifying that the offender must not visit specified places or may only visit at specified times;

requiring the offender to attend and participate in treatment or rehabilitation programs or activities;

prohibiting the offender from engaging in certain types of employment;

prohibiting the offender from engaging in certain community activities such as volunteer activities where children may be present;

prohibiting the offender from having contact with certain persons or classes of persons. This could include, for example, children of neighbours or children under the age of 10; and

requiring the offender to adhere to electronic or other forms of monitoring of his or her compliance with the order relating to his or her whereabouts.

The role of the Adult Parole Board will be to supervise the orders. It will be assisted in doing this by its power to give the child-sex offender directions and instructions individually tailored to his or her current circumstances. The Adult Parole Board is able to vary the lawful instructions and directions as required throughout the period of the order.

The Adult Parole Board has extensive experience in supervising offenders who have been released into the community gained from its existing role in supervising offenders subject to parole orders. In fact, it is likely that the subject of an extended supervision order will have been supervised by the Adult Parole Board prior to the expiry of his or her sentence.

It will be an offence for an offender to fail to comply with a condition of an order. This includes a failure to comply with any directions or instructions given to the offender by the Adult Parole Board.

The bill provides for breach proceedings to be initiated by the secretary, who may receive information from sources such as the Adult Parole Board and may also require the eligible offender to be assessed as to his or her current circumstances. Alleged breaches of an extended supervision order will be considered by the court that made the order. The court may find that a breach has been committed if, after considering the evidence, it is satisfied that the subject of the order failed to comply with the order without reasonable excuse.

The proposed maximum penalty for the offence is five years imprisonment.

Extended supervision orders will only be in force when the subject is resident in the community. An extended supervision order is suspended automatically if the subject of the order is detained in custody and will recommence upon discharge from custody.

As I have mentioned, the bill contains a number of safeguards to protect the rights of offenders and ensure that an extended supervision order does not remain in place if the need for the order no longer exists.

An extended supervision order will be subject to periodic review by the court that made the order. The subject of an extended supervision order can also apply for a review of the order at any time, with the leave of the court. If, on review, the court is not satisfied that the

offender remains likely to reoffend it will be required to revoke the extended supervision order.

Both the secretary and the subject of an order can appeal a decision of the court in relation to the making, review or renewal of an order.

The bill provides that a person subject to an order should be present at any hearing conducted under the scheme. The court may issue a summons requiring the subject to attend a hearing and is also empowered to issue a warrant for the arrest of the person to ensure his or her attendance at the hearing. However, the court is empowered to proceed with a hearing in the absence of an offender if it is satisfied that it is necessary to proceed with the hearing in the interests of justice.

The bill makes a number of consequential amendments to the Corrections Act 1986. These include an amendment to make it clear that the Adult Parole Board has the new functions conferred upon it by the bill. The amendments will also require the secretary to provide employees of the Department of Justice and other assistance to the Adult Parole Board to assist it in supervising persons subject to an extended supervision order. Employees of the Department of Justice responsible for extended supervision orders will be subject to the directions of the Adult Parole Board.

The bill will also amend the Sentencing Act 1991 to make it clear that when a court is sentencing a child-sex offender, the court cannot take into account the fact that an extended supervision order may be made under the scheme at the end of the sentence.

I commend the bill to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I have the pleasure of being part of the opposition's contribution to debate on this bill. We are pleased to provide leave for the government to move forward, to bring this bill before the house and to have members make contributions across a variety of issues.

However, while we support the foundation stone of the Serious Sex Offenders Monitoring Bill we have some concerns about how it has been brought before the house. It appears that this bill has been introduced to deal with one Brian Keith Jones, commonly known as Mr Baldy. It is no secret and I have gone on record a number of times, including publicly through the press, to say there needs to be some level of intrusion into this person's habitual paedophilic activities and some level of control over the terms of his release if that were to occur.

However, it is all frustrating and disappointing. On 18 January 2004, I made a plea that this person be denied parole. The honourable member for Kew in the other place, Andrew McIntosh, also raised this matter with the Attorney-General during an adjournment debate. He called for some form of control over the release of this person.

It has been reported in the papers that Mr Baldy is to be released around 2 or 3 March this year, so Parliament is being forced to pass this piece of legislation. I support this legislation wholeheartedly, but my concern is that we are debating and passing significant legislation without the normal checks and balances that should be applied.

Today the Honourable Lydia Argondizzo presented to the house three reports by the Scrutiny of Acts and Regulations Committee, including two *Alert Digests*. There is a role of Parliament to scrutinise legislation and ensure its legislative program is developed in a constructive and meaningful way. It is no secret that this legislation has been designed to deal with a particular nasty character from society who is currently in prison. However, if the government is going to introduce this type of legislation, it should get it right across a number of areas.

Some components of the bill are very appropriate in monitoring serious sex offenders, but the government has taken a rush-through or crash-through approach. The legislation provides for a minimum of 25 days from when an application is made to when the matter can be heard by a court.

I have just said that Mr Baldy will be released next week. Even if we pass this legislation today, which we will, and even if the bill were enacted an hour later and even if there was an application made in the following hour, the government would still be constrained by the 25 working days notice provision. That is in the bill. That means Mr Baldy, when released next week, will certainly be under a supervision order of the Adult Parole Board until the expiration of his maximum term of imprisonment, which was set at 14 years, but he will not be subject to this legislation which the house is rushing through today.

Those on the other side will say, 'But there is the Sex Offenders Registration Act that was passed in the last session'. But that is a voluntary position. I raised my concern during debate that the act requires the sex offender to tell the authorities where he is. We know the form and antecedents of Mr Baldy. We know he committed further sex offences while on parole. What guarantees do we have in our society right now that this

chap, this villain, who is going to get out next week will get adequate supervision? I just raise that in the debate. It is not scaremongering; it is just the realities of the process. We had ample time. We knew that that particular prisoner was going to be released. We knew that at some point between the time of sentence for the serious crimes against children and the time of release 14 years later at the maximum period he would be released into the community, yet two days before that we are proposing to pass this legislation in the house.

Again I raise the point that the opposition will support the bill but has grave concerns about the process and the manner in which it has applied. As I indicated, I consider it important to put on the record that this is where we are at.

Before I go to the bill proper, I thank the minister for reading the second-reading speech rather than having it incorporated. I also thank the department for providing a full and honest briefing on this early this week. Given that everyone was under significant pressure to get this piece of legislation through and, as I have mentioned, we seem to be in a rush, I appreciate that they did the best they could in providing a detailed analysis of some of the information.

It is important to read into *Hansard* the purpose of the bill. In 'Part 1 — preliminary', clause 1, headed 'Purpose and outline', provides:

The main purpose of this Act is to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who are a serious danger to the community to be subject to ongoing supervision while in the community.

Members of the opposition applaud that. The clause then outlines what is in the bill. The definitions clause provides:

... "relevant offence" means an offence listed in the Schedule.

On turning to the schedule one notes that it lists a significant number of sex offences of a heinous nature. They include offences involving sexual penetration of children and the administering of drugs for the purposes of sexual gratification et cetera, and even bestiality is included. One thing that concerns the opposition — and I know it has been raised in the other place — is that in our having before the house the Serious Sex Offenders Monitoring Bill all in the community who saw that would assume the government has rushed this bill through and excluded rape because they would consider rape to be part of an act of Parliament that had the title, purpose and outline I have indicated relating to serious sex offenders. The government has excluded rape from

this piece of legislation dealing with monitoring serious sex offenders and that is why the opposition has foreshadowed the amendment I will move in the committee stage proposing the introduction into the schedule of the offence of rape as defined under section 38 of the Crimes Act 1958.

From my experience rape is certainly an issue. It involves force, fear or fraud. It relates to the sexual abuse of an adult or a child. Whilst the bill includes specific offences relating to children, it does not include the specific offence of rape.

Hon. T. C. Theophanous — You should not mislead. Rape has not been excluded. Rape of a child is included.

Hon. RICHARD DALLA-RIVA — The minister says that rape of a child is included in this bill. I understand that, but rape of an adult is not included in the bill.

Hon. T. C. Theophanous interjected.

Hon. RICHARD DALLA-RIVA — If the minister looks at the Crimes Act he will see that rape does not apply specifically to a child; rape applies to a person. If the minister had done a detective training course or something similar or had investigated rape as I have, he would understand that it is not related specifically to just a child; it can happen to any person, male or female, of any age. The government has not included that in this bill.

Ms Mikakos interjected.

Hon. RICHARD DALLA-RIVA — I cannot understand why I am getting interjections from the other side when I have indicated quite clearly that the government has excluded from the schedule to the Serious Sex Offenders Monitoring Bill section 38 of the Crimes Act 1958. On that basis I look forward to support of the opposition amendment. I also put on the record that the government has rushed the bill through. I understand and accept that, and the opposition is supporting it. We have given leave to proceed immediately, and we are moving it through forthwith. That does not get away from the application process or the fact that Mr Baldy will be released next week without any monitoring whatsoever, other than the basic monitoring that the Adult Parole Board will undertake.

Ms Hadden interjected.

Hon. RICHARD DALLA-RIVA — I have an interjection — Brian Keith Jones.

Ms Hadden interjected.

Hon. RICHARD DALLA-RIVA — I look forward to your telling me his name in your contribution.

Ms Hadden interjected.

Hon. RICHARD DALLA-RIVA — Again in debate on a very serious bill I am getting interjections about a specific person who has committed a most serious crime. I find that amazing. The opposition wants to introduce the definition under section 38 of the Crimes Act 1958 because other people will be released into our community who have a history of committing a litany of sexual crimes against adults. I cannot for the life of me understand why we cannot include the silver-gun rapist, Peter Vaitos, or the Balwyn rapist, John Bates. Why are we not going to have monitoring of those offenders? Why can we not move that amendment?

I am also advised that the Leader of the Opposition is prepared to stay back. He has indicated that he is happy to keep sitting today. We could agree to the amendment and include rape in the schedule, making it very clear that we include those offences given that the rape of a child is included in the schedule, as the Minister for Energy Industries and Resources has rightly pointed out. Why are we not going to be in a position to monitor the silver-gun rapist, Peter Vaitos, and the Balwyn rapist, John Bates? It is just ludicrous. They have a history of reoffending. Those are not my comments; they are fact. I put on the record for the minister and the house that the Leader of the Opposition is happy to keep sitting today. If the amendment is adopted, then the legislation can be passed with section 38 included. As I said, the amendment will be moved later, in the committee stage.

I have indicated my thanks for the briefing. I may have got it wrong but my understanding is that the pool of offenders who will be monitored is very small. Although I have written in my notes that they are expecting 80 to 100 per year, that is small given that we have 3500 or 4000 prisoners. We have jails built specifically for sex offenders. It is a significant issue and that might unfortunately be the number of those who will be monitored.

I do not propose to go too much further into the bill. As I said, the extended supervision orders are appropriate. The overall process under which they are applied is appropriate. I have no doubt after hearing the minister's second-reading speech that this is sound legislation, apart from the one issue that really grates on the opposition. I hope the appeals process is not abused.

Some prisoners have a history of making vexatious claims, thereby causing delays and tying up the court system.

Finally I implore members of the on the other side to realise that this is an opportunity for us to get it right. Let us not go down the same path that we have taken on the police corruption process where the government keeps introducing legislation upon legislation to fix up the mess. This legislation is not a mess; we have just rushed through and missed the issue, but I understand why. Mr Baldy is due for release, and I understand that we need to get this legislation through. But members on the other side should understand that if they allow this bill to go through, eventually people like the silver-gun rapist and the Balwyn rapist will be released and then it will be up to them whether they volunteer to be on the sex offenders register. If they do not wish to be on that list after they are released, they cannot be compelled to register. We will then be left with a situation where serious sex offenders who have committed rape against adults have the opportunity of not being monitored for up to their remaining 15, 30 or 45 years of life. I think that is an outrage.

The government will be given the opportunity to accept our amendment and push the bill through. I have an undertaking from the Leader of the Opposition in the other place that the Legislative Assembly will sit so we can bring back the legislation to Parliament. We can then get on with the job of looking after the community and keeping an eye on these mongrels.

Hon. P. R. HALL (Gippsland) — It is my duty this afternoon to report to the house on the Serious Sex Offenders Monitoring Bill, and the house will be pleased to know that The Nationals will certainly support this legislation.

It is not with a great deal of joy that we talk about this topic because talking about sex offenders, particularly child-sex offenders, gives me no great joy. It is a sad reflection on society that more and more of these sorts of people are becoming noticed in our communities and that we need to deal with them. This legislation, in part, is a very small component of the need to deal with people who have committed offences of this nature.

As I listened to the second-reading speech I found one fairly disturbing comment in the first paragraph or so, where it said that some paedophiles are likely to offend again and again throughout their lifetimes and that they are likely to have many victims. That is an alarming fact, and there is a lot of community concern about the people who commit these offences.

I suppose these concerns are highlighted when, as I understand it, in the next 12 months something like 80 to 100 people who have committed sex offences will be released from prisons in Victoria; many of them have been child-sex offenders. Although, under the provisions of this bill, they will all be risk assessed, those figures are frightening. As I said before, it is a sad reflection on society that people of that kind of character and nature live among us.

When I think about this subject it is hard for me to envisage what goes on in the brains of such people that leads them to commit such offences. I cannot possibly imagine what they are like as people and what drives them to commit such crimes. If there was a physical, medical or even chemical cure for this condition, I would be all for it. Many people I speak to in my constituency feel even more strongly about these issues than I do, but if there was a cure, I would be the first to put my hand up in support; but given the complexity of these sorts of people I do not think there is a single cure.

There is at least one thing we can do — that is, according to page 2 of the second-reading speech to reduce the likelihood that these serious child-sex offenders will reoffend. I totally endorse that remark. I guess the measures suggested in this piece of legislation aim to achieve a reduction in the likelihood of people reoffending. It is a step, albeit a very small step, in this process, and for those reasons The Nationals certainly support that direction.

I do not know what the community feels about this piece of legislation. It was brought in just this week and in a matter of three days both houses of Parliament will have considered it. I have certainly had scant opportunity to make any comment about this bill publicly, and I do not think the public knows much about it either, so I really do not know what the people I am supposed to be representing in this Parliament feel about this bill.

I do not know whether they think it goes far enough or whether there are other things that should be implemented to address this particular situation. There has been no opportunity for public consultation. What I have said today on behalf of the people I represent is my gut feeling about how they might feel about it, and I feel a bit uncomfortable about doing that. It would have been far better had the government's business program been better organised. It could have brought us back a month earlier and we all would have been happy to be back here in this place at the start of the month. This bill could then have been introduced, and we would have had at least two or three weeks during which we

could talk about it with the public. That is not the case, so let us get on with it. We need to deal with the legislation because it is a serious issue, and we are prepared to support its passage through Parliament.

I noticed that the bill's title — the Serious Sex Offenders Monitoring Bill — did not accurately describe its contents. The second-reading speech refers to the schedule of sex offences the bill is intended to cover, so it is all about child-sex offences. Perhaps it would have been better called the Serious Sex Offences Against Children Monitoring Bill, or something like that.

As has already been commented upon, the schedule to the bill describes the particular crimes to which the provisions of the bill will apply, and there are a great number of those — some 41 offences. I think all but four of them directly relate to a child and use the terms 'a child' or 'under the age of 16'. The only exception to that were the crimes listed as clauses 18, 19, 20 and 21 — and I will not read all of those because anybody with the bill in front of them can look at them — which I do not think specifically relate to a person under the age of 16; they are broader than that. With the exception of those 4 out of the 41 crimes, they all specifically relate to children. Therefore I think it would have been better to have called it the Serious Sex Offences Against Children Monitoring Bill, which would more accurately fit its description.

It may have also addressed the point raised by the opposition that rape as a particular crime has not been included. If we were to look literally at serious sex offences, there is absolutely no doubt that rape should be included under a heading of serious sex offences — absolutely no doubt whatsoever. I can understand the logic and the good reason for the opposition moving this amendment, and again indicate that The Nationals will be happy to support it. If government members cannot bring themselves to support it, perhaps they could make some commitment towards the future and consider rape as being a serious sexual offence and later introduce legislation to incorporate that particular offence under similar provisions to those included in this bill.

I want to quickly talk about a couple of provisions. The main concept introduced under this legislation is a new concept called an extended supervision order. As its name implies, it will be a mechanism used to help track child-sex offenders once they have left prison. Part 2 of the bill deals with matters associated with these extended supervision orders — such as how an extended supervision order is imposed upon a person and what an extended supervision order may involve.

There are also divisions of part 2, which relate to the reviews and renewals of extended supervision orders. I note that extended supervision orders can be applied for a period of up to 15 years and can be extended for similar amounts of time.

I want to briefly talk about clauses 15 and 16 of the bill, because they describe the sorts of things that may be included in an extended supervision order. Clause 15 refers to the conditions of an extended supervision order. Clause 15(3) sets out the conditions that are attached to an extended supervision order: offenders are not allowed to commit a similar offence; they have to report regularly for visits; they have to notify the secretary of the department of any change of name or employment at least two clear working days before the change; they must not move to a new address without the prior written consent of the secretary; they must not leave Victoria except with the permission of the secretary et cetera. They are the conditions which the court must apply to an extended supervision order.

Clause 16(3) contains instructions or directions that the Adult Parole Board may attach to an extended supervision order. My understanding of the legislation is that particular conditions can be applied by the court, but that conditions can also be applied by the Adult Parole Board. The Adult Parole Board may state conditions on where the offender may reside, the times at which the offender must be home, the places or areas the offender must not visit or may only visit at specified times et cetera. Clause 16(3)(h) is interesting and refers to:

... forms of monitoring (including electronic monitoring) of compliance with the extended supervision order to which the offender must submit ...

So there is a whole range of measures in clauses 15 and 16 which can be attached to an extended supervision order.

Members of The Nationals have no real objections to those conditions. As we said before, we have no sympathy towards people who have committed sex offences against children, and for some of those people at least — as the court may deem, after all of the proper medical assessments have been done — it is necessary that they be kept under an extended supervision order. We believe the right checks and balances, et cetera, are in place to make the extended supervision order concept both fair and acceptable to the general community and the particular people involved.

Part 3 of the bill deals with appeals. There are appeal mechanisms for both the secretary or the person involved to lodge an appeal against the granting of an

extended supervision order or particular aspects of the extended supervision order. Part 4 deals with breaches of extended supervision orders. I note that there is a five-year imprisonment maximum penalty for those who may breach an extended supervision order.

They are the main provisions of the bill. Probably a few other questions about the bill will evolve over time. I am not quite sure how all of this will relate to the register of sexual offenders and that particular database. I am not sure how this legislation and the legislation referring to that, which was passed by Parliament last year, actually work together. It will be interesting to see how that occurs. Generally speaking, the concepts in this piece of legislation are a small step towards assisting in ensuring that child-sex offenders do not recommit. We believe that step is a positive one and are prepared to add our support to the legislation.

Finally, as to the amendments moved by the opposition, given the title of the bill, it is proper to include the provision of rape in the list of offences, and we are therefore prepared to support this amendment. We welcome the passage of the bill through the Parliament today.

Ms MIKAKOS (Jika Jika) — There are few crimes in our community that elicit a more emotive response than sexual offences against children. Offences of this nature violate trust and cause significant emotional and psychological trauma to their victims. The impact of these crimes have a lifelong impact on the victims and their families, and many members have reflected on the absolutely abhorrent nature of these offences during previous debates on this issue in the house.

It is horrifying to realise that many of these crimes continue to go unreported. Children may not tell anyone what has happened to them because they may be afraid of being blamed or punished, or they may not have anyone to whom they can turn. They may not even realise, due to their very young age, that what is happening to them is a crime. The onus must not be on children to have the courage or understanding required to report these crimes; it is up to every adult in our community to be vigilant and to reduce opportunities available to child-sex offenders to violate the rights of children. If this legislation can prevent even a single case of a child-sex offender reoffending, it deserves the unequivocal support of all members in this place.

Child-sex offenders commit extraordinary crimes, and as such must be subject to extraordinary measures. This legislation seeks to unequivocally protect children in our community. It takes an unusual step. The Scrutiny of Acts and Regulations Committee in the *Alert Digest*

tabled in the house earlier today notes that potentially the restrictions imposed by this legislation abridge the rights and freedoms of certain members of the community.

However, taking into account the extraordinary trauma and damage caused to the victims, which I have already indicated, and the high recidivism rates amongst child-sex offenders, which I will come to in a moment, we in the government think it is appropriate to err on the side of protecting the most vulnerable members of our community — that is, children.

We have to remember during this debate that we are talking about offenders who have served their sentence. They have been sentenced by a court of law in our state and have done their time, and these conditions would apply to them upon release. We are talking about unusual situations here — an unusual step that is to apply in unusual circumstances. This legislation provides for the most serious child-sex offenders in Victoria to be closely monitored and supervised following their release from prison.

The scheme will apply to serious child-sex offenders who are registrable offenders under the Sex Offenders Registration Act 2004 and who have been sentenced to a prison term. I note that in this respect this will capture offenders who have committed a wide range of sex offences against children, including rape, indecent assault and possession or production of child pornography. There is a very extensive list of offences contained in the schedule to this legislation. In particular I want to draw to the attention of members clause 1 of the schedule, which refers to sexual penetration of a child. I make the point quite clearly that this would apply to a situation involving a rape of a child. It is important that we do not seek to mislead the community about the position on rape, and that the rape of a child is quite clearly covered here.

It is also important that we reflect on the fact that this chamber, including opposition members, only as recently as late last year participated in a debate on the sex offenders registration legislation, which in itself makes a distinction between categories of offences — offences committed against children and offences committed against adults. In the sex offenders registration legislation — and that scheme, of course, is now in operation — we created categories of offences, which means that we have a blanket automatic application for child-sex offences and discretionary application in the case of adult sex offences. It is important that we acknowledge, and that the opposition be fair and also acknowledge, that we have recently passed legislation in this house that did make a

distinction between offences against children and offences against adults.

The reason we have made this policy judgment to apply this new set of stringent requirements, this new regime which I will come to in a moment with respect to child-sex offenders, is that we are talking about the most vulnerable members of our community, whom we are seeking to protect — that is, children. The research indicates that in the case of child-sex offenders there is a higher rate of recidivism, particularly in respect of child-sex offenders committing offences against young boys. They consistently top the recidivist list. That is why we are taking these steps today.

In relation to how the legislation will work, very briefly the Secretary to the Department of Justice will be permitted to apply to either the County Court or Supreme Court for an extended supervision order in relation to an eligible offender. The application must be supported by a detailed assessment from a psychologist, psychiatrist or prescribed health service provider, and that report will need to address issues to do with the likelihood of the prisoner reoffending. The report will cover issues such as the offender's history of offending and participation and prison treatment programs. It will then be for the court to determine whether or not an extended supervision order is required, and the determination will be based on being satisfied that the offender is likely to commit another relevant offence after their sentence is completed if an order were not made. If the court determines that an offender is at a high risk of reoffending, the court will make the extended supervision order, which will apply for 15 years and can be renewed for additional periods, including multiple periods of up to an additional 15 years.

The conditions of the order will be determined by the Adult Parole Board, which has considerable expertise in supervising offenders and is best placed to monitor these most serious and high-risk child-sex offenders. The Adult Parole Board will be adequately resourced in order to fulfil this important function. The legislation sets out a number of core conditions which will apply to such an order. They will include matters such as not committing another relevant offence; regular attendance at a nominated place for the purposes of supervision, assessment or monitoring; notifying any proposed change of name or employment; notifying of any proposed change of address; restrictions on leaving the state of Victoria; and complying with any lawful instructions and directions provided by the Secretary of the Department of Justice or the Adult Parole Board.

The Adult Parole Board will also have discretion to impose additional conditions, which can include matters such as where the offender can reside; setting curfews; specifying that the offender must not visit particular places; requiring the offender to attend and participate in treatment and rehabilitation programs; prohibiting the offender from engaging in certain types of employment — obviously employment involving children; prohibiting the offender from participating in certain community activities; and requiring the offender to adhere to electronic or other forms of monitoring to demonstrate that they are complying with the order relating to their whereabouts. If any of those conditions are breached, the proposed maximum penalty can be up to five years imprisonment.

The legislation also provides a number of safeguards because, as I have already indicated, we are talking about removing offenders' civil liberties. The legislation provides that an offender being considered for such an extended supervision order has the right to obtain an independent assessment report of their risk of reoffending. They are able to have legal representation at their hearing; and they also have appeal rights in relation to the making of an order or other determination of the court. The order will be reviewed by the court at least once every three years or upon application by the offender. They will be able to determine if an order remains necessary or if the conditions of the order require to be changed. In addition, it is important to note that juvenile child-sex offenders will not be subject to the scheme unless they are imprisoned in or released under parole from an adult prison.

Whilst preparing for this contribution, I sought to inform myself about research that has been done on child-sex offenders, and I note that some excellent research has been published, both overseas and in Australia by the Australian Institute of Criminology. It is important that I share some of the findings of that research. It is a widely held belief that child-sex offenders loiter in parks preying on children at random. This is not in fact supported by the research. While the evidence indicates that predatory child-sex offenders are small in number, most of the media attention tends to focus on these most abhorrent individuals. In reality, however, most child-sex offenders are known to the victim or the victim's family. These perpetrators are generally adults in positions of trust or family members. It is shocking to realise that the people most likely to harm children are those already known to them.

It is important when having these debates that we do not get hysterical about the stranger-type situation; clearly these individuals do exist, we need to be

vigilant, we need to take appropriate action as a community against them, but we also need to impress upon the community that being vigilant also involves being vigilant within our homes and within our families.

It is important to acknowledge that child-sex offenders have higher rates of recidivism, particularly when we are talking about child-sex offenders who commit offences against young boys. The research suggests that there are known risk factors which can assist the authorities in determining how they may reoffend. I will not go into those in detail but that is a group which involves intense supervision, rehabilitation and treatment programs. It can be targeted by legislation like this, which will ensure that treatments and rehabilitation will be tailored to the individual needs of the relevant offender. It is important that we seek to provide legislation which will prevent the cycle of sexual reoffending. We have to focus on protecting children and reducing opportunities for them to be sexually victimised.

I note comments made by Commissioner Mick Kelty of the Australian Federal Police at a conference held in Melbourne late last year. He talked about the huge child pornography industry generating around \$3 billion per annum. Quite clearly that type of industry is very well organised. He commented further that we all must do what we can to eliminate sexual offences against children. We must also do what we can to reduce the impact of child-sex offenders on victims and their families. I commend the bill to the house.

Hon. C. A. STRONG (Higinbotham) — I rise to speak on the Serious Sex Offenders Monitoring Bill. It is worth noting that in many ways this goes to the tip of the iceberg — that is, the very significant problem of the extent to which criminals reoffend. We are told regularly that most of the jail population is made up of people who have been there before. Certainly I can remember being told various figures — that 80 per cent or 75 per cent of the jail population is made up of those people who have done their time for a previous crime, who have then gone out and reoffended, and found themselves back in jail. That cycle of reoffending goes on and on.

It is a very significant problem for the community. A very significant problem for the law, as we know it, is how to deal with that situation. As I said before, the principle that we have had for many years is that when you have done your time, you are free. If, when you have done time and you are free, you simply go out and reoffend and there is a high probability that you will go out and reoffend, it raises the question of what we as

legislators should do to see that that does not happen. Quite clearly those people who have been incarcerated for whatever reason are clearly in a proportion of the population that is most likely to reoffend, so it is a problem with the system as we have it.

It is clearly a problem that is particularly acute and that requires our particular attention when the crime is one of reoffending against an individual. It is one thing to say somebody is a chronic car thief, who is put in jail for that crime and does his time, who is released but then reoffends — and so the cycle goes on. But when repeated offences involve personal danger to individuals in society, then it behoves us to concentrate our minds more on what can be done. When those individuals — our children — are the most vulnerable part of our society, that requirement to do something is even more acute and more necessary. In a way it is a pity it has taken us as law makers and society at large so long to say that something simply must be done in this area.

Before turning to some of the detail, I think there is a significant philosophical issue to be dealt with here, because, as I pointed out, it is absolutely appropriate that we put in place protections for children — the youngest and most vulnerable members of our society. It is particularly appropriate that we put in place those protections in the case of crimes of a sexual nature that would be committed against those children. But there are many other crimes that are crimes of violence, for instance, where people of a chronically violent nature are arrested and reoffend in a violent fashion. There are also those who are chronically sexually deviant so far as adults are concerned

That brings us to the issue of the amendment that the Liberal Party has foreshadowed today and which was moved the other day in the Assembly — that if this is a bill about serious sexual offences monitoring, why does it simply limit itself to children? I would not for 1 minute say that it should not limit itself to children or that it should not focus on children; for the reasons I have outlined they are clearly the most vulnerable in our community and who we must do our utmost to protect, but there are many cases of reoffending in crimes of serious rape and serious violence. If we are dealing with sexual offences monitoring legislation, then it is absolutely appropriate to include the crime of rape, whether it be of a child or an adult. As other speakers have said, I would certainly urge the house to very seriously consider accepting this amendment.

It is a pity that this bill has been rushed to this place and has not been given sufficient time for the community to consider some of those broader aspects of what sort of

people and crimes we should be trying to protect the community from as known reoffenders, for whatever reason, are released into society. It is a very brave judgment to say that we will protect only those people and not some other class of person, that we will protect only a person who is younger than 16 from rape but if that person is aged 17, then that is okay, that they do not have to be covered by this bill. I find that sort of distinction very difficult to make. It seriously worries me that in the course of rushing this bill through we are not considering these issues at more length and considering whom we should and should not be protecting. We all understand that in life and in any rules there will be a cut-off point, but have we seriously in this piece of legislation thought through the right place for that cut-off point? The answer to that is no, and that is very unfortunate.

After those few comments of a general nature I turn briefly to the key issues of the bill. It introduces a new concept which is called the extended supervision order. It will only apply to an individual when they have completed a custodial sentence; when they fall into certain categories of crime they have committed; and when the secretary of the department which looks after these issues applies to the courts and asks it to grant an extended supervision order. The case has to be made to the secretary that this particular individual has a very high chance of reoffending.

If the court judges that that is the case, an extended order can be granted. They have a lifespan of up to 15 years and that can be extended for a further 15 years. It is absolutely appropriate that the bill requires these orders to be reviewed not less than every three years. There is an ongoing review of whether the fairly onerous conditions that can be set are still required as a result of the behaviour of a particular individual. The supervision of these orders is done by the Adult Parole Board which can refine and increase the types of conditions the court may set when granting the order. The basic concept therefore is to say that this particular individual is very likely to reoffend, and the court has to test this on the evidence. If the court finds that that person is likely to reoffend, they are put under a supervisory regime in terms of being monitored in the places they can go and all the other issues you would expect.

As other members have said, nobody disagrees at all that this is a worthy concept and should be put in place. In the briefing we had with the minister's office we were told there could be up to 80–100 such eligible offenders every year from which a smaller group presumably would be selected. Potentially there could be a lot of these supervision orders out there after a few

years. One therefore wonders about the extent to which they will be monitored as well as they should be, but that will be a challenge for the Adult Parole Board. One only hopes it is a challenge it is able to manage because these people quite clearly need to be supervised to protect young people in our society.

Business interrupted pursuant to sessional orders.

Sitting continued on motion of

Hon. M. R. THOMSON (Minister for Consumer Affairs).

Hon. C. A. STRONG (Higinbotham) — I would urge the house to consider favourably the amendment that has been foreshadowed by the Honourable Richard Dalla-Riva. It clearly says that the cut-off point of 16 years — —

Hon. Bill Forwood — It is 18.

Hon. C. A. STRONG — It says in all these things 16, if you read it carefully. That cut-off point is inappropriate, and it is absolutely appropriate that it be extended to rape. I would also urge the government to consider seriously not only the issue of the Liberal Party's amendment in relation to a rape conviction but the broader issues of whether such a similar regime should or could be extended to other criminals who quite clearly are known to have a violent disposition and who could do serious damage to people — should they likewise come under some supervisory order regime? With those comments I would urge the house to support the Liberal Party amendment and the bill.

Ms HADDEN (Ballarat) — I rise to support the Serious Sex Offenders Monitoring Bill. It is an important bill and its intention is, as previous speakers have said and as we know for a fact, to protect the most vulnerable in our community — that is, our children. The purpose of the bill is to protect the community by requiring offenders who have served custodial sentences for certain sexual offences and who are a serious danger to the community to be subject to ongoing supervision and monitoring while in the community, subject to the conditions set out in the bill and under the auspices of the Adult Parole Board. The bill amends the Corrections Act 1986 and the Sentencing Act 1991 for these purposes.

I will start with the definition of a child, which has been the subject of some debate with the opposition. The definition of a child is set out in clause 3 of the bill. A child means a person under the age of 18. That is our law. I have not noticed any change to that and it is certainly reconfirmed in the bill.

Hon. Bill Forwood — How does that relate to clause 2 of the schedule?

Ms Mikakos — It's not valid.

Ms HADDEN — It is as Ms Mikakos has said. I am clarifying some comments made by Mr Strong. The schedule to the bill includes, in clause 1:

An offence against the Crimes Act 1958 that involves sexual penetration (within the meaning given by section 35(1) of the Crimes Act 1958) of a child.

Section 35(1) of the Crimes Act has a definition for sexual penetration, which in the old terms is rape, so certainly the concerns raised by the opposition are in my view not well founded.

Honourable members interjecting.

Ms HADDEN — The bill covers serious convicted sex offenders who are to be monitored after they have served their sentence.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. H. E. Buckingham) — Order! The conversations of members across the chamber will cease.

Ms HADDEN — Thank you, Acting President. There are some measures currently available to monitor convicted child-sex offenders in the community once they have served their sentences and that is for the sole purpose of assisting them to stop reoffending. If one cares to do some research in this field — and there is certainly plenty of it both in Australia and overseas — for some reason which I cannot explain in layperson terms, child-sex offenders continue to reoffend. I do not know whether it is something to do with their physiological make-up or their mental inabilities and I do not purport to explain why they do what they do. But it is a fact that they reoffend. They need to be monitored. I am sure that if they were honest with themselves they would want to be monitored upon their release, because I am sure they would not like to spend the rest of their lives in prison.

Hon. Bill Forwood interjected.

Ms HADDEN — Mr Forwood can scoff, but I have spent some time within the practice of the law dealing with people who break our laws. I have also spent some time at Ararat prison and Langi Kal Kal where the convicted child-sex offenders are incarcerated to protect our communities. I have also spent some time with the Adult Parole Board, so I am familiar with child-sex offenders. They do in fact reoffend.

Hon. Bill Forwood — Absolutely they do.

Ms HADDEN — And I am not sure they can help it. If that is the case and they cannot help it or they deliberately want to do it, either way they need to be monitored, not only for their sake, which I believe is important — —

Hon. Bill Forwood — You said they want to be monitored.

Ms HADDEN — Yes, some of them do want to be monitored because they simply cannot help reoffending. That is the fact of the matter. They do need monitoring and this bill will ensure that they will be monitored. Often the places where convicted child-sex offenders are released into the community are in my electorate. I am very familiar with that.

Hon. Bill Forwood — In your electorate? They picked your electorate?

Ms HADDEN — Yes, my electorate of Ballarat Province.

Hon. Bill Forwood — Is the prison in your electorate?

Ms HADDEN — No, it is close and an easy location. We have some excellent services with corrections in Ballarat and it is not far from Ararat and Langi Kal Kal. They can be supported with appropriate services such as monitoring, parole, corrections and housing that are best placed in Ballarat. As I said, the bill provides for the courts to order active post-sentence monitoring. It is important that we understand that the persons who are going to be the subject of this bill have already completed their sentence. It will be post-sentence monitoring of convicted serious child-sex offenders by the Adult Parole Board, and the scheme will target those persons who are deemed to have a high risk of committing further sexual offences against children based on a clinical assessment. The intention is to reduce their reoffending and reduce the exposure of children to abuse. Of course that improves the people's perception of safety within our community.

The bill provides for extended supervision orders and that gives the Secretary of the Department of Justice the power to apply to a court for an extended supervision order. Clause 4 of the bill sets out the definition of an eligible person as one who has committed a relevant offence. The person has to have been sentenced to imprisonment for that relevant offence. It is also important to note that the bill provides for the period for which an extended supervision order can be made — that is, for an initial period of 15 years. Then there is the

ability within the bill for a court to renew an order for an additional 15 years if the convicted offender continues to pose a risk of reoffending. The scheme is intended to achieve an appropriate balance, as we have heard from Ms Mikakos, between the need to monitor high-risk convicted child-sex offenders to protect the community and the need to protect the offender's rights and ability to rehabilitate.

I think that is very important. It is a very delicate balance from which I do not walk away. At the end of the day convicted child-sex offenders need constant monitoring for their sake and for the sake of children who are at high risk of being abused or offended against.

Hon. Bill Forwood — Or any children.

Ms HADDEN — Yes, it can be any children. I would rather see a convicted child-sex offender monitored for the rest of their life in the community while being rehabilitated, provided the appropriate safeguards are put into an enhanced extended supervision order with the assistance of the Adult Parole Board. The board will need to be very well resourced for this because the monitoring will not be easy.

As we have heard, the Department of Justice is anticipating something like 80 to 100 eligible offenders each year. It is probably a sad indictment on our community, but be that as it may, we need to protect children in our community, and we should also enable convicted child-sex offenders to rehabilitate and live within the community under a thorough and all-embracing monitoring and supervision system. I commend the bill to the house.

Hon. BILL FORWOOD (Templestowe) — This bill is about a conflict of rights — the right of a person who has been found guilty of an offence and having done his time is being released to go normally about his business, and the right to have safety in the community. I do not think there is any doubt that the government has it entirely right in that there is a particular class of persons who, having done their time, need to be monitored and monitored closely because of a high probability that they will go back and reoffend, particularly against the most vulnerable, which means children, and cause massive grief in our community. There is no doubt that the government has got this legislation right in the sense that, despite the tenet of our justice system that says that once offenders have done their time they are free to go about their life, in these circumstances there is a requirement for the

monitoring of people who can and will go back and reoffend.

I only have a couple of points to make. It is coy of the government to avoid talking about Mr Baldy. The reason we are debating this legislation is because of Mr Baldy. This was acknowledged in the briefing, when we were told in answer to questions that he was being released on 3 March and that his term of incarceration would otherwise expire on 2 August. Let us not be so coy — the reason the legislation is before us and is being passed is because of that particular case.

We agree that this is important, and that is why we have agreed to facilitate its passage. As everybody in this place knows, with one word, the word 'No', we could have stopped this happening today. We did not because we believe this bill is so important. I make the point that it does not say much for the management of the government that it cannot get these things right. The last time we went through this process was only 18 months ago when we passed the Constitution (Supreme Court) Bill. The bill was introduced in the Legislative Assembly on 7 October 2003, second read on 8 October and debated and passed on 8 October. It was taken to the Legislative Council on 9 October and first read, second read, debated, third read and passed. The last time we did this was for the Constitution (Supreme Court) Bill, and it was passed through the Parliament in two days.

Do members remember what that bill was? That was the bill about the retirement of Justice Phillips. I remember saying at the time that Blind Freddy knew that Justice Phillips was going to retire the day before his 70th birthday. You would reckon that in those circumstances you would realise you had a few years to pass the legislation rather than the government introducing it and jamming it through in three days because it could not get its timing right.

I put it today that again Blind Freddy knew that Mr Baldy was sentenced to a minimum of 12 years and a maximum of 14 years and that that sentence would expire on 2 August 2005. Blind Freddy knew that. It has been known, would you believe, for 14 years that he would get out on that date. We are happy to accommodate the government now in passing this legislation through both houses of Parliament. Let us face it, we started sitting at 2 o'clock and would you believe this bill will have been introduced, debated, been through a committee stage and passed by the end of the day? While we are happy to accommodate the government, I make the point that perhaps we could have done it during the last sitting or maybe even

earlier, such as in the sitting before that. As I said, Blind Freddy knew Mr Baldy was getting out on 2 August.

I wish to make a couple of quick comments about the bill. I fully support the structure of the bill because it is sensible, and I intend to raise some issues in the committee stage. The question I first have to ask of government members, and I would be happy to ask of them individually, is: do you believe, Ms Hadden, that rape is a serious sexual offence?

The ACTING PRESIDENT (Mr Smith) — Order! Through the Chair, Mr Forwood.

Hon. BILL FORWOOD — Thank you, Mr Acting President.

Ms Hadden — Yes, of course it is.

Hon. BILL FORWOOD — I have a yes. Does anybody else in the chamber believe that rape is a serious sexual offence? I do. If rape is a serious sexual offence and we are dealing with the Serious Sex Offenders Monitoring Bill, why does the bill not include people who have been found guilty of rape. It does not. I am certain in my heart of hearts that I could go to each government member and ask, 'Do you think rape is a serious sexual offence?', and every single one would answer yes. I will not put words in their mouths, but I am confident that they would say that rape is a serious sexual offence. Therefore I say to them — why is it not in this bill?

Let me put it this way: under this bill if a person who is 17 years and 364 days old and is raped, then the person who rapes her can subsequently be put on this program. However, if a girl who is two days older — 18 years and 1 day old — is raped, by the same person mind you, then this bill would not apply. I put it that if you have one girl who is 17 years and 364 days old and another girl who is 18 years and 1 day old then you have two different scenarios. It is not right that this bill should be here.

There are two other points I want to raise and with which I will be dealing in the committee stage. We have heard much about the fact that this bill only deals with serious sexual offences against children. It does not because it deals with a crime defined in the Crimes Act, which is clause 18 of the schedule to the bill, which states:

An offence against section 59 of the Crimes Act 1958 ...

Section 59 of the Crimes Act refers to bestiality, which is an extraordinary concept. I will not read it to the house, but it has nothing to do with children. It has to

do with animals rather than children. If this bill is about children then why is this offence in the bill? I do not want to hear anything about consistency. Let us have some logic here. If rape is not to be inserted into the bill, and I mean rape of any person, not just a person who is 18 years and 1 day old, why is the government protecting animals?

Another issue I wish to raise concerns no. 33 in the schedule of offences — that is, an offence against section 57A of the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. Section 57A states, in part:

A person who knowingly uses an on-line information service to publish or transmit, or make available for transmission, objectionable material that describes or depicts a person who is, or looks like, a minor under 16 engaging in sexual activity ...

That section applies to someone who has not necessarily been near a person. There are other clauses in the bill — and, I take it, the whole of paragraph 38 of the schedule — that apply to people who have been convicted of an offence that does not necessarily mean they have been anywhere near a child or a person. Don't give me this stuff about children! If the government looks at categories in its own schedule, some of the things relate to child pornography — which is a heinous crime, I agree — but these people can be caught under this bill and monitored even though they have not been near a person. That is what the bill before the house says. That does not seem logical in a context where the government will not include rape.

I say to the government that we on this side of the house cannot believe that it will bring in a bill — which we fully support as far as it goes — but which does not include the crime of rape. For that reason alone, my colleague Mr Dalla-Riva will be moving his amendment during the committee stage. I will then be asking the minister to explain to the house the meaning of the words issued by the minister in the other place, which in deference to the rules of this place I will paraphrase. He said words to the effect that, 'We determined that there was an intrinsic difference between a sex offence committed against a child and a sex offence committed against an adult and we created that distinction in that legislation'.

I will be asking the minister what he understands to be the intrinsic difference between raping a 17-year-old girl who is not quite 18 and a girl who is just over the age of 18.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to rise and speak in support of this

important bill, and I am pleased that the bill is being supported by the opposition even though it does have amendments it wishes to move in the course of the passage of the bill. A lot has already been said about this bill, so I will make my contribution brief and try not to repeat what has already been said.

This bill is about protecting some of the most, if not the most, vulnerable people in our community — that is, children — from some of the most hideous and heinous crimes that can be committed. This bill demonstrates the Bracks Labor government's commitment to improving safety for our children and ensuring that people feel safe and confident in their daily lives — whether they are going to school, kindergarten, work or just doing what they do around their homes. Our government has implemented a range of legislation and measures that go to the end of improving safety. This bill adds to that.

This legislation aims to protect the community, in particular our children, by allowing for serious child-sex offenders to be closely monitored upon release from custody. The legislation targets child-sex offenders because of the special vulnerability of the victims and the impact these offences have on the victims, how it can shape and change their whole lives, and because of the high rate of recidivism in male-victim paedophiles.

Research has shown that this group of offenders is more likely to reoffend. Those offenders who have been charged, found guilty and have served a prison term for such offences are more likely to go out and reoffend when released from prison. This bill is about protecting the community from the people who are likely to reoffend.

Statistics and research show us that these sorts of sex offenders are far more likely to offend again. Research has also shown that the longer an offender remains free of offences in a community, the less likely they are to be charged with or convicted of a new sexual offence; and the longer they remain free of an offence, the greater the likelihood that they will not reoffend.

Currently there are measures available in the community for monitoring to reduce the risk of reoffending. There are requirements for child-sex offenders to report certain personal details and other matters to the police under the Sex Offenders Registration Act 2004 and the sex offenders treatment program community maintenance requirement of their parole. However, we believe that these existing measures do not provide for ongoing active monitoring of the child-sex offender after they have been charged,

convicted and have completed their sentences. So the new scheme provides that the courts may order enhanced active post-sentence monitoring of serious child-sex offenders by the Adult Parole Board to complement the measures already in existence.

The schedule targets those sex offenders who are deemed to have a high risk of committing further sexual offences, based on clinical assessment. This regime is intended to reduce reoffending through close supervision and monitoring and to reduce the exposure of offenders who have been released from prison to environmental and other risk factors. The government also wants the scheme to enhance treatment programs and access to ongoing treatment programs and support for the offenders.

At the very heart of this, as I have said, is community safety. The government wants to ensure greater safety for the whole community and wants to have greater confidence that people can go about their daily lives without predators being involved in such activity with our children and committing very serious sex offences.

The scheme sets out the powers of the Secretary of the Department of Justice to apply to the courts for an extended supervision order for an offender. An eligible offender, as set out in the bill, is a person who has committed a relevant offence. Those offences set out in the bill relate to serious sex offenders who have been convicted of a registrable offence under the Sex Offenders Registration Act 2004 and have been sentenced to imprisonment. This will capture offenders who have committed a wide range of sex offences against children, including rape, indecent assault and possession or production of child pornography. By anyone's standards we are dealing with very serious offences. We are dealing with people who we know have a very high incidence of reoffending after being convicted of such crimes.

The bill ensures safeguards and puts in place a scheme for monitoring so that we know where the offenders are and that they are restricted in the access they have to young children. That might be about where they live or work or the kind of work they might do. There are also safeguards for actions the offender can take if the scheme is put in place and orders are made against that particular individual. There are measures for and safeguards of offenders' rights, including their being able to obtain independent assessments and reports about their risk of reoffending and being able to be represented at hearings. There is a range of other safeguards in the bill as well.

This is a very good bill. It is about protecting the community. It is particularly about protecting our children and safeguarding them from crimes that can be committed against them and can alter their whole lives. Such crimes can impact not only on their lives but also on the lives of their families, so it is a very important bill. It is a good bill that deserves the support of all members of this chamber and I wish it a speedy passage.

Hon. B. N. ATKINSON (Koonung) — I am pleased to join this debate and indicate my general support for the legislation.

Hon. Richard Dalla-Riva — Acting President, I direct your attention to the state of the house.

Quorum formed.

Hon. B. N. ATKINSON — I was very happy for the Honourable Richard Dalla-Riva to call a quorum on this occasion because it occurs to me that if we are to sit for only one day in three months and not come back until next month, when we sit for just three days, it is incumbent on members to actually show some interest in the business of this house. That is particularly so when the government has indicated that this is a bill of some importance — such importance, in fact, that we are prepared to circumvent parliamentary procedures and rush it through this house, thereby failing to give it the proper scrutiny it deserves. As I said, it is incumbent upon members at the very least to show the house the courtesy of maintaining a quorum, so that we are actually able to consider this legislation with some proper scrutiny, given that it is being rushed through in such a fashion.

Before commenting on the bill, I make the point that this government's approach to process is absolutely abominable. This is a government that stood with all the rhetoric of restoring democracy and so forth to the Parliament and no government has absolutely walked over this Parliament like this government has: the failure of ministers to attend adjournments to answer questions on government business; curtailing members' rights to answers at adjournments; curtailing members' speaking times; reducing staffing resources — particularly for the opposition; applying the guillotine to debate on legislation; and approaching consultation in an absolute sham process. Yesterday I issued a press release on the long service leave issue because in fact that legislation was announced on 9 February and only two weeks were given for consultation.

Ms Mikakos — On a point of order, Acting President, I draw your attention to the fact that the

member is not addressing the bill before the house, and I ask you to call him back to addressing the bill before the house.

Hon. B. N. ATKINSON — On the point of order, Acting President, the issue I am speaking to is that of process, and given that the house is required to deal with this bill on one day, all the procedures of this house having been circumvented, the issue of process is very relevant to any speech made to this house today.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! The point has been adequately made. I ask the member to return to his speech.

Hon. B. N. ATKINSON — We have a situation where we have brought on this legislation when the house has not sat since last year and will sit for but one day in February, but three days in March, but three days in April and then three days in June and three days in July, with the only month likely to test us being May. There would be every opportunity for this legislation to be dealt with in one of those subsequent sitting weeks, or for the government to come back and allow the scrutiny of this legislation, and indeed other legislation, through a proper parliamentary process. I hope it is not going to be a continuing practice of this government to bring important legislation like this before the house and try to rush it through by seeking leave from the opposition to have the first and second readings take place on the same day. On this occasion and in the context of this legislation the opposition was happy to give that leave. I hope this is not a tactic of the government simply to make sure that it can develop populist positions on certain legislation and ram it through this house just to make sure it is able to manipulate the consideration of and the opportunity for the scrutiny of other legislation and laws that may come before this place. I have a real concern about that in view of the approach to this particular bill.

Any members on the other side who have been convinced there is a need for urgency with this legislation because of the Mr Baldy issue ought to consider the fact that there is no opportunity for this legislation to apply to Mr Baldy before this Parliament sits again in March. In fact, as I understand it, the filing requirements of the courts to enable the orders to be put in place are such that it will take some 25 days. Mr Baldy is due for release some time next week — on 2 or 3 March, I think —

An honourable member interjected.

Hon. B. N. ATKINSON — We have known that for quite some time. In fact because Mr Baldy will not

have served his full sentence at the time of his release and that means the parole board can put restrictions on the conditions of his release, there has been an opportunity to have had this legislation considered properly. What concerns me about the way in which this legislation has been brought into the house is that there has not been an opportunity for a consideration of the adequacy or practicality of the legislation by people who work in the judicial system.

This is a good idea. The opposition is in favour of continuing supervision orders — in other words, the opportunity to maintain supervision of people who are likely to reoffend and who need a level of monitoring of their activities in the community. But we really ought to have had a much broader debate on this legislation. The people involved in implementing and running this legislation — that is, the legal system and the judiciary — ought to have had the opportunity for input to make sure the proposal will actually work. It is all very well to put this legislation in place, but this government sometimes needs to understand that there is a very big difference between legislation that is passed in this place and a press release by a minister. Legislation needs to be resourced; it needs funding and mechanisms to make sure it is right. I would hate to think that this is populist legislation that is designed in the first instance to deal with one person as a knee-jerk reaction and in the second instance is legislation that is seen as being popular with the community and strikes empathy with the community's mood about child-sex offenders in particular but which is then not adequately resourced by this government.

There has been no indication by the government of the sorts of resources that are to be put behind this legislation. There have been indications that some 80 to 100 orders might be in place because that is the number of people who might be released into the community that the government thinks might be at some risk of reoffending. I wonder what is the capacity of the Adult Parole Board to meet the requirements of this legislation and provide adequate supervision for those people. It is all very well to talk about what might happen, but there has really been no real test of what the resources and the commitment of the government to the Adult Parole Board's mechanism are going to be to ensure that this legislation delivers the level of confidence that the government and the opposition would apparently wish to see and that the community would certainly wish to see.

A whole range of issues in respect of this bill ought to be subject to a full and proper debate. There are those people on one side of the debate who would argue about whether or not the safeguards for offenders are

adequate and whether or not their legal rights are adequately preserved within this legislation. Whilst we might find many of these people's crimes abhorrent — and they are crimes we would certainly not want to see perpetrated again if they are to be released into the community and have the trust of the community — we also need to make sure that their legal rights are not trampled upon and that there is a proper process in place. I understand the provisions of the legislation that apply in this area, but I wonder if they have been adequately tested by the legal fraternity to make sure they are proper processes. Those safeguards were certainly worthy of debate.

Perhaps more important are the questions that legislation like this raises about the role of our correctional services system in respect of punishment versus rehabilitation. It certainly raises questions about the adequacy of sentencing by the courts in the first place. This is a matter of considerable concern to the Liberal Party. It also raises questions about the role of our services and strategies for changing the behaviour of offenders. Just how well are we doing on rehabilitation, not only for sex offenders but in a whole range of areas of antisocial behaviours that have resulted in people being put in jail for their crimes? What are we doing about really rehabilitating those people? There are questions marks over our system at the moment, and if we need to move to this sort of system this legislation highlights some of those questions.

This bill establishes a new regime for extended supervision of high-risk sex offenders beyond the terms of their sentence where they have been involved with an offence that effectively involves children. As the Liberal Party has suggested, and I very strongly argue, this legislation does not go far enough — if in fact it is serious legislation — in terms of understanding that there are other types of offences that are just as abhorrent, that do just as much damage to victims, that cause just as much psychological trauma, and that are a continuing psychological issue for people because they wreck their lives for many years. But they are people who are not victims, in the context of this bill, as having had crimes perpetrated on them by offenders whilst they were under age.

The Liberal Party has mentioned the crime of rape, which we all believe is a very serious crime, which can be extraordinarily traumatic, and which can damage people's lives. Rape can happen at any age. There have been instances of elderly people in our community having been raped and battered by offenders. One would think the people who perpetrated that sort of crime might well be considered for a continuing

supervision order in the event that they were released from prison. Because you would certainly not want to see a repeat of that sort of an offence — where an elderly woman, or an elderly man, in the community was subjected to a crime that could have been prevented if this legislation had been more vigilant in its opportunity to address more broadly the prospect of continuing supervisory orders on offenders.

Because of the way it has been brought here — quickly, I think — this legislation has not been subject to the sufficient scrutiny that might well have considered the issues associated with other crimes that might well have been included within the ambit of this legislation for these continuing supervision orders. I strongly support the amendment that has been proposed by the Honourable Richard Dalla-Riva as it is at least one step towards improving this legislation in terms of giving greater confidence to the community and making it more effective in addressing more broadly the psychological damage on victims and not just offences that involve children.

I do not back off from the significance and severity of those crimes that affect children. There is no doubt that all of us ought to be committed on every occasion to trying to ensure that children are never subjected to criminal behaviour that is likely to result in major damage to them and their lives going forward. We should always be vigilant on behalf of those children, but at the same time we should recognise that there are also many other victims in this community. If this sort of mechanism is to be put in place, then this sort of mechanism ought to be considered for other crimes, for other offenders who might well wreak just as much havoc on other people who are victims in our society, through no fault of their own.

Hon. C. D. HIRSH (Silvan) — I will speak briefly about this bill. I have had an involvement with the issue from working as a psychologist in the past with victims of a range of crimes, including some who have been victims of child molestation. The effect that sex offences have on a child are dramatic and can be long term, causing many severe problems in later life. It is absolutely crucial that adults who prey on young children — young girls and particularly also young boys — be stopped.

This legislation is a very strong piece of legislation. I note that Mr Atkinson talked about a process. We need to bear in mind that this legislation is not retrospective, but will apply to anyone who has been a serial child-sex offender, who is being released from jail in the future, and who is not rehabilitated and is likely to continue the behaviour after release. So any of those people in the

future will be caught up by this act. It is very important that we remember that it is quite powerful legislation. Once the person has served their sentence they will continue to be monitored and be responsible to the secretary of the department and the Adult Parole Board. It is important that there be parameters — strong parameters — set around the legislation so that it does not take in anyone outside those it is targeted toward, which is simply the group of recidivist child-sex offenders who cannot be rehabilitated and who will not stop and will not change their behaviour. It is absolutely crucial that they be monitored and kept under control so that they cannot reoffend and hurt more children than have been hurt in the past. Community safety will be enhanced by this bill and parents will be able to rest more easily with regard to the safety of their children in relation to any known child-sex offenders.

I just wanted to make this brief contribution to say that I will support the bill and that if the amendment were to go ahead I would not support it because I think it would be too broad an amendment and would bring in too many people under the umbrella. I support the bill.

Hon. W. A. LOVELL (North Eastern) — I rise to make a contribution to the Serious Sex Offenders Monitoring Bill. In doing so I congratulate the government for bringing in this bill, because it is a very serious subject and it is something that is needed in this state. It is a horrendous crime when somebody rapes a child.

As the opposition spokesperson for women's affairs I want to make a very brief statement about this bill. I am appalled that the government has left rape out of this bill — not only for the women but also for the males of this state who are victims of rape. Serial rapists are people who terrorise communities. We have seen several serial rapists — the silver-gun rapist, the Balwyn rapist, and Mr Stinky — who have terrorised communities in Victoria over many years. Their victims are given a life sentence: they will never forget the experiences they have gone through. It is appalling that this government feels it can let these people back into the community to terrorise Victorians even further without feeling that they need to be monitored under this bill. I think the government should support the amendment proposed by the Liberal Party. I urge it to support it because it will contribute to the greater safety of the whole community in Victoria.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. RICHARD DALLA-RIVA (East Yarra) — The preliminary purpose and outline of this clause — and it is quite detailed in terms of this bill — does not specify anywhere that sex offences are child-sex offences. It just says 'certain' sex offences. Given that the second-reading speech and also this debate seems to be covering substantially and predominantly the issue of child-sex offences, why was it not considered in the purpose and outline that the word 'certain' should more appropriately be 'child' and therefore make very clear the purpose of the act?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — Perhaps I should begin by thanking the opposition for its support during the second-reading debate on this bill and indicate that whilst I recognise there is an amendment which the opposition will move, and on which we may have some differences, I think it is true to say that every member in this chamber supports the intent of this bill and the reasons and the rationale behind it.

As to the specific question which was asked by the honourable member, I think if you go to the clause we are discussing, which is the purpose and outline of the bill, you will note that the main purpose talks about certain sexual offences. The use of the word 'certain' in this context relates to the schedule which is attached to the legislation, and in the schedule there are outlined all of those offences which potentially are affected by this bill. Those offences in the schedule relate to child-sex offences by adults against children. It is true that this bill is specific in the sense that it does not relate to adult offences against adults; it does not relate to child offences against children; but it does relate to adult offences against children. We make no apology for that because we consider that as a community we have a special obligation to children and that the bar, if you like, for protection of our children should be higher than any other bar that we might put in the community. This particular bill is very important from our perspective because it is designed to specifically look after our children and their vulnerability, and in that sense it addresses our special responsibility to our children.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his response, which was excellent, and I thoroughly agree with everything that he said and indicate again our great support for the legislation. But given that, why does the schedule include offences against animals?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the member for this question because it is an important and good question. Perhaps I could put the answer in this way: there are some offences which are especially heinous in our community, and bestiality would fall within that category. I think most members would agree with that proposition. When framing the legislation, what we had to consider was whether a person who was, if you like, liable or likely to indulge in that kind of specific behaviour would represent a threat to children also. We took the view that in relation to a person who was involved in that kind of behaviour, as indicated in the clause of the schedule which relates to bestiality, that person was especially deviant in their behaviour and attitude and in that respect they also represented a threat to the children in our community. Therefore we took that category out as an add-on to the fundamental proposition that we were trying to achieve, which was protection for the children in our community, and that is why that has been added to the schedule.

The CHAIR — Order! Can I remind members we are on the purpose and outline clause.

Hon. RICHARD DALLA-RIVA (East Yarra) — I thank the Chair for her advice. One final question, has arisen out of this discussion. Given that the government has been expressing its view, given the minister's response in relation to the purpose and outline clause and given even the issue of bestiality, relating it back to the abuse of children, would it not have been better for the bill to have been called the Serious Child-Sex Offenders Monitoring Bill, so we do not paint the perception in the community that this is a monitoring act for serious sex offenders when in actual fact, listening to the minister in terms of the purpose, it is really specifically designed for and applicable to child-sex offenders?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I understand the point made by the honourable member, and I reiterate that certainly this legislation is designed to especially protect the children in our community. That is our fundamental aim. However, if the honourable member was listening carefully to what I said in response to the question from Mr Forwood, he would know that there are in fact some offences in the schedule which, strictly speaking, may not apply to children, but that the persons who are involved in those actions may be of the type that might present a risk to our children. As a result the government decided that the legislation should be called what it is because it includes those other aspects of people who not in a strict sense have actually committed an offence against a child but whom

we believe are a potential threat to our children and consequently should be captured by a piece of legislation of this sort. That is why the legislation was named in a more generic way than the way the member suggests.

Clause agreed to.

Clause 2

Hon. BILL FORWOOD (Templestowe) — Given that this bill was introduced this week and will be passed by both houses of this Parliament in three days, can the minister indicate the government's intention in relation to it being proclaimed?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — In accordance with normal practice there is a default date in the bill for proclamation, and it is 1 July. However, that represents the end date, if you like. It does not represent the specific date on which it could be proclaimed. It is being done this way because a number of regulations have to be put together and formed in relation to this legislation. That may take a bit of time, but I can assure the member that the government will proclaim the bill and the regulations under the bill in time to have the effect that is implied in the second-reading speech — without my going into any specific case, as he would expect that I would not be able to do that.

Clause agreed to.

Clause 3

Hon. BILL FORWOOD (Templestowe) — Clause 3 deals with definitions, and the definition of a child is a person under the age of 18. If members turn to the schedule they will see that there is a whole list of offences, mostly in the Crimes Act, which apply to a specific age — for example, abduction of child under the age of 16. Some of these offences apply to people up to the age of 18 and some apply to people up to the age of 16 — for example, clause 13 of the schedule refers to an offence against section 54 of the Crimes Act, which provides that the occupier:

... must not induce or knowingly allow a child under the age of 17 ...

In effect we have three separate ages at least for 'child'. Some of the ages mentioned are : in the schedule, 16; in the Crimes Act, 17; and in the definitions in the bill, 18. I put it to the committee that we would be better to have one age where we think 'child' applies, whether we believe it is 18 or 16 or whatever. Frankly when we get to the rape issue I will be arguing that 18 and one day is

not that much different from 17 and 364 days; but my point is why have we now before us a bill that brings in at least three different ages as the definition of the age of a child?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — The honourable member has raised an interesting question. However, it would be better if Mr Forwood looked at the definition of ‘child under the age of 18’ in the definitions in the bill as a kind of default position where a child is someone who is under the age of 18. However, there are specific laws related to the Crimes Act which appear in the schedule, and some of our laws offer additional protections and also make offences for actions against children under that age of 18 — for example, a sexual relationship with a child under the age of 16 is an offence. That is because we make an allowance within our laws for a kind of graduating scale, as it were, in relation to some of those offences where it would be an offence for someone who is much older to have a sexual relationship with a person who is between the ages of 16 and 18 years.

I will get the exact detail if Mr Forwood wants it but, as he is aware, there is a scale of how the law applies to that critical period between the ages of 16 and 18 in relation to sexual offences. I think it is better to look at the definitions page as really the default position, that that is where it would apply to anyone who is under the age of 18, but there are other circumstances where there is a higher or more difficult test.

Clause agreed to; clauses 4 to 39 agreed to.

Clause 40

Hon. C. A. STRONG (Higinbotham) — I wonder if the minister can throw some light on this particular issue. Clause 40 deals with a breach of an extended supervision order and in essence clause 40(1) says that:

If at any time while an extended supervision order is in force the offender fails without reasonable excuse to comply with any condition of it ...

then a proceeding can be brought against him by the secretary. Subclause (2) then goes on to say that:

The Secretary must give the offender at least 14 days notice of his or her intention to file a charge against him or her for an offence against sub-section (1).

When we raised this particular issue with the people who so kindly briefed us on the bill, they said this clause is in there to allow offenders a reasonable time to rectify any minor breaches. But I am asking the minister if he can explain the situation if there is quite

clearly a major breach and a continuing breach — because we are dealing with people who are chronic reoffenders, who are psychologically disturbed, et cetera. Do we have to wait 14 days before some action is taken, or is there some other mechanism?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I will try to explain it as best I can. When a person is subject to the orders under this legislation there are two scenarios for this to occur and two safety nets, if you like. The first safety net might be that in the circumstances where an offence is committed — that is, where the person reoffends in some way whilst they are under this — —

Hon. Bill Forwood — Breaches some other law under the Crimes Act.

Hon. T. C. THEOPHANOUS — Breaches any law, including reoffending under the original law — then they can be arrested immediately and action can be taken against them straightaway.

The second issue is that there would be people who would be still on parole; they may not have finished their parole periods. So there could be a breach which is also a breach of the parole conditions, and under the parole types of arrangements they can be arrested immediately in relation to a breach of parole as well. The supervisory aspect of the legislation was meant to fill the gap when people have finished parole. It is a supplement to the parole provisions and can go for longer than would normally occur with parole. In this context when there has been a breach which might be contestable — there might be a question of whether the person was in a particular place at a particular time and so on — the view when constructing the legislation was that there were these two other safety nets and that it was reasonable to allow the person a period of time to explain why, on the face of it, he or she had breached the conditions laid out by the secretary and to come up with a reasonable excuse if he or she were able to do so. This is the type of scheme we are talking about, with various levels. On balance it was felt that this was an appropriate way for the legislation to work.

Hon. C. A. STRONG (Higinbotham) — I understand there are a lot of ‘on balances’ and grey areas because we are dealing with people’s rights, but perhaps I should home in to make sure I have it right. As I understand it, when somebody is on probation these clauses do not apply anyway, because the supervision orders only come into play when a person’s sentence is finished, and then they will not be on probation. Is that right?

Ms Hadden interjected.

Hon. C. A. STRONG — I mean parole, sorry.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank Mr Strong. Perhaps I need to clarify what I said before as well. Mr Strong is quite correct, this system does not act in tandem with the parole period. However, once the person is subject to the system, then, following the end of their parole period, the parole board has an ongoing monitoring role.

Hon. Bill Forwood — They could have the same conditions before and after.

Hon. T. C. THEOPHANOUS — Yes, they could. So the parole board has a role subsequent to that. However, Mr Strong is correct in this sense: were they to breach the conditions under which this order is given, they would have a period of 14 days in which to explain themselves. Remember that in most instances what we are talking about is someone who has finished the sentencing period. They have come out of jail, they are on parole for a period of time, then, when the parole period — when they are subject to a whole range of conditions — is finished, this comes in. They have gotten past the few years or whatever of being on parole. The level of supervision is not quite as severe as that of the parole period.

Hon. C. A. STRONG (Higinbotham) — I acknowledge that you have to be mindful of people's rights and that these are people who have served their time. If I can put a hypothetical to the minister: essentially if somebody as part of their order is not allowed to be around, say, children's playgrounds because they might be a paedophile or something like that, and if they were observed there, the secretary of the department could tell them to desist, that they had 14 days to desist and if they had not desisted in 14 days, action would be taken. But if the particular individual who was breaking the order continued to loiter near a playground with intent, there would be nothing anyone could do — they would just have to wait out the 14 days.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — The clause says, in part:

- (a) If at any time while an extended supervision order is in force the offender fails without reasonable excuse to comply with any condition of it, the offender is guilty of an indictable offence ...

If the condition is that you are not allowed to go near a children's playground, and if the person is seen there,

then it is up to the secretary to decide whether he gives that person a second chance, having listened to him. He can say, 'If you are seen there again, I am going to enact this bit of the legislation'. The secretary can make that kind of ongoing decision. If the person involved does not comply with that, then within 14 days he could be moved against.

Moreover, putting in balance the question of rights it may well be that a particular offender in this instance walks through a neighbourhood where he did not know there was a playground nearby — he may have a reasonable excuse which the secretary might accept. The 14 days provides him with an opportunity to say he had never been in that neighbourhood before and did not know where he was going, that he got lost and accidentally walked past it. In that scenario the secretary might decide to accept that excuse and allow that to slide. It is that kind of arrangement, and the government thinks 14 days is a reasonable amount of time to provide a reason as to why you have breached a particular undertaking.

Hon. C. A. STRONG (Higinbotham) — I thank the minister for his clarification. I was really just trying to establish if there was a mechanism by which if someone chose to deliberately and maliciously breach the conditions with a view to conducting some paedophile act, there was a way in which he could be instantly proceeded against. He could not be instantly arrested because the secretary could say he had committed an indictable offence, but he had to give 14 days notice before he proceeded. All I was trying to do was to understand if that is the case. The minister has told us that is the case, so I thank him for his clarification.

Hon. BILL FORWOOD (Templestowe) — I would like to make a few comments in relation to this clause as well. Loitering near a playground under section 60B of the Crimes Act is a specific crime for which he can be arrested. If he is on an extended order and he is loitering, then he would not be stopped under a breach of the extended order; he would be arrested and locked up under section 60B of the Crimes Act.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank Mr Forwood for that addition. As I said at the beginning of my remarks, if an offence has been committed, then that person can be arrested and charged in any case. It would only be in terms of breaches which are not offences, which I think Mr Strong was referring to, and in that regard we are all clear on that aspect.

Clause agreed to; clauses 41 to 48 agreed to.

Schedule

Hon. RICHARD DALLA-RIVA (East Yarra) — I move:

1. Schedule, after line 5 insert —
 - “2. An offence against section 38 of the Crimes Act 1958 (rape).”.

The opposition has already flagged the proposed amendments to the schedule. We see this as a lost opportunity. In this bill we are not only in a position to capture the Mr Baldys of the world — and he is due for release very soon — but we are also in a position to capture Peter Vaitos, the silver-gun rapist, John Bates, the Balwyn rapist, and a number of other repeat rapists of either adults or children. As I indicated earlier, the bill is titled the Serious Sex Offenders Monitoring Bill. It has been advertised quite widely and a press release talks about it. The community’s perception is that it applies to all serious sex offenders, and that includes rape. I know a definition of a rape of a child has been included, and I understand the appropriate clauses as outlined in the schedule.

This is a lost opportunity by the government and we implore it to support the opposition’s amendments to include the provisions of rape so that all serious sex offenders who not only commit the heinous crime of a sex offence against our children, but who also commit regular sexual abuse on those over the age of 18 years are included in this provision. I ask the minister to more specifically outline why, given nearly every other section of the Crimes Act has been included in the area of sexual penetration and other offences, the government has not gone down the path of offering the Victorian community this addition to the schedule.

Hon. P. R. HALL (Gippsland) — I want to reiterate The Nationals support for these amendments. First of all, I accept two facts from the debate we have had in the chamber this afternoon. I accept the fact put by the government that the particular aspect of rape or sexual penetration concerning a child is covered in the schedule. That is an accepted fact. I also accept the argument put by the opposition, and reiterated by me in the course of the debate, that rape or sexual penetration is a serious sex offence, and nobody would dispute that whatsoever.

As I said during my contribution, I believe this bill is mistitled and should be called the Serious Child-Sex Offenders Monitoring Bill because that is what I think the government intended it to be directed towards. However, I also note and accept the arguments put by the Honourable Bill Forwood in his contribution that

the range of offences listed in the schedule go beyond that of just offences against a child in one or two places. Nevertheless the intent of this bill is to address sexual offences against a child. Consequently either the bill is misnamed and the government should be prepared to retitle it, or it should be prepared to accept the amendment put forward by the opposition that rape or sexual penetration, being a serious offence, should be included under the provisions of the bill. For those reasons The Nationals support the amendments.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — The first point to be made about this is that I recognise the concerns of the opposition in relation to this issue. The government certainly recognises that rape, whether of children or adults, is a serious offence. It is something that should not occur in our community. However, we also recognise that there are other very serious offences involving behaviour against persons in our community, whether it be bashings or all sorts of things, that potentially might cause us to say a person was violent or dangerous when they might never have committed a sexual offence against anyone but might be a very violent person within the community. At some point you have to draw the line somewhere.

We are talking about the rights of individuals, the time served in prison and so forth — there are all sorts of issues about one’s rights after serving one’s sentence. We on the government side decided that when one considers all of those issues, on balance we as a community have a special obligation to our children. It is a special obligation, and it warrants whatever it is that might be adversely impacted upon in relation to the supposed rights of offenders in this instance. We are prepared to go to the point of protecting children in our community, and not only from rape as such. As Mr Hall pointed out, the first clause under the schedule states that an offence against the Crimes Act that involves sexual penetration within the meaning given by section 35(1) of the Crimes Act. That includes all rape. But the schedule also says ‘of a child’, so clearly rape of a child is part of this.

Let us clearly understand what we mean by rape. Rape is something to which no consent is given, but this bill goes much further than that in relation to children. The sexual relation could in this instance be consensual. The child may well have given consent, but that is not enough of a defence from the point of view of either the law or the government in protecting our children. It is true that this bill focuses on children, and I think I have already indicated to the house in response to Mr Hall why we chose the title that we did for the legislation and how there are some offences within the schedule

which do not specifically relate to children but are offences where in our judgment the kind of personalities and the sort of individuals involved also pose a significant threat to children. It is on that basis that we decided to include them in the schedule and name the legislation in the way we did.

I think the legislation is balanced in relation to its intent and purpose and the government's intent and purpose. I thank members for their contribution to the debate. I am happy to continue with this debate, but I do not think we are going to agree about including adult rape as part of the schedule to the bill. I do not know whether I will get another opportunity to do so, so I thank members for their contribution.

Hon. BILL FORWOOD (Templestowe) — We are at the end I note, and I thank the minister for that. We are disappointed that the government will not pick up the amendment, but we understand its view. In the other place the minister said that there was 'an intrinsic difference between a sexual offence against a child and a sexual offence against an adult' — his words. I wonder if the minister could tell us what it is.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — That was a good try by Mr Forwood to get me to make a comment in second guessing what other ministers may or may not have said in relation to this particular bill. I think it is true to say that in our community — and it is why we have laws relating to consensual and non-consensual relationships with children being an offence — we do consider those kinds of offences against a child as being in some respects more serious than offences of that type which involve another adult. Whether you use the word 'intrinsic' or some other word does not really matter — we do consider them to be more serious. The government stands by that decision, and for that reason we have put this legislation in the form it is in.

Hon. BILL FORWOOD (Templestowe) — On page 41 clause 33 of the schedule refers to:

An offence against section 57A of the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (publication or transmission of child pornography).

Section 57A of that act states:

A person who knowingly uses an online information service to publish or transmit, or make available for transmission, objectionable material that describes or depicts a person who is, or looks like, a minor under 16 engaging in sexual activity or depicted in an indecent sexual manner or context is guilty of an indictable offence and liable to a term of imprisonment not exceeding 10 years.

I put it to the minister that the schedule therefore includes, as an offence which is a trigger for this whole process to start, a crime which does not necessarily involve any action against a person.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the member for raising this matter. What is true is that we had to make a judgment about whether to put this particular aspect into the schedule or not, and I daresay that had we not put this in the schedule the opposition would probably have come in here and moved an amendment proposing that we should include it, because obviously a person who is inclined to do that and has committed a crime under the Classification (Publications, Films and Computer Games) (Enforcement) Act and repeatedly committed this crime might not be the sort of person you would want around your children. I think the community would want to have a level of scrutiny over the behaviour of that sort of person following their release from prison. We make no apology for that, and we are happy to stand by it.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	Hall, Mr (<i>Teller</i>)
Baxter, Mr	Koch, Mr
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr (<i>Teller</i>)
Drum, Mr	Vogels, Mr
Forwood, Mr	

Noes, 22

Argondizzo, Ms	McQuilten, Mr (<i>Teller</i>)
Broad, Ms	Madden, Mr
Buckingham, Ms (<i>Teller</i>)	Mikakos, Ms
Carbines, Ms	Mitchell, Mr
Darveniza, Ms	Nguyen, Mr
Eren, Mr	Pullen, Mr
Hadden, Ms	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Viney, Mr

Pair

Bishop Mr	Thomson Ms
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Amendment negated.

Schedule agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I move:

That the bill be now read a third time.

In so doing I wish to thank all honourable members for their contributions to the debate and for their support for the legislation. I also thank members for their constructive comments during the course of the committee stage of the bill. I know that all members wish this bill a speedy passage, because it adds another layer of defence for our children and for the community.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources).

RETIREMENT VILLAGES (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. R. THOMSON (Minister for Consumer Affairs) on motion of Mr Lenders.

QUESTIONS ON NOTICE**Answers**

Mr LENDERS (Minister for Finance) (*By leave*) — Further to my earlier commitment following question time, I have answers to a further 80 questions on notice: 2603, 3060, 3061, 3064, 3077, 3079, 3087, 3706, 3715, 3759, 3787, 3955, 3983, 3985-9, 3991, 3992, 3999, 4005, 4008, 4009, 4029, 4033, 4036, 4129, 4130, 4135, 4188, 4189, 4193, 4194, 4198, 4224, 4325-7, 4330, 4332, 4334, 4335, 4351, 4352, 4354, 4359, 4365, 4378, 4381, 4383, 4393, 4400, 4419, 4422, 4436, 4441, 4445, 4446, 4456, 4462, 4464, 4474, 4479, 4483, 4501-3, 4505, 4509, 4510, 4511, 4513, 4556, 4566.

Hon. E. G. Stoney — On a point of order, President, the whole questions on notice issue has deteriorated to high farce. As of this morning we had 1224 questions on notice. The government could not answer one until Mr Forwood, I think, raised the issue.

The PRESIDENT — Order! I ask Mr Stoney to raise his point of order rather than debate the issue.

Hon. E. G. Stoney — President, I ask you to ask the government to observe the 30-day rule.

The PRESIDENT — Order! At the appropriate time for questions on notice the government gave a commitment, and that is why we have by leave the tabling of 80 questions today. It is not a matter for the Chair to make any further comment on.

BUSINESS OF THE HOUSE**Adjournment**

Mr LENDERS (Minister for Finance) — I move:

That the Council, at its rising, adjourn until Tuesday, 22 March 2005.

Motion agreed to.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Australian Red Cross: blood collection service

Hon. DAVID KOCH (Western) — My adjournment matter is for the Minister for Health in the other place, Bronwyn Pike. It concerns the recent announcement by the Australian Red Cross about changes to its country mobile blood collection service and the volunteer work force. The Australian Red Cross is part of our way of life and contributes to the welfare and wellbeing of many Australians, particularly in times of emergency. The Red Cross is renowned for its ability to help in areas where other humanitarian groups are unable to do so. Country Victorians have historically contributed to the Red Cross through financial donations and voluntary support. Indeed if it were not for the Red Cross many in country Victoria would not have been able to give or receive much-needed help, including helping to keep food on tables, during times of disaster, whether it be flood, fire or drought.

Acknowledging that country Victorians support each other, regional Victorian Red Cross volunteers are at a loss to understand why the Australian Red Cross no longer requires their services at blood collection centres. On top of that blood donors feel betrayed and unwanted, especially in the way they were informed that the Red Cross blood service is no longer interested in undertaking blood collection at regional centres.

Country Victorians continue to be dismayed at the lack of understanding and the behaviour of city-centric administrators. In this case, however, they are shocked and find it nearly impossible to understand or comprehend why an organisation which is supported by so many in country areas would apparently betray that generosity. It is appalling that the Australian Red Cross blood service has decided to remove community access to collection centres in Western Province at Ararat, Camperdown, Maryborough, Nhill, Portland, Stawell and Terang and discharge a highly trained volunteer work force.

Red Cross has taken this path in the full knowledge that on a per capita basis blood donations by regional Victorians are significantly greater than those in the metropolitan area. The new Donormobile, which is replacing the mobile collection centres, will not visit places more than 350 kilometres from the Southbank Red Cross centre, even though donors have already expressed the view that they are unwilling to travel long distances in order to continue giving this gift of life. This nonsense automatically excludes Nhill and 280 blood donors at Portland. Will the minister explain what community obligations are built into current funding arrangements with the Red Cross blood service

in order that Victorian regional volunteer blood donors are not abandoned?

Go for Your Life campaign

Hon. KAYE DARVENIZA (Melbourne West) — I wish to raise a matter for the attention of the Minister for Sport and Recreation, Justin Madden, relating to the Go for Your Life campaign, which is about ensuring that people undertake more activities — get out and walk, play sport and get more involved in physical activity — particularly those from the culturally and linguistically diverse (CALD) community. A very high proportion of CALD people live in my electorate of Melbourne West. We know from recent reports in the media and through the Department of Human Services that obesity, particularly obesity in our children, is increasing, and if you believe some of the recent reports in the *Herald Sun*, our children are among the most overweight and obese in the world.

The specific question I have for the minister is how he anticipates the Go for Your Life physical activities grants allocation will reflect good and strong outcomes for children, particularly children from the CALD community in the west, which has a very high proportion of such children. I am also interested in how the minister intends to promote physical activity in this community during Cultural Diversity Week, which is coming up soon.

I congratulate the minister on his recent ministerial statement and on the Go for Your Life campaign, which is very much needed by our community.

Hon. Bill Forwood — What have you asked?

Hon. KAYE DARVENIZA — It is important that we do get involved in more activities, including Mr Forwood. It would not hurt any of us to be involved in a bit more physical activity. I congratulate the minister on the Go for Your Life campaign. It is a terrific program, but I want to ensure the message is getting through to all my constituents in the west, particularly the young in the CALD community.

Glen Katherine Primary School: zoning

Hon. BILL FORWOOD (Templestowe) — I raise an issue with the Minister for Energy Industries and Resources, who is at the table, for the Minister for Education and Training in the other place. I know the minister would be aware, and many members would also be aware, that Glen Katherine Primary School and St Helena Secondary College share the same physical space. This issue goes to a hard-hearted decision by the Department of Education and Training.

I will read something I received from the school council president. He says that the schools have joint facilities, joint activities and joint school councillors, but:

We have just been advised that 11 of our —

children —

have been denied entry to St Helena college due to a 'numbers cap' that has been introduced by the principal.

These 11 kids, 6 of whom have been at Glen Katherine for seven years, now may not walk across the oval to join with their long-term friends to commence year 7 at St Helena ...

This is because of the zoning and because of the cap, but the situation is that these kids have been at that school for at least three years and, as stated, 6 of the 11 have been there for seven years — and they are not allowed to go to the same school as all their friends.

When this was raised with the department the response that came back from John Allman, acting general manager schools and resources, said that a number of students and their families will be disappointed.

A letter from Paul Tysoe, a parent, says:

If it is your department's belief that the only consequence of the zoning guideline is 'disappointment', it is well past time that your officers assessed the consequences more realistically. Perhaps the people who developed and implement this policy should be exposed to watching a 12-year-old boy crying, being depressed and seeking explanations for what he did wrong to be denied schooling with every one of his mates. That ... is not disappointment; it is a policy which will inevitably hurt children unnecessarily.

I could not agree more. What concerns me most of all is that now I have been informed, as have others, that children have been accepted at St Helena who do not fall inside the zoning. If that is the case, that these kids have been excluded because there is no room for them on the basis of zoning, yet children who did not go to Glen Katherine Primary School have been let into the school outside this zoning policy, then something is seriously wrong with the behaviour of the education department.

Finally, what I want from the minister in relation to this is a commitment that every child who goes to Glen Katherine is entitled to go to the school next door when they finish year 7. Surely that —

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

Consumer affairs: investment scams

Ms CARBINES (Geelong) — I wish to raise a matter with the Minister for Consumer Affairs. It

concerns an advertisement which has appeared twice in the last week in the *Geelong Advertiser*. The full-page advertisement under the headline 'Who else wants to be a millionaire?' invites Geelong people to a workshop in Geelong on 9 March. I would like to quote just a little bit from the advertisement, which says:

How to get into the millionaire's hot seat and stay there!

Have you ever dreamt of having \$1 million in cash? Then this is the most important message you will ever read! You are about to discover sensational revelations that have skyrocketed ordinary, genuine, everyday Australians into wealthy millionaires and changed their lives forever. Are you ready for your best year ever? Then read on.

There is a quotation from a Mr George Mihos, who describes himself as 'Australia's best-known business and wealth coach'. He says:

A few years ago I was stuck in an office job and had to drag myself to work each day. Yet, when I learnt these rare secrets I became a millionaire in less than three years.

He makes claims about what people can learn from the workshop:

Why working hard in a job or business gives you almost no chance of becoming a cash millionaire and how anyone can turn that around.

...

How to become a money magnet and attract wealth rapidly every day.

I know that Community Affairs Victoria advises us that if it sounds too good to be true it probably is. I am very concerned that impressionable and financially vulnerable Geelong people may, through the claims in Mr Mihos's advertisement, be enticed to attend this workshop with possibly disastrous consequences. In the interests of consumer protection in Geelong, I ask the minister to investigate on behalf of my constituents Mr Mihos's claims of spectacular opportunities for super riches.

Timber industry: log exports

Hon. E. G. STONEY (Central Highlands) — I raise a matter concerning forestry with the Minister for Agriculture in the other place. I refer to the Bracks government's pricing allocation model being developed by the government-owned VicForests, which it appears will encourage and allow logs to go to the highest bidder regardless of the consequences to rural towns. I further refer to the fact that the Chinese have indicated that they are keen to obtain as many ash logs as possible. I point out that the Chinese have unlimited resources and can process logs more cheaply in China. This means that they can easily outbid our local

sawmills for ash logs and the knock-on effect of this will touch all types of timber and will totally destroy our local timber processing industry and associated jobs in Victoria.

I do not want to be negative about this. I want to offer a solution and make a request. Australia is a signatory to the Montreal Process, which has around 70 social, cultural, economic and environmental indicators of sustainable forest management. There are Australian forest certification schemes which already several forestry management organisations have signed up to, and they include Forestry Tasmania. These schemes include several important standards, including environmental, economic, social and cultural standards. I point out that if Forestry Victoria were certified under, say, the Australian forestry standard (AFS), it would be extremely difficult if not impossible for it to be able to justify the export of logs, as it violates too many sustainable forest management principles that comprise the AFS, including value adding, processing, regional jobs and impacts on regional communities. If Forestry Victoria were certified to an internationally recognised standard, it would assist in the issue of exporting logs in the round. I ask the minister to ensure that this is done as soon as possible, to stop the potential export of our ash logs overseas when they should be processed here in Victoria.

Aged care: Koonung Province

Hon. H. E. BUCKINGHAM (Koonung) — I have a matter I wish to raise with the Minister for Aged Care, Gavin Jennings. The matter is to do with the delivery of services to the elderly, the frail elderly and those with a disability who live in Koonung Province. The specific information I would like to know is how the minister will ensure the extra funding recently announced — in fact, today — in the home and community care (HACC) area targets those worthy and needy constituents in my electorate.

We all know the benefits of allowing the aged to stay in their own homes where appropriate. They can receive home help, property maintenance and personal care, and even have meals delivered, if they choose. The 2001 census data for Koonung Province indicates 12 per cent, or 18 545 people, there are over 70 years of age, but more importantly 4.5 per cent, or 6787 people, are over 80 — and this figure is growing. I am particularly concerned that these constituents should have access not only to the previously cited services but also to allied health areas like podiatry, physiotherapy and dietetics, and that their needs are assessed in a timely manner. Many of my older constituents come from culturally diverse backgrounds and accessing

appropriate services is often difficult, and in the case of Meals on Wheels the kind of food available can be an issue.

I seek assurances from the minister that my constituents will have continuing and increased access to appropriate HACC services. I congratulate the minister on the release of \$18.9 million of commonwealth-state matched funds to support HACC services in Victoria.

Blackburn High School: funding

Hon. B. N. ATKINSON (Koonung) — I wish to address an issue to the Minister for Education and Training in another place. I am quite concerned about the disparity between the minister's announcements about the wonderful things the Bracks government is doing for education and what I find is a shortfall in the funding of schools in my electorate. On this occasion I wish to refer the minister specifically to the circumstances at Blackburn High School. While I do not want to dwell on this matter in this adjournment, this school is overdue for significant capital funding to meet overdue maintenance issues, particularly restumping of buildings and so forth.

However, tonight I am more directed toward some of the programs in the school which are suffering because of the government's budget policies in respect of schools in the eastern suburbs. I note, for instance, that \$8000 has been removed from the budget of the sports program undertaken by Blackburn High School. I note that funding to the school has been lost in some other areas, which has resulted in cutbacks to the individual pathways program.

I note that disability funding for students at the school has been frozen irrespective of the student need or demand for those services in the school. I note that the school has had cuts to its budget for cleaning. In fact, based on its enrolments the school's funding for cleaning dropped from \$105 000 last year to \$95 000 this year. However, the school faces a bill of \$143 000, substantially higher than either of those sums, due to the government's common-rule award program.

I am concerned about all of those program cuts but the one that grates the most on me is the assault by this government on the music program at Blackburn High School. This is a school with an international reputation. This is a school which has many times had its bands perform here at Parliament House. This is a school which is recognised as providing a wonderful start for young people who are interested in pursuing musical careers. This school has suffered an 80 per cent cut in government contributions to its music program.

I ask the Minister for Education and Training to review her decision in regard to music programs in schools which have accelerated learning programs for students or exemplary music programs, and to ensure that funding is restored to those programs at schools such as Blackburn High School.

Boxing Day tsunami

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter for the Premier about the funding the state government has committed for victims of the Boxing Day 2004 tsunami. I raise this matter because it is important that people know what the Victorian government has done to help these victims. I also take this opportunity to offer my condolences to the thousands of people both here and overseas who lost loved ones because of this tragedy. We had a national day of mourning on 16 January this year to remember those who lost their lives.

The United Nations estimates that it will cost up to US\$12 billion to rebuild the areas affected by the tsunami. So far US\$5.5 billion has been pledged by the international community. We have been challenged by death, destruction and suffering of a magnitude never before seen in our lifetime. It will take many years for people in the countries that have been affected to recover. These include Indonesia, Sri Lanka, India, Thailand, the Maldives, Malaysia, Myanmar, Bangladesh, Somalia, Tanzania and Kenya. It is estimated that over 300 000 people lost their lives on 26 December 2004, with the two countries that suffered the most being Indonesia and Sri Lanka. There are still many thousands of people missing. It has been confirmed that 19 Australians lost their lives, including two young Victorians: Paul Giardina and Troy Broadbridge.

Australians have pledged more than \$220 million to various appeals, and many people in the community have been involved in raising money to help the victims. Many agencies have been involved, such as the Australian Red Cross, Oxfam Community Aid Abroad — —

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

Rochester and Elmore District Health Service: operating theatre

Hon. W. A. LOVELL (North Eastern) — I raise a matter for the Minister for Health regarding the Bracks government's decision to close the operating theatre at the Rochester and Elmore district hospital.

The minister is well aware of the concern her decision to close down the operating theatre has raised in the Rochester and Elmore community. Today I tabled a petition signed by almost 2200 concerned citizens and on 27 January I chaired a public meeting attended by over 1200 concerned citizens. As a result of that meeting a delegation from the community attended a meeting with the minister on 9 February. At that meeting the minister agreed to conduct a review of the operating theatre and investigate all options for its reopening. The minister also agreed that the community group would have input into the appointment of consultants to conduct the review.

Two days later, on Friday, 11 February, the chief executive officer (CEO) of the hospital, Robyn White, told the community group that consultants had been appointed and that they had already been asking questions and requesting information. This was most concerning for the community group because it had not had any input. However, at 6.30 that night one of its representatives received a phone call from the regional director to say that no appointment had been made and that the group would receive the curriculum vitae (CV) of a firm called Tectura next week. The community group is still waiting for that CV.

On Monday, 14 February the CEO issued a press release saying that Melbourne-based firm Tectura had been proposed by the minister to be appointed to conduct the review. The Australian Medical Association then rang the local doctor because it had been told that the community group had approved the appointment of Tectura. When the doctor said that it had not, the AMA went back to the minister, who said that she had been wrongly informed. Two weeks after the delegation met with the minister the community group is still waiting for the government to inform it of the firms to be considered to conduct this review.

During the adjournment debate in the other place last night the member for Rodney thanked the minister for immediately appointing a consultant to look at the theatre. In her response the minister confirmed that the firm will have the assessment in eight weeks. Has the minister appointed consultants without consulting the community group? Last night's adjournment debate appears to confirm that she has. All this has made me very concerned about the integrity of the process. The minister gave her approval to be consultative and involve the community group, but instead it appears that she is manoeuvring around the community group. I am most concerned that, if the consultants have been appointed without input from the community group, the process of this review will not be open and transparent, and I hope the process can be rectified.

I call on the minister to rectify the process by ensuring that from tonight it will be open and transparent, by immediately releasing to the community group all documents, including tender documents relating to the review, and by ensuring that the community group is involved in all stages of the review.

Andersons Creek Cemetery: extension

Hon. C. D. HIRSH (Silvan) — I want to raise again the matter of the proposed Andersons Creek Cemetery extension, which is being opposed by over 200 residents.

The PRESIDENT — Order! Could the member advise the house to which minister — —

Hon. C. D. HIRSH — The matter is for the — —
Honourable members interjecting.

The PRESIDENT — Order!

Hon. C. D. HIRSH — I was about to say it.

The PRESIDENT — Order! Will the member at the outset advise the house to which minister she is referring her matter because it will assist the minister at the table and the record. Thank you.

Hon. C. D. HIRSH — Thank you for the advice, President. The matter is for the Minister for Planning in the other house, and I hope the minister at the table will pass this on as a matter of urgency. Two hundred and fifty-six objections — —

Hon. Bill Forwood — On a point of order, President, I understood the member to say that she wished to raise again the issue of the cemetery at Andersons Creek. I put it to you that she does not have the capacity to raise an issue which she has raised in this place before.

The PRESIDENT — Order! I need to listen to the matter that is being raised by the member to ascertain specifically what are the issues associated with it, and if that is the case, I will rule accordingly.

Hon. C. D. HIRSH — The matter is different from the previous one. I sincerely hope the clock will be moved so I can have the full 5 minutes.

Hon. Bill Forwood — You only get 3 minutes anyway, you goose!

Hon. C. D. HIRSH — Three minutes! Two hundred and fifty-six objections came to the council, and on 22 December the council knocked back the proposal of

the Andersons Creek Cemetery Trust for the extension of the cemetery. The mayor of Manningham then wrote to the Minister for Planning asking the minister to call in this application under clause 58 of schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998.

What I want is for the minister to call in this particular matter. The extension to the Andersons Creek Cemetery is not what the residents want. There was a second application put to the council in December — as I said, after Parliament had risen last year — but the council said that it should not go ahead.

It is a very inappropriate development for the area. There are no car parking spaces and roadways would be obstructed. In fact there is really nothing to stop the cemetery trust from putting in vertical graves, except for the rock, which would allow only one layer of horizontal burial so the cemetery would only last about five years. Certainly you would have to use drills to bury people very deep.

It is very important that this be called in by the Minister for Planning, and I ask him to do just that.

Autism: Bendigo centre of excellence

Hon. D. K. DRUM (North Western) — My adjournment matter is for the Minister for Community Services, Sheryl Garbutt, in the other house. As previously mentioned, I have spent the last two years participating in the southern Loddon-Mallee autism working party. The main goal of this group has been to try to develop a centre of excellence for the Bendigo region.

With the realisation that the Loddon-Mallee regional office of the Department of Human Services simply cannot find the necessary funds to build such an expensive centre, the working party is now seeking the introduction of an autism spectrum disorder coordinator.

We are looking for one person for a fully funded, full-time position on a two to three-year contract to effectively pick up the work of the working party which, through natural attrition, is simply struggling to maintain its energy, its time, its resources and personnel and to keep pushing for better outcomes for autism spectrum disorder (ASD) children and their families. A coordinator is desperately needed to bring together all the various services for families with children affected by these issues, as well as the many new families who have children with ASD.

We need a coordinator to act as a case manager for the families who can let the families know the whole range

of services that are available and help gather all the services in together. This is desperately needed by the various families that are currently struggling with the vast issues that arise from raising a child with ASD and with maintaining an adult who has ASD. We need to look at, for example, training professionals and parents in how to handle a child with ASD, at the vast number of organisations that are supplying respite to the families and at the literal dog's breakfast that all of these various programs are and how difficult it is for the families to actually pull them together.

We need someone who will analyse the services, monitor the case studies and analyse the impact of the lack of early intervention services being available, and what impact that is having on the children and their families.

The working party that has been going for over two and a half years is very desperate, it is frustrated, and it now understands that the assessment waiting lists are again blowing out and the number of children with ASD is again on the increase. We understand that major financial issues are facing the government and that it is under pressure to provide adequate funding for the many autistic children throughout Victoria. But we need to reinforce the needs of the Southern Loddon Mallee region, based around Bendigo, and to make sure that that is a priority.

The first step towards gaining a centre of excellence is to at least have a coordinator who will be able to carry on the work of the working party and a fully funded position for — —

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

Nagambie: rowing regatta

Hon. R. G. MITCHELL (Central Highlands) — My adjournment matter tonight is for the Minister for Sport and Recreation. It concerns the Head of the River rowing regatta in Nagambie. The minister would be aware that this event — —

An honourable member interjected.

Hon. R. G. MITCHELL — I would like you to listen. He would be aware that this event attracts many thousands of people to Nagambie and surrounds, and is of great economic benefit to the region. The Strathbogie council engaged Essential Economics to prepare an independent economic benefit assessment of the Nagambie Lakes Regatta Centre. The report was completed in June 2004. The results concluded that the total economic benefit to the region is in the vicinity of

\$6.22 million. That is vital for jobs and development, and for the community.

Visitor numbers generated from the regatta centre during 2003–04 are estimated at 31 430 — that is competitors, spectators and officials. Of those visitors, 20 900 made day trips and 10 530 stayed overnight. The overnight visitors generated an estimated total of 28 670 visitor nights, with some of the visitors staying overnight outside the Strathbogie shire in the neighbouring Mitchell shire and City of Greater Shepparton.

In recent times the centre has attracted new events, and in 2006 Nagambie will play host to two national championship events: the Dragon Boat National Championships and the Australian Masters Rowing Championships. Given the recent article in the *Geelong Advertiser* where the present opposition leader made some very ill-informed and demeaning comments about Nagambie and its rowing centre — —

Hon. Bill Forwood — On a point of order, President, the rules of the adjournment debate do not enable Mr Mitchell to start criticising the Leader of the Opposition in the other place. I have just been reading them over your shoulder, President, and I am sure they say that one shall not use the adjournment to attack opposing political parties. I do not have the exact words in front of me at this time, but I put it to you that is exactly the route that Mr Mitchell is going down, and he certainly cannot debate the issue.

The PRESIDENT — Order! Some time ago — it is now a couple of years — I gave clear instructions about rulings on the adjournment and how matters are to be presented before the house. It is also not in order for members to attack opposition members or their parties or other government members when raising matters on the adjournment. I remind honourable members that when posing an adjournment matter they should not be debating the issue but should raise the matter with the minister at the table, who should take the matter on board or refer it to the appropriate minister.

Hon. R. G. MITCHELL — The Nagambie rowing course was put there and delivered to Nagambie with the determination of the then Deputy Premier McNamara — the same Mr McNamara who heads Rowing Australia — and he was also a member of the government of which Mr Doyle was a member. Now Mr Doyle wants to build the Belmont — —

Hon. Bill Forwood — On a point of order, President, he is just flouting your ruling. He is back on Mr Doyle and Liberal Party policies and attacking the

Liberal Party. I put it to you he has absolutely no right to go down this route. If he has an issue about the rowing facility or regatta at Nagambie which he wants the minister to deal with, he should ask the minister to deal with it. What he wants done with Nagambie has absolutely nothing to do with Mr Doyle, nor can it have anything to do with Mr Doyle, and I put it to you that you should bring him back and make him abide by the rules of the house.

Hon. T. C. Theophanous — On the point of order, President, I want to draw your attention in responding to the point of order raised by Mr Forwood to the fact that the adjournment is, under the rules that relate to the daily adjournment debate, a chance for members to make a complaint, make a request or pose a query, and in relation to that they should raise matters which fall within the administrative competence of the Victorian government.

I have been listening very carefully to the remarks being made by the honourable member, and indeed he is asking about an issue in relation to the Nagambie regatta and directing that issue to the Minister for Sport and Recreation. In directing that issue to the minister he is referring to some comments— in this case, comments made by the Leader of the Opposition in another place — that have been made about that regatta, so the matter raised is specifically on that issue.

I put it to you, President, that even in this adjournment debate there have been a number of members on the other side who, in putting their matters forward for consideration, have made comment which is extremely critical of individual ministers or the government or members on this side of the house in their handling of a particular issue in a particular portfolio. The house cannot have two sets of rules.

Mr Forwood should listen very carefully, because he cannot have two sets of rules — one set which allows the members of the opposition to get up and bag members of the government during the adjournment debate but then a different set of rules for members of the government. In relation to the comments made by the honourable member, I put it to you, President, that they fall within the administrative competence of the Victorian government and the Minister for Sport and Recreation in particular, and that he is entitled to a degree of leeway in developing his argument.

Hon. Philip Davis — On the point of order, President, I listened carefully to your ruling on the previous point of order, and I refer to your guidelines of 7 October 2003 on the conduct of the adjournment debate where you make explicitly clear the provisions

which shall apply and in turn make the point explicitly that:

It is not in order for a member to attack opposition members or their parties or other governments when raising matters on the adjournment.

I do not think there could be anything clearer. In his contribution to the adjournment debate the member is reflecting upon the Leader of the Opposition in the other place, and it is entirely out of order that he should do so.

Hon. R. G. MITCHELL — On the point of order, President, I seek clarification. Given that Mr McNamara was the Deputy Premier — —

The PRESIDENT — Order! In responding to a point of order Mr Mitchell should not debate the issue. If he wishes to raise a point of order, that is fine, but he should not debate an issue that is raised as an adjournment matter — matters that should not be debated anyhow. Does he wish to raise a point of order?

Hon. R. G. MITCHELL — I am making a factual statement, not making an attack on anyone.

The PRESIDENT — Order! I indicated to the house in my previous ruling, I was doing some research on a possible point of order that might be raised a little later on and I did not hear all the things that Mr Mitchell was saying or that Mr Forwood raised in his point of order. I remind members that when raising matters they should stay in line with the guidelines. They are to make their point succinctly, raise it with the minister at the table for referral and keep to the point at issue. They should not get into a debating or slanging match across the chamber.

Hon. R. G. MITCHELL — As I said, Mr McNamara, who heads Rowing Australia, was part of a government of which Mr Doyle was a member. Mr Doyle wants to build the Belmont Common and move the Head of the River back to the Geelong — —

Hon. Bill Forwood — On a point of order, President, what the heck has that got to do with Mr Doyle? The member referred at the outset of his contribution, as *Hansard* will show, to ill-informed comments of Mr Doyle. I put it that he is attacking the Leader of the Opposition about something the Leader of the Opposition has done, and he does not have the capacity to do so in these circumstances.

Hon. R. G. MITCHELL — Read the paper.

Hon. Philip Davis — You cannot say it.

Hon. R. G. MITCHELL — You are saying I cannot say ‘Doyle’?

Hon. Philip Davis — Right, you cannot. This is a matter for the government.

Hon. R. G. MITCHELL — Yes, it is.

Hon. Philip Davis — Right, talk about the government, don’t talk about the opposition.

The PRESIDENT — Order! The member has 44 seconds remaining, and I ask him to raise with the minister or with the person representing the appropriate minister the issue to do with a regatta in Nagambie or whatever it may be.

Hon. Bill Forwood — Without reference to Mr Doyle.

Hon. R. G. MITCHELL — Without reference to someone, the Nagambie region advises that given the comments made by someone in the paper —

Hon. Bill Forwood — On a point of order, President, the member does not have the capacity under the rules of this house to use quotes from the paper and assertions made by someone in the context of the debate so far. I ask you, President, to rule him out of order.

Honourable members interjecting.

The PRESIDENT — Order! Members should desist from speaking while I am on my feet! With respect to the point of order raised by the Honourable Bill Forwood, I uphold the point of order and inform the member that he has 29 seconds in which to raise his question or I will rule it out of order.

Hon. R. G. MITCHELL — I ask the minister: does the Victorian government support the opposition’s plan to build the Belmont Common and remove the Head of the River from Nagambie?

The PRESIDENT — Order! The question the member put to the minister is not in line with the guidelines I have set out. I rule his adjournment question out of order, and the minister does not need to respond to it.

Cowes: wharf

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Transport in the other place. Members will clearly recall a few weeks ago that Melbourne was subject to an enormous unseasonal storm front which caused great damage. Its heavy rains

caused a great deal of havoc and inconvenience. That same storm front whipped up the seas in Bass Strait to a point where they were very dangerous, a lot more dangerous than usual.

It is a fact that for the past year or so there has been a great amount of expectation and excitement in the Cowes and Phillip Island area about a planned and scheduled visit by the famous cruise ship, the *Queen Elizabeth 2 (QE2)*. A great deal of preparation went into that one-day visit, and a lot of excitement, tourism plans and aspects, and all sorts of subsidiary welcoming activities were scheduled for the arrival of the *QE2*. It was no-one’s fault: the storm came, and it happened to be at the same time as the *QE2* was approaching Cowes. Unfortunately, for valid reasons of safety the captain and the operators of the *QE2* reluctantly but understandably made the decision to bypass Cowes and go on to Melbourne for their visit. There was a great deal of disappointment and economic loss to the tourism operators and many sectors of the Bass Coast and Phillip Island communities.

For a long time there has been a lot of community support for improvements to the Cowes wharf and improving the facilities for visits by cruise ships. Cruise ships have a proven and very supportable economic contribution to make not only to the state but in particular to the wonderful tourism offerings of that area of our great state. One of the long supported aspects of this expansion is the design and construction of a wharf at Cowes that could take cruise ships. I suggest to honourable members that even had that storm arrived as it did, if the properly designed wharf had been available, that cruise ship could have come in and a lot of the difficulties would have been overcome.

My request to the minister is: will the minister urgently review the scheduling of the construction program for the upgrading of the Cowes wharf to facilitate the safe and convenient hosting of visiting cruise ships?

Hepburn: planning application

Hon. J. A. VOGELS (Western) — The action I seek is for the Minister for Planning in the other place, the Honourable Rob Hulls, to investigate the way the Hepburn Shire Council has dealt with application for planning permit no. 2004/8203. It appears on the face of it that if you fail with your first application, you proceed by stealth to achieve the desired outcome over a longer period of time.

In March 1997 an application for a tourist development, winery, accommodation, restaurants and grapevines was lodged by Trewetsin Consulting with the Hepburn

Shire Council on behalf of R. McDonald, who wished to remain anonymous at the time. In April 1997 the council and the then Department of Natural Resources and Environment requested further information. It was not supplied, so the application lapsed.

In May 1999 a planning permit for a residence was obtained. Two small dams were constructed and land was prepared for a so-called hobby vineyard. In August 2004 the applicant applied for a renewable limited liquor licence and in September 2004 applied to council for a planning permit for cellar-door sales. What we have here is the transition from a hobby vineyard to a commercial enterprise and from a residence to what has now become two units with a commercial central section built inside. At present another application is before Hepburn council to allow this residence to be used for group accommodation.

On each and every occasion there have been alterations from the first application in 1997, which was refused, until December 2004. The council has failed to take into account the lack of transparency of this development or give any consideration to objectors.

The action I seek from the minister is to investigate this charade, which does no credit to the planning department of the Hepburn Shire Council and no comfort to the community. Where was the consultation with neighbours? Where are the buffer zones and setbacks? Where is the transparency? What is R. McDonald planning to do with this property in the future? Will neighbours who have lived in this quiet tranquil area for many years in the end have to leave the district because the council has failed in its duties?

Hon. Bill Forwood — On a point of order, President, during the adjournment debate I listened carefully to the issue raised by Ms Hirsh, and I also checked *Hansard*.

On 17 November she raised with the Minister for Health in the other place an issue about the same cemetery, although she called it something different at the time. She sought that the cemetery extension be stopped. I put it to you, President, that her adjournment issue tonight, which was directed to a different minister, has exactly the same purpose. She stood up and said:

I want to raise again the matter of the proposed Andersons Creek cemetery ...

Her words, not mine.

I put it to you, President, that under our rules she does not have the capacity just to change which minister she puts a request to when the purpose of her adjournment

matter — that is, to stop the extension — is the same. I therefore put it to you, President, that her adjournment matter should be ruled out of order, just like the Honourable Robert Mitchell's.

The PRESIDENT — Order! I have examined *Hansard* of 17 November last year. In the adjournment matter headed 'Warrandyte cemetery: extension', the Honourable Carolyn Hirsh asked the Minister for Health, as the minister who is responsible for cemeteries, to discontinue the cemetery's application for extension. The matter she raised this evening was for the Minister for Planning, asking him to call in the application. I rule that they are two different matters. One is about the Minister for Health directing the cemetery to discontinue its application, which came within her responsibilities. The application is now in, and this adjournment matter asks the Minister for Planning to call it in. I do not uphold the point of order. I allow the minister to respond to Ms Hirsh's request.

Responses

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — The Honourable David Koch directed a question to the Minister for Health in the other place in relation to the Australian Red Cross and its blood donation service in rural Victoria. I will be very happy to pass that matter on to the minister for consideration.

The Honourable Kaye Darveniza asked a question of the Minister for Sport and Recreation in relation to the Go for Your Life campaign, specifically mentioning the issues surrounding obesity and children. It is a serious issue in our community, and I will be very happy to pass that request on to the relevant minister.

The Honourable Bill Forwood raised the matter of the relationship between the St Helena Secondary College and the Glen Katherine Primary School and the normal process by which children are transferred between the schools. He is concerned that some students have been excluded. I will pass his comments on to the Minister for Education and Training in the other place for a response.

Ms Carbines addressed a matter to the Minister for Consumer Affairs in relation to advertising in what I think was the Geelong newspaper by George Mihos and his claims about how to become a millionaire —

Hon. Bill Forwood — If only it were so easy!

Hon. T. C. THEOPHANOUS — Yes, if only it were so easy. I am tempted to say 'Beware of certain people bearing gifts', but I will not make that comment,

I will simply pass that matter on to the Minister for Consumer Affairs for a direct reply to Ms Carbines.

The Honourable Graeme Stoney raised a question for Minister Cameron, the Minister for Agriculture in the other house, in relation to VicForests and the export of ash logs. In his absence, I will pass that matter on to the relevant minister.

The Honourable Helen Buckingham raised a question for the Minister for Aged Care in relation to elderly constituents in her electorate and the delivery to them of home and community care services, which is a very important project that is supported by the Victorian government. She raised this issue in the context of the various categories of aged people and the diversity of cultural backgrounds and needs that some elderly people in our community have. I will be very happy to pass her comments on to the Minister for Aged Care for a direct response.

Mr Atkinson raised a question for the Minister for Education and Training in the other place in relation to Blackburn High School and its funding and budget. He presented some claims about numbers in relation to that school. As I do not have any of that information before me, I will be happy to pass on his comments and the numbers he used to the Minister for Education and Training for comment back to him.

The Honourable Sang Nguyen raised a question for the Premier in relation to funding for the tsunami victims and the Victorian government's contribution. The giving of tsunami funds by the Victorian government is something we are all happy to be a part of. It was a great tragedy for our region, and was perhaps difficult for us to grasp given the number of people who lost their lives. I am very happy to pass on the member's comments to the Premier for direct response.

The Honourable Wendy Lovell raised a question for the Minister for Health in the other place in relation to the operating theatre of the Rochester hospital. Health is taken very seriously by this government; it is very high on our priority listing. Delivering health services in regional and rural Victoria is an important part of the agenda of the government. I will be happy to pass her comments on to the Minister for Health for a response.

The Honourable Carolyn Hirsh asked a question for the Minister for Planning in the other place. I am pleased that the President ruled the question in order because although it is a question about Andersons Creek Cemetery, about which the member has asked a question in the past, it relates to wanting the Minister for Planning to take action by calling in a particular

proposal and having another look at it. I will be pleased to pass on the member's comments to the Minister for Planning for him to consider her request.

The Honourable Damian Drum asked a question for the Minister for Community Services in the other place in relation to the Department of Human Services in the Loddon Mallee region and the autism centre in that area. This government is mindful of and willing to act in relation to helping with this kind of issue. I will therefore be happy to pass on the member's request to the relevant minister.

In line with the President's ruling I will not refer the Honourable Robert Mitchell's question to the Minister for Sport and Recreation. I simply say that we do not support the opposition's plans.

The Honourable Ron Bowden asked a question for the Minister for Transport in the other place in relation to the unseasonal storm, which we all felt. I certainly did at my house. His question was in relation to the bypassing of Cowes by the *QE2*. I am not sure whether the improvements that he seeks to the Cowes wharf would have actually meant it could have stopped there or not. In any case I will pass his comments on to the relevant minister for direct response to him.

The Honourable John Vogels asked a question for the Minister for Planning in the other place in relation to premises which started off as a hobby vineyard and finished up as a commercial premises. I must say in relation to this matter that while the Honourable John Vogels asked this question of the Minister for Planning and I am happy to pass it on to him, from what I understood it was simply a question criticising decisions of the local council. I am really not sure what the planning minister would have to do with decisions of a council, but in any case I will give the member the benefit of the doubt and pass the question on to the relevant minister.

Motion agreed to.

House adjourned 7.22 p.m. until Tuesday, 22 March.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Thursday, 24 February 2005

Attorney-General: Victoria Legal Aid — capital works funding

2603. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to Victoria Legal Aid's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

Victoria Legal Aid did not have any funding for major capital works for the year 2002-03.

Corrections: Office of the Correctional Services Commissioner — office accommodation

3060. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to the Office of the Correctional Services Commissioner's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

The Office of the Correctional Services Commissioner ceased to exist from 31 June 2003.

Corrections: CORE — Public Correctional Enterprise — office accommodation

3061. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to CORE—The Public Correctional Enterprise's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

CORE—The Public Correctional Enterprise ceased to exist from 31 June 2003.

Attorney-General: Judicial College of Victoria — office accommodation

3064. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Judicial College of Victoria's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

The Judicial College of Victoria occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Gaming: Director of Gaming and Betting and Director of Casino Surveillance — office accommodation

3077. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the Director of Gaming and Betting and Director of Casino Surveillance's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Director of Gaming and Betting and Director of Casino Surveillance occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Gaming: Gambling Research Panel — office accommodation

3079. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the Gambling Research Panel's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that / as follows:

The Gambling Research Panel occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Gaming: Victorian Casino and Gaming Authority — office accommodation

3087. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the Victorian Casino and Gaming Authority's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

Since 1 July 2004 the Victorian Casino and Gaming Authority (VCGA) and the Office of Gambling Regulation (OGR) have been replaced with the Victorian Commission for Gambling Regulation (VCGR). The Victorian Commission for Gambling Regulation occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

State and regional development: Docklands Film and Television Studio — revenue

3706. THE HON. PHILIP DAVIS — To ask the Minister for Small Business (for the Minister for State and Regional Development): What was the value of revenue from overseas productions and Australian productions, respectively, in relation to the Docklands Film and Television Studio for 2003-04.

ANSWER:

I am informed as follows:

The studios' private operator, City Studios Holdings Pty Ltd (CCSH), is responsible for attracting productions to the studios.

Commercial details of this nature are the responsibility of CCSH.

Attorney-General: freedom of information requests

3715. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Attorney-General): How many applications were received under the *Freedom of Information Act 1982* in 1998-99 and 2003-04, and how many pages of documents were released, under that Act, in 1998-99 and 2003-04.

ANSWER:

I am informed that:

Information relating to applications received under the Freedom of Information Act 1982 in 1998-99 can be found in the 1998/99 Freedom of Information (FOI) Annual Report. This publicly available report can be accessed via the FOI Online website (www.foi.vic.gov.au). For information relating to applications received under the Freedom of Information Act 1982 in 2003-04, I refer you to the 2003/04 FOI annual report.

Information relating to numbers of pages released under the *Freedom of Information Act 1982* is not collected by the Department of Justice.

Agriculture: Agriculture Victoria Services Pty Ltd — freedom of information requests

3759. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Agriculture): In relation to Freedom of Information requests received by the Agriculture Victoria Services Pty Ltd between 1 July 2003 and 30 June 2004:

- (a) How many requests were received.
- (b) How many were — (i) denied in full; (ii) released in part; and (iii) released in full.
- (c) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The issues surrounding FOI requests are all matters readily available on the Public Record for statutory organisations under the Agriculture Portfolio.

Energy industries: fuel sales

3787. THE HON. PHILIP DAVIS — To ask the Minister for Energy Industries: For 2003-04, or other financial/calendar year to which access is available, what was the volume of litres sold in Victoria — (i) unleaded petrol; (ii) leaded petrol; (iii) diesel petrol; and (iv) LPG.

ANSWER:

As at the date the question was raised, the answer is :

That this information is not routinely collected by my Department or Consumer Affairs Victoria.

This information may be collected within the Federal Government. You may therefore wish to direct your question to the Federal Government.

Police and emergency services: Police Appeals Board — freedom of information requests

3955. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Freedom of Information requests received by the Police Appeals Board between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am advised that:

The Police Appeals Board is not subject to freedom of information as it is not a prescribed authority under the *Freedom of Information Act 1982*.

Education and training: Adult, Community and Further Education Board — freedom of information requests

3983. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Freedom of Information requests received by the Adult, Community and Further Education Board between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

Data regarding Freedom of Information requests received by the Adult, Community and Further Education Board may be found in the 2004 Attorney General's Freedom of Information Annual Report.

The Department does not collect statistics regarding Freedom of Information requests provided to the Minister.

Education and training: Registered Schools Board — freedom of information requests

3985. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Freedom of Information requests received by the Registered Schools Board between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

Data regarding Freedom of Information requests received by the Registered Schools Board may be found in the 2004 Attorney General's Freedom of Information Annual Report.

The Department does not collect statistics regarding Freedom of Information requests provided to the Minister.

Education and training: Victorian Curriculum and Assessment Authority — freedom of information requests

3986. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Freedom of Information requests received by the Victorian Curriculum and Assessment Authority between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

Data regarding Freedom of Information requests received by the Victorian Curriculum and Assessment Authority may be found in the 2004 Attorney General's Freedom of Information Annual Report.

The Department does not collect statistics regarding Freedom of Information requests provided to the Minister.

Education and training: Victorian Institute of Teaching — freedom of information requests

3987. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Freedom of Information requests received by the Victorian Institute of Teaching between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

Data regarding Freedom of Information requests received by the Victorian Institute of Teaching may be found in the 2004 Attorney General’s Freedom of Information Annual Report.

The Department does not collect statistics regarding Freedom of Information requests provided to the Minister.

Education and training: Victorian Learning and Employment Skills Commission — freedom of information requests

3988. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Freedom of Information requests received by the Victorian Learning and Employment Skills Commission between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

Data regarding Freedom of Information requests received by the Victorian Learning and Employment Skills Commission may be found in the 2004 Attorney General’s Freedom of Information Annual Report.

The Department does not collect statistics regarding Freedom of Information requests provided to the Minister.

Education and training: Victorian Qualifications Authority — freedom of information requests

3989. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Freedom of Information requests received by the Victorian Qualifications Authority between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

Data regarding Freedom of Information requests received by the Victorian Qualifications Authority may be found in the 2004 Attorney General's Freedom of Information Annual Report.

The Department does not collect statistics regarding Freedom of Information requests provided to the Minister.

Education and training: Adult Multicultural Education Services Authority — freedom of information requests

3991. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Freedom of Information requests received by the Adult Multicultural Education Services Authority between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

Data regarding Freedom of Information requests received by the Adult Multicultural Education Services Authority have been included into the Department of Education and Training figures which may be found in the 2004 Attorney General's Freedom of Information Annual Report. However, no Freedom of Information requests were received.

Education and training: Council of Adult Education — freedom of information requests

3992. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Freedom of Information requests received by the Council of Adult Education between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

Data regarding Freedom of Information requests received by the Council of Adult Education may be found in the 2004 Attorney General’s Freedom of Information Annual Report.

The Department does not collect statistics regarding Freedom of Information requests provided to the Minister.

Energy industries: Office of Gas Safety — freedom of information requests

3999. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries: In relation to the Freedom of Information requests received by the Office of Gas Safety between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

As at the date the question was raised, the answer is :

That information relating to the number of FOI requests will be available in the OGS’s Annual Report.

However I understand from the OGS that in that year, it received 25 requests for the release of documents under FOI, 18 were granted, and none were released in part.

Of the seven requests that were not granted, I understand four related to incidents that did not involve gas so there was no record to release. Two related to the applicant’s own records which were provided to them and one was declined due to a third party not permitting the release of intellectual property.

Advice provided to me by OGS confirms that none of the responses to the FOI requests referred to above were provided to me before being given to the applicant.

Energy industries: Victorian Energy Networks Corporation — freedom of information requests

4005. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries: In relation to the Freedom of Information requests received by the Victorian Energy Networks Corporation between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

As at the date the question was raised, the answer is:

VENCorp has advised that it did not receive any Freedom of Information requests for the period from 1 July 2003 to 30 June 2004.

Energy industries: Electric Line Clearance Committee — freedom of information requests

4008. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries: In relation to the Freedom of Information requests received by the Electric Line Clearance Committee between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

As at the date the question was raised, the answer is:

The Electrical Line Clearance Consultative Committee (ELCCC) is a statutory committee established under Section 87 of *Electricity Safety Act 1998* that is managed and chaired by the Office of the Chief Electrical Inspector (OCEI).

The OCEI has advised that no Freedom of Information requests were received by the ELCCC for the period from 1 July 2003 to 30 June 2004.

Energy industries: Equipment Advisory Committee — freedom of information requests

4009. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries: In relation to the Freedom of Information requests received by the Equipment Advisory Committee between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

As at the date the question was raised, the answer is :

The Equipment Advisory Committee is a statutory committee established under Section 50 of the *Electricity Safety Act 1998* that is managed and chaired by the Office of the Chief Electrical Inspector (OCEI).

The OCEI has advised that no Freedom of Information requests were received by the Equipment Advisory Committee for the period of 1 July 2003 to 30 June 2004.

Corrections: Office of the Correctional Services Commissioner — freedom of information requests

4029. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to the Freedom of Information requests received by the Office of the Correctional Services Commissioner between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am advised that:

(1)& (2)

The Office of the Correctional Services Commissioner integrated with CORE—the Public Correctional Enterprise in July 2003 and Corrections Victoria was established. Corrections Victoria is part of the Department of Justice and not a separate prescribed authority under the Freedom of Information Act 1982. Their statistics are incorporated into the Department of Justice figures. I refer you to the 2003/04 Freedom of Information Annual Report.

Attorney-General: Judicial College of Victoria — freedom of information requests

4033. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by the Judicial College of Victoria between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

(1) & (2)

I refer you to the 2003/04 FOI annual report tabled in Parliament on 9 December 2004.

(3) These statistics are not collected by the Department of Justice.

Attorney-General: Municipal Electoral Tribunal — freedom of information requests

4036. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by the Municipal Electoral Tribunal between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The Municipal Electoral Tribunal is not subject to freedom of information as it is not a prescribed authority under the *Freedom of Information Act* 1982.

Corrections: Office of the Correctional Services Commissioner — interstate and overseas travel

4129. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to interstate and overseas travel by the members and staff of the Office of the Correctional Services Commissioner in 2003-04:

- (1) How many trips were undertaken.
- (2) What costs were associated with the travel.

ANSWER:

I am informed that:

The Office of the Correctional Services Commissioner ceased to operate as at 30 June 2003.

The Office of the Correctional Services Commissioner and CORE—The Public Correctional Enterprise were integrated into one business unit called Corrections Victoria from July 2003.

Accordingly there were no overseas trips undertaken or associated travel costs incurred by the Office of the Correctional Services Commissioner in 2003-04.

I would have expected that Mr Dalla-Riva, as the Liberal spokesperson for Corrections, would have been aware of this most basic fact.

Corrections: CORE — Public Correctional Enterprise — interstate and overseas travel

4130. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to interstate and overseas travel by the members and staff of CORE—The Public Correctional Enterprise in 2003-04:

- (1) How many trips were undertaken.
- (2) What costs were associated with the travel.

ANSWER:

I am informed that:

CORE—The Public Correctional Enterprise ceased to operate as at 30 June 2003.

The Office of the Correctional Services Commissioner and CORE—The Public Correctional Enterprise were integrated into one business unit called Corrections Victoria from July 2003.

Accordingly there were no overseas trips undertaken or associated travel costs incurred by CORE—The Public Correctional Enterprise in 2003-04.

I would have expected that Mr Dalla-Riva, as the Liberal spokesperson for Corrections, would have been aware of this most basic fact.

Attorney-General: Legal Profession Tribunal — interstate and overseas travel

4135. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to interstate and overseas travel by the members and staff of the Legal Profession Tribunal in 2003-04:

- (1) How many trips were undertaken.
- (2) What costs were associated with the travel.

ANSWER:

I am informed that:

1. There was one interstate trip undertaken by staff of the Legal Profession Tribunal in 2003-04.
2. Total costs associated with the travel was \$1,028.06.

Community services: disability services — respite beds

4188. THE HON. BILL FORWOOD — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to respite beds for people with disabilities as at 30 June 2004:

- (1) How many government and non-government beds were there in each region.
- (2) How many government and non-government beds in each region were available 7 days a week, 52 weeks a year.

ANSWER:

Although your questions ask only for information on respite beds, it is critical to note that respite care is provided through a range of supports, and not just through bed-based facilities. Respite includes overnight, in-home and flexible community-based respite.

In 2003-04 \$41 million was provided for respite support through DHS Disability Services enabling 15,420 episodes of respite to be provided. In 2004-05 growth funds of \$3.2 million have been allocated (\$2M from the State and \$1.2M from the Commonwealth) for an additional 1,040 episodes, bringing the total number of episodes to 16,460.

- (1) I am informed that there were a total of 390 respite beds for people with a disability across Victoria as at 30 June 2004. Of these, 166 were managed by government agencies and 224 were managed by non-government organisations. The regional split was as follows:

Region	No. Beds—Government	No. Beds—Non Government
Barwon South West	22	37
Eastern Metropolitan	25	49
Gippsland	24	7
Grampians	14	20
Hume	25	10
Loddon Mallee	2	24
North and West Metropolitan	39	41
Southern Metropolitan	15	36

I am further informed that the number of episodes of respite provided through bed-based facilities for the 12 months ending 30 June 2004 was 6,967. The regional split is as follows:

Region	Episodes
Barwon South Western	747
Eastern Metropolitan	1,337
Gippsland	459
Grampians	552
Hume	663
Loddon Mallee	152
North West Metropolitan	1,634
Southern Metropolitan	1,423

- (2) As at 30 June 2004, 300 of these beds were providing respite 7 days a week, 52 weeks a year—143 managed by government agencies, and 157 by non-government agencies. The regional split was as follows:

Region	No. Beds—Government	No. Beds—Non Government
Barwon South West	18	25
Eastern Metropolitan	25	34
Gippsland	18	5
Grampians	11	12
Hume	20	0
Loddon Mallee	2	24
North and West Metropolitan	39	28
Southern Metropolitan	10	29

Community services: disability services — respite beds

4189. THE HON. BILL FORWOOD — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to respite beds for people with disabilities for the 12 months ending 30 June 2004:

- (1) How many episodes of respite were provided in each region through bed-based facilities.
- (2) How many households were provided with respite in each region through bed-based facilities.

ANSWER:

I am informed that:

- (1) Refer to response provided as part of Question On Notice number 4188.
- (2) Data is now based on episodes of respite.

Energy industries: Electric Line Clearance Committee — entertainment expenses

4193. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries: In relation to the Electric Line Clearance Committee’s entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

As at the date the question was raised, the answer is:

The Electrical Line Clearance Consultative Committee (ELCCC) is a statutory committee established under Section 87 of the *Electricity Safety Act 1998*. The ELCCC is managed and chaired by the Office of the Chief Electrical Inspector (OCEI).

The OCEI has advised that there were no entertainment expenses incurred by the ELCCC for the period 1 July 2003 to 30 June 2004.

Energy industries: Equipment Advisory Committee — entertainment expenses

4194. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries: In relation to the Equipment Advisory Committee’s entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

As at the date the question was raised, the answer is:

The Equipment Advisory Committee (EAC) is a statutory committee established under Section 50 of the *Electricity Safety Act 1998* that is managed and chaired by the Office of the Chief Electrical Inspector (OCEI).

The OCEI has advised that there were no entertainment expenses incurred by the EAC for the period 1 July 2003 to 30 June 2004.

Energy industries: Victorian Electrolysis Committee — entertainment expenses

4198. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries: In relation to the Victorian Electrolysis Committee’s entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

As at the date the question was raised, the answer is :

The Victorian Electrolysis Committee (VEC) is a statutory committee established under Section 91 of the *Electricity Safety Act 1998*. The VEC is managed and chaired by the Office of the Chief Electrical Inspector (OCEI).

The OCEI has advised that the Victorian Electrolysis Committee did not have an entertainment budget in 2003-2004, and that no monies were spent by the Committee on this activity.

Finance: Business Licensing Authority — entertainment expenses

4224. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Business Licensing Authority’s entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that the Business Licensing Authority does not fall within my Finance portfolio responsibilities.

Treasurer: Emergency Services Superannuation Scheme — entertainment expenses

4325. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Emergency Services Superannuation Scheme's entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my portfolio responsibilities.

Treasurer: Essential Services Commission — entertainment expenses

4326. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Essential Services Commission's entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my portfolio responsibilities.

Treasurer: Government Superannuation Office — entertainment expenses

4327. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Government Superannuation Office's entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my portfolio responsibilities.

Treasurer: Parliamentary Trustee — entertainment expenses

4330. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Parliamentary Trustee's entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my portfolio responsibilities.

Treasurer: Transport Accident Commission — entertainment expenses

4332. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Transport Accident Commission's entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and

- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my portfolio responsibilities.

Treasurer: Victorian Government Purchasing Board — entertainment expenses

4334. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Victorian Government Purchasing Board’s entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my portfolio responsibilities.

Treasurer: Victorian Managed Insurance Authority — entertainment expenses

4335. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Victorian Managed Insurance Authority’s entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my portfolio responsibilities.

Environment: Wombat Forest collaborative forest management — cost

4351. THE HON. GRAEME STONEY — To ask the Minister for Local Government (for the Minister for Environment): What is the total cost of the Wombat Forest Community Forest Management process from 1 January 2003 to 31 October 2004 including the cost of —

- (a) all salaries and costs of full time and part time personnel working on the project;
- (b) all consultants fees;
- (c) all catering, seminar and meeting costs;
- (d) all sitting fees and disbursements paid to community participants;
- (e) advertising costs;
- (f) newsletter production and postage cost including labour;
- (g) travel and accommodation costs of officers, advisors, consultants and participants in the process;
and
- (h) other costs of the process.

ANSWER:

I am informed that:

The total cost of the Wombat Forest Collaborative Forest Management process between 1 January 2003 and 31 October 2004 is \$733,000.

Environment: Midlands Forest management area — log supply

4352. THE HON. GRAEME STONEY — To ask the Minister for Local Government (for the Minister for Environment): In relation to the Midlands Forest Management Area in the period 1 January 2003 to 31 October 2004:

- (a) What was the total subsidy paid by the Government on logs including freight brought in from other FMA to supply sawmills in the area.
- (b) What was the total cubic metres of logs brought in by the Government to the Midlands FMA to supply sawmills situated in that FMA.

ANSWER:

I am informed that:

- (a) The total amount paid to assist with haulage costs associated with the supply of sawlogs from other Forest Management Areas to Midlands sawmills, in the period 1 January 2003 to 31 October 2004, was \$152,800 excluding GST. This amount relates largely to the supply of sawlogs derived from the 2003 Alpine fire salvage operations and ensured that the availability of salvage sawlogs to the timber industry was maximised.
- (b) The total cubic metres of log delivered to supply Midlands Forest Management Area sawmills from other Forest Management Areas, in the period 1 January 2003 to 31 October 2004, was 4,737 m3 gross.

Aboriginal affairs: Haystac Public Affairs Pty Ltd — payments

4354. THE HON. GRAEME STONEY — To ask the Minister for Aboriginal Affairs:

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.

- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

The response is nil.

Industrial relations: Haystac Public Affairs Pty Ltd — payments

4359. THE HON. GRAEME STONEY — To ask the Minister for Aged Care (for the Minister for Industrial Relations):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

No payments were made to Haystac Public Affairs Pty Ltd since 26 August 2003

Agriculture: Haystac Public Affairs Pty Ltd — payments

4365. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries (for the Minister for Agriculture):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

There have been no payments made to Haystac Public Affairs Pty. Ltd. by the Department of Primary Industries, my private office or any agency or statutory body under the administration of the Minister for Agriculture since 26 August 2003.

Environment: Haystac Public Affairs Pty Ltd — payments

4378. THE HON. GRAEME STONEY — To ask the Minister for Local Government (for the Minister for Environment):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.

- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by the Department of Sustainability and Environment or my Private Office to Haystac Public Affairs Pty Ltd since 26 August 2003.

To obtain details of payments made by all agencies and statutory bodies under my administration would place an unreasonable burden on Departmental resources.

Water: Haystac Public Affairs Pty Ltd — payments

4381. THE HON. GRAEME STONEY — To ask the Minister for Local Government (for the Minister for Water):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by the Department of Sustainability and Environment or my Private Office to Haystac Public Affairs Pty Ltd since 26 August 2003.

To obtain details of payments made by all agencies and statutory bodies under my administration would place an unreasonable burden on Departmental resources.

Resources: Haystac Public Affairs Pty Ltd — payments

4383. THE HON. GRAEME STONEY — To ask the Minister for Resources:

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

There have been no payments made to Haystac Public Affairs Pty. Ltd. by the Department of Primary Industries, my private office or any agency or statutory body under the administration of the Minister for Resources since 26 August 2003.

Planning: Haystac Public Affairs Pty Ltd — payments

4393. THE HON. GRAEME STONEY — To ask the Minister for Sport and Recreation (for the Minister for Planning):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by the Department of Sustainability and Environment or my Private Office to Haystac Public Affairs Pty Ltd since 26 August 2003.

To obtain details of payments made by all agencies and statutory bodies under my administration would place an unreasonable burden on Departmental resources.

Industrial relations: Shannon's Way Pty Ltd — payments

4400. THE HON. GRAEME STONEY — To ask the Minister for Aged Care (for the Minister for Industrial Relations):

- (1) What payments have been made to Shannon's Way Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

No payments were made to Shannon's Way Pty Ltd since 28 October 2003.

Environment: Shannon's Way Pty Ltd — payments

4419. THE HON. GRAEME STONEY — To ask the Minister for Local Government (for the Minister for Environment):

- (1) What payments have been made to Shannon's Way Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

Neither the Department of Sustainability and Environment nor my Private Office have engaged Shannon's Way Pty Ltd for any environment portfolio related projects since 28 October 2003.

To obtain details of payments made by all agencies and statutory bodies under my administration would place an unreasonable burden on Departmental resources.

Water: Shannon's Way Pty Ltd — payments

4422. THE HON. GRAEME STONEY — To ask the Minister for Local Government (for the Minister for Water):

- (1) What payments have been made to Shannon's Way Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

Between 28 October 2003 and 10 December 2004, the Department of Sustainability and Environment made 23 separate payments to Shannon's Way Pty Ltd for costs associated with the "Our Water, Our Future" campaign. The total cost of these payments was \$668,583.23.

No payments were made by my Private Office during this period.

To obtain details of payments made by all agencies and statutory bodies under my administration would place an unreasonable burden on Departmental resources.

Aboriginal affairs: Social Shift Pty Ltd — payments

4436. THE HON. GRAEME STONEY — To ask the Minister for Aboriginal Affairs:

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

The response is nil.

Industrial relations: Social Shift Pty Ltd — payments

4441. THE HON. GRAEME STONEY — To ask the Minister for Aged Care (for the Minister for Industrial Relations):

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.

- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

No payments were made to Social Shift Pty Ltd since 26 August 2003.

Energy industries: Social Shift Pty Ltd — payments

4445. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries:

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

As at the date the question was raised, the answer is :

No payments have been made in this period by the Department, private office agency or Statutory Authority under my administration.

Agriculture: Social Shift Pty Ltd — payments

4446. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries (for the Minister for Agriculture):

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

There have been no payments made to Social Shift Pty. Ltd. by the Department of Primary Industries, my private office or any agency or statutory body under the administration of the Minister for Agriculture since 26 August 2003.

Housing: Social Shift Pty Ltd — payments

4456. THE HON. GRAEME STONEY — To ask the Minister for Housing:

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.

- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Water: Social Shift Pty Ltd — payments

4462. THE HON. GRAEME STONEY — Minister for Local Government (for the Minister for Water):

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by the Department of Sustainability and Environment or my Private Office to Social Shift Pty Ltd since 26 August 2003.

To obtain details of payments made by all agencies and statutory bodies under my administration would place an unreasonable burden on Departmental resources.

Resources: Social Shift Pty Ltd — payments

4464. THE HON. GRAEME STONEY — To ask the Minister for Resources:

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

There have been no payments made to Social Shift Pty Ltd by the Department of Primary Industries, my private office or any agency or statutory body under the administration of the Minister for Resources since 26 August 2003.

Planning: Social Shift Pty Ltd — payments

4474. THE HON. GRAEME STONEY — To ask the Minister for Sport and Recreation (for the Minister for Planning):

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by the Department of Sustainability and Environment or my Private Office to Social Shift Pty Ltd since 26 August 2003.

To obtain details of payments made by all agencies and statutory bodies under my administration would place an unreasonable burden on Departmental resources.

Community services: Kew Residential Services — places

- 4479. THE HON. DAMIAN DRUM** — To ask the Minister for Aged Care (for the Minister for Community Services): What process will the Government put in place to deal with any demand from guardians who strongly wish to have their relatives remain in Kew, above and beyond the Government's designated 100 places.

ANSWER:

I am informed that:

Very few people living at Kew Residential Services (KRS) have legal guardians; either their relatives or the Public Advocate are consulted in relation to decisions about their future.

These decisions are taken after careful planning involving detailed assessment of each persons support and other needs and their preferences.

The planning is undertaken in consultation with the person, their families, advocates and support staff and is documented in a General Service Plan (GSP). The Plans are independently scrutinised by the Intellectual Disability Review Panel (IDRP).

In addition, any person, which includes any family member, who is aggrieved with a reviewable decision, may under Section 52 of the Intellectually Disabled Persons' Services Act 1986, apply to the IDRP for a review of the content of the General Service Plan.

Health: Austin and Repatriation Medical Centre — tender process

- 4483. THE HON. GRAEME STONEY** — To ask the Minister for Aged Care (for the Minister for Health): In relation to a tender placed by Bassett Kuttner Collins in May 2004 for one steam boiler for the Austin and Repatriation Medical Centre, and one of the tenderers Hunt Boilers Melbourne:

- (1) Why were the specifications of the tender changed during the tender process.
- (2) Why was Hunt Boilers Melbourne not informed of the change of the tender specifications.
- (3) Why was Hunt Boilers Melbourne not given the opportunity to re-tender.
- (4) Why was the contract awarded to a company importing the required goods from overseas, when a local alternative was available.

ANSWER:

I am informed that:

1. Two existing boilers were being converted from briquette to natural gas at the Repatriation Hospital. A tender for the supply of a new back up boiler was called and five firms submitted tenders on 2 June 2005. The tender requirements were changed on two occasions:

Prices were sought for a larger boiler from each of the five tenderers when problems were found during the conversion of one of the existing boilers. The second existing boiler was still operating and could not be tested.

Tenders were being assessed when it was revealed that the second boiler proposed for conversion had extensive cracking and was unsuitable for unattended operation. The firm submitting the lowest price was initially requested to provide a quote for a second new boiler. Consultants then sought prices from all other firms for the supply of two new boilers. This confirmed the recommended firm provided best value for money.

2. All tenderers including Hunt Boiler Melbourne were advised of the revised tender:

Regarding increased capacity on 14 July 2004 by e-mail.

Revised conditions, for the supply of two new boilers, were sought on 6 August 2004 by phone and e-mail.

3. Hunt Boilers Melbourne were given the same opportunity, as all tenderers, to submit a response to the revised tenders.
4. The contract was awarded to an Australian company submitting the lowest price and best value for money. The tender included imported components and utilises local labour for a significant portion of the project.

Finance: Business Licensing Authority — entertainment expenses

- 4501. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance: In relation to the Business Licensing Authority's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my Finance portfolio responsibilities.

Finance: Coordinating Council on Control of Liquor Abuse — entertainment expenses

- 4502. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance: In relation to the Coordinating Council on Control of Liquor Abuse's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;

- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my Finance portfolio responsibilities.

Finance: Defence Reserves Re-Employment Board — entertainment expenses

4503. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Defence Reserves Re-Employment Board's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my Finance portfolio responsibilities.

Finance: Estate Agents Council — entertainment expenses

4505. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Estate Agents Council's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my Finance portfolio responsibilities.

Finance: Motor Car Traders Guarantee Fund Claims Committee — entertainment expenses

4509. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Motor Car Traders Guarantee Fund Claims Committee’s entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my Finance portfolio responsibilities.

Finance: Patriotic Funds Council — entertainment expenses

4510. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Patriotic Funds Council’s entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my Finance portfolio responsibilities.

Finance: Prostitution Control Act Advisory Committee — entertainment expenses

4511. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Prostitution Control Act Advisory Committee’s entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and

- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my Finance portfolio responsibilities.

Finance: Residential Tenancies Bond Authority — entertainment expenses

4513. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Residential Tenancies Bond Authority's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The organisation to which you refer does not fall within my Finance portfolio responsibilities.

Resources: Mining and Environment Advisory Committee — entertainment expenses

4556. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Resources: In relation to the Mining and Environment Advisory Committee's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The Mining and Environment Advisory Committee incurred no entertainment expenses in excess of \$500 in 2002–2003.

Resources: Quarry Managers Advisory Panel — entertainment expenses

4566. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Resources: In relation to the Quarry Managers Advisory Panel's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am informed that:

The Quarry Manager's Advisory Panel incurred no entertainment expenses in excess of \$500 in the year 2002-03.

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