

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

QUESTIONS ON NOTICE

Tuesday, 5 August 2014

(Extract from book 10)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

Premier, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. M. A. O'Brien, MP
Minister for Innovation, Minister for Tourism and Major Events, and Minister for Employment and Trade	The Hon. Louise Asher, MP
Minister for Local Government and Minister for Aboriginal Affairs.	The Hon. T. O. Bull, MP
Attorney-General, Minister for Finance and Minister for Industrial Relations.	The Hon. R. W. Clark, MP
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. D. K. Drum, MLC
Minister for Planning, and Minister for Multicultural Affairs and Citizenship	The Hon. M. J. Guy, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing	The Hon. D. J. Hodgett, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Energy and Resources, and Minister for Small Business.	The Hon. R. J. Northe, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs.	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs	The Hon. H. Victoria, MP
Minister for Higher Education and Skills	The Hon. N. Wakeling, MP
Minister for Agriculture and Food Security, and Minister for Water.	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mrs I. Peulich, MLC

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Ms Lovell, Ms Pennicuik, Mrs Peulich and Mr Scheffer.

Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Drum, #Mr Jennings, Mr Lenders, Ms Pennicuik and Mr Viney

Participating member

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford, Mr Ramsay and #Mr Scheffer.

Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Environment and Planning Legislation Committee — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmr, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Lewis, Mrs Millar, Mr D. R. J. O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmr, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Lewis, Mrs Millar, Mr D. R. J. O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

Participating member

Joint committees

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

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

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

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

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

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

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

House Committee — (*Council*): The President (*ex officio*) Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Ms Campbell, Ms Thomson, Mr Wakeling and Mr Weller.

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

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

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

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

Rural and Regional Committee — (*Council*): Mr D. R. J. O'Brien. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

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

Heads of parliamentary departments

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

Council — Acting Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmr, Mr Finn, Mr Melhem, Mr D. R. J. O'Brien, Mr Ondarchie, Ms Pennicuik,
Mr Ramsay, Mr Tarlamis

Leader of the Government:

The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. D. K. DRUM (from 17 March 2013)

The Hon. P. R. HALL (to 17 March 2013)

Deputy Leader of The Nationals:

Mr D. R. J. O'BRIEN (from 17 March 2013)

Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Melhem, Mr Cesar ²	Western Metropolitan	LP
Broad, Ms Candy Celeste ⁹	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise ⁴	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David ⁸	Eastern Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers ⁵	Eastern Victoria	LP	Pakula, Hon. Martin Philip ¹	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee ³	Northern Victoria	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald ⁷	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark ⁶	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leanders, Mr John	Southern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Lewis, Ms Margaret ¹⁰	Northern Victoria	ALP			

¹ Resigned 26 March 2013

² Appointed 8 May 2013

³ Resigned 1 July 2013

⁴ Appointed 21 August 2013

⁵ Resigned 3 February 2014

⁶ Appointed 5 February 2014

⁷ Resigned 17 March 2014

⁸ Appointed 26 March 2014

⁹ Resigned 9 May 2014

¹⁰ Appointed 11 June 2014

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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 Assembly.
 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.*

Tuesday, 5 August 2014

Community services: child protection

10 069. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services): In relation to the line item in the 2012–13 state budget ‘Demand for statutory frontline child protection’ of \$19 million over four years:

- (1) How much of the funding was expended in the 2012–13 financial year.
- (2) How much of the funding will be expended in the 2013–14 financial year.
- (3) How many of the 42 child protection workers promised were delivered in the 2012–13 financial year and in what locations have they been employed.
- (4) How many of the 42 child protection workers promised will be delivered in the 2013–14 financial year.

ANSWER:

I am informed that:

- (1) The allocated budget of \$4.9 million was fully expended in 2012–13.
- (2) As the financial year is not yet completed, funding is unable to be provided.
- (3) and (4)
 All 42 child protection worker positions were delivered in the 2012–13 financial year on an ongoing basis. One position was funded centrally. The remaining 41 positions were allocated to regions to recruit workers where demand pressures were greatest.

Community services: early childhood educators

10 070. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services): In relation to the line item in the 2012–13 state budget ‘Early Childhood Development Workers’ of \$2.3 million over four years:

- (1) How much of the funding was expended in the 2012–13 financial year.
- (2) How many of the five early childhood development workers promised were employed in 2012–13 as a direct result of the funds and in what locations were the additional workers employed.
- (3) How much of the funding will be expended in the 2013–14 financial year.
- (4) How many of the five early childhood development workers promised will be employed in 2013–14 as a direct result of the funds and in what locations will the additional workers be employed.

ANSWER:

I am informed that:

- (1) The allocated budget outcome was fully expended in 2012–13.

- (2) All five early childhood development workers were employed on a full-time ongoing basis in the Child FIRST catchments of Central Highlands, Wimmera, Mallee, North Central, Latrobe Baw Baw, Wellington, South Coast and East Gippsland.
- (3) As the financial year is not yet completed, funding is unable to be provided.
- (4) In 2013–14 the five full-time ongoing early childhood development workers will be employed in the same locations as above.

Community services: child protection

10 075. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services): In relation to the line item in the 2012–13 state budget ‘Improving the response to sexual assault — Multi-Disciplinary Centres’ of \$9.2 million over four years:

- (1) How much of the funding was expended in the 2012–13 financial year.
- (2) How much of the funding will be expended in the 2013–14 financial year.

ANSWER:

I am informed that:

- (1) The allocated budget of \$800 000 was fully expended in 2012–13.
- (2) As the financial year is not yet completed, funding is unable to be provided.

Community services: child protection

10 076. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services): In relation to the line item in the 2012–13 state budget ‘Permanent care and stability project’ of \$3.6 million over four years:

- (1) How much of the funding was expended in the 2012–13 financial year.
- (2) How much of the funding will be expended in the 2013–14 financial year.

ANSWER:

I am informed that:

- (1) The allocated budget of \$1.7 million was fully expended in 2012–13.
- (2) As the financial year is not yet completed, funding is unable to be provided.

Community services: child protection

10 079. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services): In relation to the line item in the 2012–13 state budget ‘Treating problem sexual behaviours in children and young people’ of \$7.4 million over four years:

- (1) How much of the funding was expended in the 2012–13 financial year.
- (2) How much of the funding will be expended in the 2013–14 financial year.

ANSWER:

I am informed that:

In 2012–13 the allocated budget for the Sexually Abusive Behaviours Treatment Program was \$7.3 million over four years.

- (1) The allocated budget of \$1 million was fully expended in 2012–13.
- (2) As the financial year is not yet completed, funding is unable to be provided.

Community services: disability services

10 084. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services): In relation to the line item in the 2013–14 state budget ‘Aids and equipment’ of \$4 million over four years:

- (1) How much of the funding will be expended in 2013–14.
- (2) How many additional people will benefit from a subsidy as a direct result of funding in 2013–14.

ANSWER:

I am informed that:

- (1) As the financial year is not yet completed, funding is unable to be provided.
- (2) The number of people directly benefiting is not finalised. Expected outcomes are contained in the budget papers.

Community services: disability services

10 085. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services): In relation to the line item in the 2013–14 state budget ‘Improved disability accommodation support’ of \$62.4 million over four years:

- (1) How much of the funding will be expended in 2013–14.
- (2) What will the ‘innovative accommodation models’ under this initiative entail.

ANSWER:

I am informed that:

- (1) As the financial year is not yet completed, funding is unable to be provided.
- (2) This funding is to help meet the increasingly complex needs of people with disability living in government delivered supported accommodation. This funding strengthens core disability services, ensures that the services provided by the department are sustainable into the future, and builds a solid basis for efficient transition to a sustainable national disability insurance scheme.

Community services: child protection

10 105. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services):

- (1) What is the current definition of a category 1 incident.
- (2) Has the definition of a category 1 incident changed since December 2010.
- (3) What was the definition of a category 1 incident on —
 - (a) 1 January 2013;
 - (b) 1 January 2012; and
 - (c) 1 January 2011.
- (4) How many category 1 incident reports were received by the minister’s office from —
 - (a) 1 December 2010 to 30 June 2011;
 - (b) 1 July 2011 to 30 June 2012;
 - (c) 1 July 2012 to 30 June 2013;

- (d) 1 July 2013 to 31 December 2013; and
- (e) 1 January 2014 to 31 January 2014.

ANSWER:

I am informed that:

Information about category 1 incidents including updates of definitions can be found on the Department of Human Services website, www.dhs.vic.gov.au.

Community services: child protection

10 124. MS MIKAKOS — to ask the Minister for Housing (for the Minister for Community Services): In relation to children in state care in Victoria:

- (1) How many children who have been in state care for at least 12 months have not had a doctor's or dentist's appointment in the past 12 months.
- (2) How many children are not currently enrolled in a school.
- (3) Of those children not enrolled, how many have received education through a tutoring arrangement.

ANSWER:

I am informed that:

- (1) The specific data requested is embedded in specific case file notes and can only be reliably extracted by manual collection.
- (2) 5.5 per cent of school age children (5–17 years) are not enrolled at school. The largest group of these are five-year-olds who are yet to commence school. For the remainder, the care team works with the young person to establish educational and/or vocational arrangements
- (3) The specific data requested is embedded in specific case file notes and can only be reliably extracted by manual collection.

Children and early childhood development: coronial recommendations

10 453. MS PENNICUIK — to ask the Minister for Children and Early Childhood Development (for the Minister for Community Services): What action has been taken by the Department of Human Services to implement the recommendations of the State Coroner in the following inquests:

- (1) No. 516607–Recommendations 1 and 2;
- (2) No. 143008–Recommendations 2 and 3;
- (3) No. 375309–Recommendations 2 to 6;
- (4) No. 251005–Recommendations 1 to 4; and
- (5) No. 337507–Recommendation 3.

ANSWER:

I am informed that:

Information about the coroner's findings and recommendations, and my department's response can be found on the Coroner's Court Victoria website <http://www.coronerscourt.vic.gov.au>.

Disability services and reform: individual support packages

10 457. MS HARTLAND — to ask the Minister for Housing (for the Minister for Disability Services and Reform): In relation to the announcement of 720 new individual support packages for people with disabilities who have high support needs, how many of these will be delivered by the end of 2013–14.

ANSWER:

I am informed that:

- (1) As the 2013–14 financial year is not yet complete, it is not possible to report on Individual Support Packages delivered across the full year.

Public transport: Australian railway monument

10 459. MR TARLAMIS — to ask the Minister for Planning (for the Minister for Public Transport): What is the reason for Victoria not participating in the Australian Railway Monument, in regional New South Wales, commemorating railway men and women who have lost their lives in railway accidents since 1850.

ANSWER:

Victoria is participating in the project. The project is expected to be completed by December 2014.

Attorney-General: self-represented litigants

10 462. MS PENNICUIK — to ask the Minister for Crime Prevention (for the Attorney-General): Is the Department of Justice or any other organisation monitoring the impact that self-representation has on litigants and the justice system, including:

- (1) The outcomes of proceedings.
- (2) The views of self-represented litigants about the conduct of the proceedings and the outcomes.
- (3) The views of judicial officers about the conduct of the proceedings and the outcomes where either party is self-represented.
- (4) The views of judicial officers on the impacts on courts and timely justice.

ANSWER:

I am advised that:

The Department of Justice is aware of the impact that self-representation has on litigants and the justice system. It receives data from the courts, and information from relevant registry staff and judicial officers, regarding the matter. The department also consults with the Federation of Community Legal Centres, Victoria Legal Aid and other stakeholders regarding self-representation in the civil justice system.