

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

QUESTIONS ON NOTICE

Tuesday, 10 February 2015

(Extract from book 2)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
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Minister for Industry, and Minister for Energy and Resources	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports.	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Small Business, Innovation and Trade	The Hon. A. Somyurek, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Joint committees

Environment and Natural Resources Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson and Ms Ward.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Mr J. Bull, Ms Blandthorn, Mr Dimopoulos, Ms Kealy, Ms Kilkenny and Mr Pesutto.

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-EIGHTH PARLIAMENT — FIRST SESSION**

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmr, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay.

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

The Hon. D. K. DRUM

Leader of the Greens:

Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	Mulino, Mr Daniel	Eastern Victoria	ALP
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Brien, Mr Daniel David	Eastern Victoria	Nats
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFP

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs

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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 is the heading to each question.*

Tuesday, 10 February 2015

Premier

- 1. MR RICH-PHILLIPS** — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:
- (1) For what reason was the administration of the Adoption Act 1984 assigned jointly and severally to the Attorney General and the Minister for Families and Children.
 - (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Adoption Act 1984 was administered jointly and severally by the Attorney-General and the Minister for Community Services. As the Community Services portfolio has now been reallocated, it was decided that it was appropriate to transfer the responsibilities of the Minister for Community Services under that Act to the new Minister for Families and Children. The subject matter of the Act is related to the portfolio responsibilities of both the Attorney-General and the Minister for Families and Children.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

- 2. MR RICH-PHILLIPS** — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:
- (1) For what reason was the administration of the Children, Youth and Families Act 2005 assigned jointly and severally to the Attorney General and the Minister for Families and Children.
 - (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Children, Youth and Families Act 2005 was administered jointly and severally by the Attorney-General and the Minister for Community Services. As the Community Services portfolio has now been reallocated, it was decided that it was appropriate to transfer the responsibilities of the Minister for Community Services under that Act to the new Minister for Families and Children. The subject matter of the Act is related to the portfolio responsibilities of both the Attorney-General and the Minister for Families and Children.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

- 3. MR RICH-PHILLIPS** — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:
- (1) For what reason was the administration of the Family Violence Protection Act 2008 assigned jointly and severally to the Attorney General and the Minister for the Prevention of Family Violence.
 - (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Family Violence Protection Act 2008 was administered solely by the Attorney-General. As the Government has established a new portfolio for the Prevention of Family Violence, it was decided that it was appropriate to make the Attorney-General and the Minister for the Prevention of Family Violence jointly and severally responsible for administration of the Act. The subject matter of the Act is related to the portfolio responsibilities of both the Attorney-General and the Minister for the Prevention of Family Violence.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

- 4. MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:
- (1) For what reason was the administration of the Relationships Act 2008 assigned jointly and severally to the Attorney General and the Minister for Equality.
 - (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Relationships Act 2008 was administered solely by the Attorney-General. As the Government has established a new portfolio for Equality, it was decided that it was appropriate to make the Attorney-General and the Minister for Equality jointly and severally responsible for administration of the Act. The subject matter of the Act is related to the portfolio responsibilities of both the Attorney-General and the Minister for Equality.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

- 5. MR RICH-PHILLIPS** — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:
- (1) For what reason was the administration of the Aboriginal Lands Act 1991 assigned jointly and severally to the Minister for Aboriginal Affairs and the Minister for Environment, Climate Change and Water.

- (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Aboriginal Lands Act 1991 was administered jointly and severally by the Minister for Aboriginal Affairs and the Minister for Environment and Climate Change. This allocation of responsibility is retained under the General Order dated 4 December 2014. The only change is to the portfolio name of the Minister for Environment and Climate Change which is now the Minister for Environment, Climate Change and Water. The subject matter of the Act is related to the portfolio responsibilities of both the Minister for Aboriginal Affairs and the Minister for Environment, Climate Change and Water.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

6. **MR RICH-PHILLIPS** — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:

- (1) For what reason was the administration of the State Concessions Act 2004 assigned jointly and severally to the Minister for Families and Children and the Minister for Housing, Disability and Ageing.
- (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the State Concessions Act 2004 was administered solely by the Minister for Community Services. As the Community Services portfolio has now been reallocated, it was decided that it was appropriate to make the new Minister for Families and Children and the Minister for Housing, Disability and Ageing jointly and severally responsible for the Act. The subject matter of the Act is related to the portfolio responsibilities of both the Minister for Families and Children and the Minister for Housing, Disability and Ageing.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

7. **MR RICH-PHILLIPS** — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:

- (1) For what reason was the administration of the Transport Accident Act 1986 assigned jointly and severally to the Minister for Finance and the Minister for Roads and Road Safety.
- (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Transport Accident Act 1986 was previously administered solely by the Assistant Treasurer. Under the General Order dated 4 December 2014, the Minister for Finance and the Minister for Roads and Road Safety were jointly and severally responsible for the Act.

Under the revised General Order dated 1 January 2015, the Minister for Finance administers the Act, except for certain provisions of the Act which are administered either jointly and severally, or jointly, with the Minister for Roads and Road Safety. The subject matter of these provisions is related to the portfolio responsibilities of both the Minister for Finance and the Minister for Roads and Road Safety.

- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act. Joint administration of the Act requires the Ministers to act together when exercising powers and functions under the Act.

Premier

8. **MR RICH-PHILLIPS** — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:

- (1) For what reason was the administration of the Abortion Law Reform Act 2008 assigned jointly and severally to the Minister for Health and the Minister for Women.
- (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Abortion Law Reform Act 2008 was administered jointly and severally by the Minister for Health and the Minister for Women's Affairs. This allocation of responsibility is retained under the General Order dated 4 December 2014. The only change is to the portfolio name of the Minister for Women's Affairs which is now the Minister for Women. The subject matter of the Act is related to the portfolio responsibilities of both the Minister for Health and the Minister for Women.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

9. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:

- (1) For what reason was the administration of the Transport Integration Act 2010 assigned jointly and severally to the Minister for Ports, the Minister for Public Transport and the Minister for Roads and Road Safety.
- (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Transport Integration Act 2010 was administered jointly and severally by the Minister for Ports, the Minister for Public Transport and the Minister for Roads, except for certain provisions of the Act which were administered by one or more of these Ministers. This allocation of responsibility is retained under the General Order dated 4 December 2014. The only change is to the portfolio name of the Minister for Roads which is now the Minister for Roads and Road Safety. The subject matter of the Act is related to the portfolio responsibilities of all three Ministers.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

10. MR RICH-PHILLIPS — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:

- (1) For what reason was the administration of the Melbourne Cricket Ground Act 2009 assigned jointly and severally to the Minister for Tourism and Major Events and the Premier.
- (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Melbourne Cricket Ground Act 2009 was administered jointly and severally by the Minister for Sport and Recreation and the Premier. As part of the Government's machinery of government changes, it was decided that it was appropriate for responsibility for major sporting venues to be transferred from the Minister for Sport and Recreation to the Minister for Tourism and Major Events. No changes were made to the Premier's responsibilities in respect of the Act.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Premier

11. MR RICH-PHILLIPS — to ask the Special Minister of State (for the Premier): In relation to the General Order signed by the Premier on 4 December 2014:

- (1) For what reason was the administration of the Melbourne and Olympic Parks Act 1985 assigned jointly and severally to the Minister for Tourism and Major Events and the Premier.
- (2) In the event of inconsistency in the Ministers' administration of the Act, which Minister will take precedence.

ANSWER:

I am informed that:

- (1) Under the previous General Order dated 17 March 2014, the Melbourne Olympic Parks Act 1985 was administered jointly and severally by the Minister for Sport and Recreation and the Premier, except for certain provisions of the Act which were administered by the Minister for Environment and Climate Change. As part of the Government's machinery of government changes, it was decided that it was appropriate for responsibility for major sporting venues to be transferred from the Minister for Sport and Recreation to the Minister for Tourism and Major Events. No changes were made to the allocation of other responsibilities in respect of the Act.
- (2) Joint and several administration of the Act means that the responsible Ministers may act together or separately when exercising powers and functions under the Act.

Corrections

12. MR O'DONOHUE — to ask the Minister for Training and Skills (for the Minister for Corrections):
How many prisoners were in the Victorian male prison system on —

- (a) 5 December 2014;
- (b) 8 December 2014;
- (c) 9 December 2014;
- (d) 10 December 2014;
- (e) 11 December 2014;
- (f) 12 December 2014;
- (g) 15 December 2014;
- (h) 16 December 2014;
- (i) 17 December 2014;
- (j) 18 December 2014; and
- (k) 19 December 2014.

ANSWER:

I am advised that:

- (1) 6018
- (2) 6028
- (3) 6005
- (4) 6014
- (5) 6011
- (6) 5996
- (7) 6015
- (8) 5998
- (9) 5966
- (10) 5970
- (11) 5965

Corrections

13. MR O'DONOHUE — to ask the Minister for Training and Skills (for the Minister for Corrections):
How many prisoners were in the Victorian female prison system on —

- (a) 5 December 2014;
- (b) 8 December 2014;
- (c) 9 December 2014;
- (d) 10 December 2014;
- (e) 11 December 2014;
- (f) 12 December 2014;
- (g) 15 December 2014;

- (h) 16 December 2014;
- (i) 17 December 2014;
- (j) 18 December 2014; and
- (k) 19 December 2014.

ANSWER:

I am advised that:

- (a) 448
- (b) 444
- (c) 441
- (d) 436
- (e) 437
- (f) 441
- (g) 437
- (h) 439
- (i) 438
- (j) 435
- (k) 435

Corrections

- 14. MR O'DONOHUE** — To ask the Minister for Training and Skills (for the Minister for Corrections):
How many male prisoners were held in police cells in Victoria at 7am on —

- (a) 5 December 2014;
- (b) 8 December 2014;
- (c) 9 December 2014;
- (d) 10 December 2014;
- (e) 11 December 2014;
- (f) 12 December 2014;
- (g) 15 December 2014;
- (h) 16 December 2014;
- (i) 17 December 2014;
- (j) 18 December 2014; and
- (k) 19 December 2014.

ANSWER:

I am advised that:

- (a) 103
- (b) 83

- (c) 89
- (d) 92
- (e) 97
- (f) 89
- (g) 86
- (h) 76
- (i) 87
- (j) 112
- (k) 96

Corrections

- 15. MR O'DONOHUE** — To ask the Minister for Training and Skills (for the Minister for Corrections): How many female prisoners were held in police cells in Victoria at 7am on —
- (a) 5 December 2014;
 - (b) 8 December 2014;
 - (c) 9 December 2014;
 - (d) 10 December 2014;
 - (e) 11 December 2014;
 - (f) 12 December 2014;
 - (g) 15 December 2014;
 - (h) 16 December 2014;
 - (i) 17 December 2014;
 - (j) 18 December 2014; and
 - (k) 19 December 2014.

ANSWER:

I am advised that:

- (a) 7
- (b) 7
- (c) 4
- (d) 3
- (e) 11
- (f) 8
- (g) 14
- (h) 10
- (i) 12

- (j) 11
- (k) 6

Corrections

- 16. MR O'DONOHUE** — to ask the Minister for Training and Skills (for the Minister for Corrections): How many current parole orders were there on —
- (a) 4 December 2014;
 - (b) 11 December 2014; and
 - (c) 18 December 2014.

ANSWER:

I am advised that:

- (a) 1105
- (b) 1098
- (c) 1092

Corrections

- 17. MR O'DONOHUE** — to ask the Minister for Training and Skills (for the Minister for Police): In relation to the Government's policy to introduce 24-hour public transport to Metropolitan Melbourne on weekends:
- (1) When the public transport system is operating 24 hours a day, during what times will the Protective Services Officers be on duty.
 - (2) Will Protective Services Officers be located at all railway stations during these times.
 - (3) How many more Protective Services Officers will be required to fulfil the additional operating hours.
 - (4) What will be the annual cost of employing these additional Protective Services Officers.

ANSWER:

I am advised that:

The government is working with Victoria Police to determine the resourcing and operational requirements for Protective Services Officers' presence to support a twelve month trial of 24 hour train service on weekends.

Corrections

- 18. MR O'DONOHUE** — to ask the Minister for Training and Skills (for the Minister for Corrections): In relation to the Government's policy to introduce custody officers to manage the Victorian police cell system:
- (1) How many custody officers will be required.
 - (2) When will recruitment begin.
 - (3) When will the first custody officers be operational.
 - (4) How much will the project cost.
 - (5) Once fully operational, what will be the annual cost of the custody officers.

ANSWER:

I am advised that:

As this matter falls within the responsibility for the Minister for Police, I will respond to the question.

Given the former government's poor record in this area, the government is working with Victoria Police to determine the resourcing and operational requirements for custody officers to manage police cells.

A number of issues, including potential legislative change, will need to be considered to support the transition of police cells management from police officers to custody officers.