

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

**WRITTEN RESPONSES TO QUESTIONS
WITHOUT NOTICE**

10 March to 23 March 2017

(Extract from book 6)

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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(from 10 November 2016)

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Legislative Council committees

Privileges Committee — Ms Hartland, Mr Herbert, Ms Mikakos, Mr O’Sullivan, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — #Mr Barber, Mr Bourman, #Ms Dunn, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

Standing Committee on the Environment and Planning — #Mr Barber, Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Eideh, #Ms Hartland, Mr Melhem, #Mr Purcell, #Mr Ramsay, Ms Shing, #Ms Symes and Mr Young.

Standing Committee on Legal and Social Issues — #Mr Barber, #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, #Ms Hartland, Mr Mulino, Mr O’Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Joint committees

Accountability and Oversight Committee — (*Council*): Mr O’Sullivan, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O’Brien, Mr Pakula, Ms Richardson and Mr Walsh.

Economic, Education, Jobs and Skills Committee — (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall.

Electoral Matters Committee — (*Council*): Ms Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence.

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish.

House Committee — (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young. (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Hibbins, Mr D. O’Brien, Mr Richardson, Ms Thomson and Mr Wells.

Law Reform, Road and Community Safety Committee — (*Council*): Mr Eideh and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Patten, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, 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 — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Deputy President:

Mr K. EIDEH

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Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
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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
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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	SFFP

² Appointed 15 April 2015

³ Resigned 27 May 2016

¹ Resigned 25 February 2015

⁴ Appointed 12 October 2016

PARTY ABBREVIATIONS

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

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WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form provided to Hansard and received in the period shown.

10 March to 23 March 2017

Princes Highway west

Question asked by: Mr Purcell
Directed to: Minister for Agriculture
Asked on: 8 March 2017

RESPONSE:

I support the construction of more overtaking lanes on the Princes Highway, between Colac and the South Australian border.

In the 2016-17 State Budget, the Government provided \$51.6 million for a Regional Overtaking Lanes package to reduce the risk of crashes and improve travel times and reliability on a number of regional roads.

Under the Regional Overtaking Lanes package, \$6.7 million will be provided to construct two overtaking lanes on Princes Highway West at Weerite.

VicRoads will be undertaking further investigations to determine options to improve the capacity of Princes Highway West, between Colac and the South Australian border.

Public transport

Question asked by: Ms Dunn
Directed to: Minister for Agriculture
Asked on: 8 March 2017

RESPONSE:

The current Franchise agreements have been in place since 2009 and are due to expire in November 2017. These agreements provide that subject to satisfying necessary conditions, the operators have a right to negotiate exclusively with government for new seven year franchise terms.

Both operators met the necessary conditions and now the government is in a 'good faith' negotiation process with them.

However, in negotiating new contracts, the government is requiring significantly stronger standards than in the current contracts, particularly in the areas of performance; passenger experience; maintenance and renewal of the asset base; accessibility and restrictions on advertising content.

These improvements have been designed to make the operators more open and accountable to passengers, and create a safer, more accessible and user-friendly transport system.

Both MTM and Yarra Trams have now submitted formal proposals to operate the train and tram network respectively for the next seven years. The proposals are being evaluated and a decision is expected to be made later in the year.

Should appropriate terms not be reached with the incumbent franchisees during the negotiations, the government may pursue alternative options.

Gas supply

Question asked by: Mr Rich-Phillips
Directed to: Special Minister of State
Asked on: 9 March 2017

RESPONSE:

The Victorian Government will take appropriate and practical actions, within the regulatory environment and national market place, to promote reliability of gas supply for Victorian consumers. Victoria continues to be a net exporter of gas. At present the national gas market prioritises exports over domestic consumption, even in the event of a shortfall.

The Victorian Premier has therefore written to the Prime Minister proposing that Victoria work with the Commonwealth Government to investigate national gas market rule changes and other national policies that will put Australian consumers and manufacturers first.

The Victorian Government will also support national initiatives to increase the competitiveness of national gas markets, including reforms to wholesale gas trading markets, pipeline access and information provision. These reforms, which are being led by the COAG Energy Council, will help free up pipeline capacity so that gas can flow to those locations where it is needed the most, including Victoria.

TAFE advertising

Question asked by: Ms Wooldridge
Directed to: Minister for Training and Skills
Asked on: 9 March 2017

RESPONSE:

- Victorian TAFE Institutes operate under a structure of autonomous governance, overseen by a Board of Directors.
- TAFEs conduct and manage their own marketing and advertising activities, designed to meet the business and student recruitment objectives of their institute.
- TAFEs are required to comply with the Victorian Government Communication Guidelines in their communications.
- The Department of Education and Training reviews all major advertising campaigns by TAFEs as part of the Annual Advertising Plan process, as well as major content — such as television commercials. Local marketing collateral is not reviewed due to the volume generated by TAFEs.

Ararat correctional facility

Question asked by: Mr Morris
Directed to: Minister for Corrections
Asked on: 9 March 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The premise of the question is wrong. The cost to which the question refers to was prior to the release of the Harper Review. This original design, infrastructure requirements and costings for the 20-bed secure facility were developed on the basis that the facility would only accommodate serious sex offenders.

Subsequently, and in line with the Government's response to the Harper Review, the secure facility will now accommodate both sex offenders and serious violent offenders. This eliminates the need to construct two separate facilities.

The co-location of the two cohorts in the same facility creates additional design, infrastructure, security and staffing requirements that cannot be met within the 2016-17 Budget allocation. The total facility cost will be established as the design and procurement process progresses.

Malmsbury Youth Justice Centre

Question asked by: Ms Crozier
Directed to: Minister for Families and Children
Asked on: 9 March 2017

RESPONSE:

The member is incorrect, yet again, as I am advised that no Provisional Improvement Notices have been issued by WorkSafe at Malmsbury Youth Justice Centre recently.

The safety of staff and young offenders is of the upmost importance and my department is constantly working to improve safety, training and workplace practices, including addressing any concerns raised by Worksafe.

Duck season

Question asked by: Mr Young
Directed to: Minister for Agriculture
Asked on: 9 March 2017

RESPONSE:

Duck hunting in Victoria is regulated, on the advice of the Game Management Authority, to ensure the long term sustainability of game populations.

This has resulted in the ban on the hunting of the Blue-winged Shoveler for the 2017 duck hunting season in Victoria. This is a reflection of the very low indices of abundance for Blue-winged Shoveler over the last two decades despite periods of improved environmental conditions, particularly between 2010–2012.

Regulation of duck hunting in Victoria will be strengthened and improved through the Sustainable Hunting Action Plan. The Plan commits to implement a Waterfowl Conservation Harvest Model. The model will use the best scientific methods to predict the impact of environmental factors and hunting on game duck populations. This information will inform decision making to ensure the sustainable management of game ducks, including matters such as changes in bag limits for hunters.

Safe Schools program

Question asked by: Dr Carling-Jenkins
Directed to: Minister for Training and Skills
Asked on: 9 March 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The Safe Schools program provides evidence-based information, resources and professional learning to schools to foster school environments that are safe, supportive and inclusive of all students, including students who are same sex attracted, intersex and gender diverse. The program supports schools to prevent, and respond to, incidents of homophobia and transphobia.

The Department of Education and Training encourages parental and school community engagement as part of the Safe Schools program.

Schools that are engaged with the program have made a public commitment to build ‘an environment that is safer and more inclusive for the whole school community’. How this commitment is implemented is at the school’s discretion and therefore looks different for each school. This is often achieved in consultation with students, school council and the broader school community. It can involve, for example, a review of school policies and practice, professional development for school staff, and establishing a student-led group to organise inclusive events.

The Department encourages parents to discuss any concerns regarding their child’s participation in the program directly with the school principal.

RESPONSE TO SUPPLEMENTARY QUESTION:

The Victorian Government has committed to expand the Safe Schools program to all Victorian government secondary schools by the end of 2018. This includes government special schools with secondary school aged students.

The Safe Schools program is about making sure all children are safe at school and are provided with an environment where they can be happy, confident and resilient. Students cannot learn effectively if they are being bullied, harassed and do not feel safe at school.

Research shows that the percentages of people who are same sex attracted, transgender or gender diverse is the same across all population groups regardless of ability. LGBTI students at special schools deserve safe, supportive and inclusive school environments, the same as their peers at mainstream schools.

The Safe Schools resources are evidence-based and age-appropriate. Schools have flexibility in which resources they use and how they use them. Teachers use their judgement to determine what is appropriate for their students, based on their age, abilities, level of understanding, local context and other factors. This is something that teachers do every day, in every class and in every interaction with their students.

Safe Schools provides professional learning to school staff to ensure they are equipped to deliver the program in schools through school policy and practice, student-led activities and inclusive teaching and learning activities.

Heyfield timber mill

Question asked by: Mr Rich-Phillips
Directed to: Special Minister of State
Asked on: 21 March 2017

RESPONSE:

The offer made to ASH was for a three year contract consisting of one year's timber supply at 80 000m³ and two years at 60 000m³. The offer also included a \$5 million industry support package including support for a business case for retooling.

VicForests' consistent advice to Government has been that it was not able to offer ASH a longer timber supply agreement, or an agreement for greater timber volumes, without risking the future of Victoria's timber industry.

The Government believes that the Heyfield mill can continue to operate at the proposed volumes. Even operating at 60 000 m³ per year, the Heyfield mill would remain the largest appearance and structural grade timber mill in Victoria. It would also be the second largest timber sawlog timber mill by total volume.

The majority of Victoria's mills currently operate with timber supplies significantly below the levels offered to ASH.

The Government has requested ASH management work with Government to facilitate the sale of the Heyfield mill to a new operator to safeguard an equitable and fair outcome for workers and the community.

In the event that a new operator cannot be found, the Government is prepared to ensure that operations at the Heyfield mill continue as per the same commercial terms offered to ASH today.

The Government will investigate all options to achieve this objective, and pending an independent evaluation, does not rule out assuming operation of the mill at a fair and reasonable value in the event that it becomes necessary.

In the event that purchase by the Government is required, the independent evaluation would determine a fair and reasonable purchase price, as well as any associated costs to Government.

Local government rates

Question asked by: Mr Purcell
Directed to: Minister for Small Business, Innovation and Trade
Asked on: 21 March 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The Victorian Governments' Fair Go Rates policy is delivering for all Victorians. Councils in Victoria have increased their income from rates in 2016-17 by a lot less, on average, than they have for the past decade.

Under our Fair Go Rates system, councils keep the ability to discount rates for farmers and most rural and regional councils are continuing to do this.

The Local Government Act 1989 allows councils to charge different rates for different land uses through applying a differential rate. When a council decides to apply a differential rate, they must follow the process outlined in the Act. A decision to apply a particular rating structure (e.g. a rate for farm properties) is entirely a matter for a council to determine.

In setting differential rates, councils weigh up the relative impact of rates on individual and groups of ratepayers. Circumstances facing each municipality and its ratepayers are different. That is why the legislative framework puts the onus on individual councils to develop the right balance for their municipality, in consultation with their communities.

In April 2013, Ministerial Guidelines for Differential Rating were issued to assist councils make such decisions in a consistent manner. Councils must have regard to these guidelines before declaring a differential rate for any group of ratepayers.

I have been advised by the Department of Environment, Land, Water and Planning that while farming occupies more than 55 per cent of the state's land area, its farms account for less than 5 per cent of the total rate revenue.

The proportion of farm land varies from council to council. Each council decides how best to distribute the municipality's rate burden, and how farmers contribute fairly and reasonably compared to other ratepayers.

Given the varying circumstances facing individual councils and individual ratepayers, it would not be possible for the government to impose a single system across the state in a fair way. These are matters best left to councils to address, and to subsequently be held accountable by all their ratepayers.

In addition, sections 170 and 171 of the Local Government Act give councils discretion to defer or waive the whole or part of any rate, charge or interest for an individual on grounds of financial hardship.

I would encourage farmers having difficulties with paying their rates to discuss their situation with their councils.

Duck season

Question asked by: Ms Pennicuik
Directed to: Minister for Agriculture
Asked on: 22 March 2017

RESPONSE:

During the duck season, at specified times, entry into and remaining in all State Game Reserves and specified hunting areas is restricted.

Among others, people over the age of 12 holding a valid game and firearms licence are permitted to enter and remain in those areas.

People must be at least 12 years of age to obtain a game licence (or provisional licence that is valid for one year). Juniors (between 12 and 17 years of age), hunting with a Provisional Game licence, must be under the direct supervision of an adult holding a valid Game Licence for the species being hunted.

Juniors can also obtain a firearm licence in Victoria when they are aged between 12 and 17 years. Among other requirements, they can only carry and use that firearm under the immediate supervision of an adult with a full licence for the same category of firearm.

Metropolitan Remand Centre

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 22 March 2017

RESPONSE TO SUBSTANTIVE QUESTION:

Victoria police have charged the prisoners responsible for the riot. These prisoners are be answerable for their riotous behaviour through the Courts.

As outlined in the Walshe report, the review of information and intelligence does not suggest Corrections Victoria knew, or ought to have known, a riot of this magnitude would occur. And, the investigation by Victoria Police did not find evidence to suggest anything of this scale was planned.

Prisoner court attendance

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 22 March 2017

RESPONSE TO SUBSTANTIVE QUESTION:

There has been pressure in our police cells since the growth in the remand prisoner population, which begun in 2013.

It was in that year, under the watch of the former Coalition Government, that the number of prisoners in police cells peaked at 372. Likewise, it was in just four months in 2013 saw a record \$140 000 worth of missed court dates as the government of the day floundered to deal with the change in prison population.

Currently the Andrews Government are implementing a range of measures to manage the increase in remand prisoners, decrease pressure on police cells and help prisoners appear in court on time, including:

- increased use of video conferencing in courts
- early-morning receptions into the prison system
- the weekend remand court
- increased remand beds across the system.

The Justice Legislation (Evidence and Other Acts) Amendment Bill 2016, which came into effect in the second half of 2016, has significantly increased the use of video conferencing in court cases and reduced the need for prisoners to attend court in person.

Video-conferencing is now the default method of appearance in court for administrative matters.

Victoria Police, the courts and Corrections Victoria are continuing to work together to manage the increased flow of remand prisoners.

RESPONSE TO SUPPLEMENTARY QUESTION:

In the past week, no prisoners in Corrections Victoria's custody have been released due to an inability to deliver prisoners to court hearings on time.

Ravenhall prison project

Question asked by: Mr Finn
Directed to: Minister for Corrections
Asked on: 22 March 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The importance of implementing innovative responses to the unacceptable level of Aboriginal prisoners remains a key element of the Ravenhall prison project.

The Ravenhall prison project is being delivered as a public private partnership and will be privately operated by the GEO Group.

It will focus on reducing reoffending and on priority groups such as Aboriginal prisoners, younger prisoners, and those with a mental illness. The services will include post-release support initiatives.

The Gathering Place Medical Aboriginal Corporation is one of several service providers working with the GEO Consortium. I am advised that over the past two years they have worked with the GEO Consortium on developing a range of targeted and culturally appropriate programmatic initiatives designed to assist in responding to the over-representation of Aboriginal prisoners in the Victorian prison system. This phase of the work has now been completed.

I am advised that, after careful consideration, and following discussions with Corrections Victoria regarding a change in profile for the Ravenhall Correctional Centre to accommodate remand prisoners, GEO has determined to restructure the delivery of services to Aboriginal prisoners and is intending to develop service relationships with multiple Aboriginal organisations across the State rather than having sole reliance on a single organisation.

I am advised that The Gathering Place has been invited to remain involved in this multiple provider model.

RESPONSE TO SUPPLEMENTARY QUESTION:

None of the State's requirements for the Ravenhall prison project have changed. The organisation responsible for delivering them is the GEO consortium. The contract that the State has is with the Consortium.

If the Consortium does not fulfil its contractual obligations during the operational phase, including the delivery of services to Aboriginal prisoners, then there are a range of financial and contractual consequences.

To receive full payment, GEO must achieve a reduction in recidivism of 12 per cent for sentenced prisoners and importantly 14 per cent for sentenced Aboriginal prisoners.