

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**WRITTEN RESPONSES TO QUESTIONS  
WITHOUT NOTICE**

**12 May to 25 May 2017**

**(Extract from book 10)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(from 10 November 2016)

|   |                              |
|---|------------------------------|
| Premier . . . . .   | The Hon. D. M. Andrews, MP   |
| Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .  | The Hon. J. A. Merlino, MP   |
| Treasurer . . . . .   | The Hon. T. H. Pallas, MP    |
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| Minister for Small Business, Innovation and Trade . . . . .   | The Hon. P. Dalidakis, MLC   |
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| 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 Health and Minister for Ambulance Services . . . . .   | The Hon. J. Hennessy, MP     |
| 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 Consumer Affairs, Gaming and Liquor Regulation . . . . .   | The Hon. M. Kairouz, MP      |
| Minister for Families and Children, and Minister for Youth Affairs . . . . .  | The Hon. J. Mikakos, MLC     |
| Minister for Police and Minister for Water . . . . .  | The Hon. L. M. Neville, MP   |
| Minister for Industry and Employment, and Minister for Resources . . . . .  | 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 Training and Skills, and Minister for Corrections . . . . .  | The Hon. G. A. Tierney, MLC  |
| Minister for Planning . . . . .   | The Hon. R. W. Wynne, MP     |
| Cabinet Secretary . . . . .   | Ms M. Thomas, MP             |

### Legislative Council committees

**Privileges Committee** — Ms Hartland, 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 Elasmr, 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 Elasmr, 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 Elasmr 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 Pearson, Mr T. Smith, Ms Staley 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

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**President:**

The Hon. B. N. ATKINSON

**Deputy President:**

Mr K. EIDEH

**Acting Presidents:**

Ms Dunn, Mr Elasmarr, Mr Finn, Mr Melhem, 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:**

Mr L. B. O'SULLIVAN

**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     |
| Bath, Ms Melina <sup>2</sup>          | Eastern Victoria           | Nats   | Mulino, Mr Daniel                         | Eastern Victoria           | ALP    |
| Bourman, Mr Jeffrey                   | Eastern Victoria           | SFFP   | O'Brien, Mr Daniel David <sup>1</sup>     | Eastern Victoria           | Nats   |
| Carling-Jenkins, Dr Rachel            | Western Metropolitan       | DLP    | O'Donohue, Mr Edward John                 | Eastern Victoria           | LP     |
| Crozier, Ms Georgina Mary             | Southern Metropolitan      | LP     | Ondarchie, Mr Craig Philip                | Northern Metropolitan      | LP     |
| Dalidakis, Mr Philip                  | Southern Metropolitan      | ALP    | O'Sullivan, Luke Bartholomew <sup>4</sup> | Northern Victoria          | Nats   |
| 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 <sup>3</sup>    | 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   |
| Elasmarr, 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 <sup>5</sup> | 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          | SFFP   |

<sup>2</sup> Appointed 15 April 2015

<sup>3</sup> Resigned 27 May 2016

<sup>5</sup> Resigned 6 April 2017

<sup>1</sup> Resigned 25 February 2015

<sup>4</sup> 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

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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.*

**12 May to 25 May 2017**

**Energy Saver Incentive scheme**

**Question asked by:** Mr Purcell  
**Directed to:** Special Minister of State  
**Asked on:** 9 May 2017

**RESPONSE:**

I am advised that the Victorian Government does not receive data on energy efficiency upgrades in the Victorian Energy Efficiency Target (VEET) scheme until after the activity is undertaken. As such information on waiting times cannot be provided. Businesses and households seeking energy efficient upgrades directly contact approved businesses, as listed on the Victorian Government's Victorian Energy Saver website, or may be pro-actively contacted by these approved businesses.

Many businesses delivering energy efficiency activities in regional areas will arrange periodic visits to regional towns to ensure the volume of work is sufficient to cover their travel costs. This means that regional households may face longer wait times. However, this has not represented a barrier to uptake, with analysis by the Australian Bureau of Statistics finding that regional and metropolitan uptake rates were comparable. For some activities, such as water heating upgrades, regional Victoria experienced a greater uptake compared to metropolitan Victoria. A higher proportion of the calls to the contact centre, including complaints are from Melbourne metropolitan area rather than regional Victoria.

Approximately 60 000, or 8 per cent of households in regional Victoria received an energy upgrade of some kind under the VEET scheme in 2016. These upgrades chiefly involved lighting but can include improvements to hot water, heating and cooling and other energy efficiency opportunities. Since the scheme commenced in 2009, approximately 564 000 households in regional Victoria have received a VEET upgrade. Regional Victoria also accounts for 37 per cent of energy efficiency certificates generated since the scheme commenced, which is greater than the proportion of households in regional Victoria (approximately 34 per cent). This date indicates that regional Victorians are accessing and benefitting from the scheme.

**Voluntary assisted dying**

**Question asked by:** Dr Carling-Jenkins  
**Directed to:** Minister for Families and Children  
**Asked on:** 10 May 2017

**RESPONSE:**

The Voluntary Assisted Dying Ministerial Advisory Panel (the Panel) was appointed to provide Government with advice about how a safe and compassionate legislative framework for voluntary assisted dying could be implemented in Victoria, building on the work already undertaken by the Parliamentary Committee. It is not the role of the Panel to hear opinions for or against voluntary assisted dying.

The Panel has been conducting extensive consultations across the state on the details and practicalities of a voluntary assisted dying framework. To encourage participants to more fully explore ideas, they were told their individual contributions would not be publicly reported. For the same reason, permission was not sought for the department to publish written submissions. A range of stakeholders explicitly requested that their contribution be confidential. This included organisations and individuals with opinions for and against voluntary assisted dying. Every organisation and individual who made a submission can, and some already have, publish their submission.

The interim report, covering the key issues raised during the consultation process, has been released and is available on the department's website.

The final report is currently scheduled to be published in the middle of this year.

### **Youth justice system**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 11 May 2017

#### **RESPONSE TO SUPPLEMENTARY QUESTION:**

Any violent and anti-social behaviour that threatens the safety and security of youth justice centres is unacceptable and will not be tolerated.

As the member is well aware, the critical incident reporting system that is currently in place was established by the previous Liberal government.

A critical incident refers to a serious incident involving or impacting upon young people in youth justice centres or receiving services in the community, and Category One incidents are defined as having resulted in the most serious outcomes. My department has strict procedures to ensure that incidents are appropriately reported, responded to and monitored. The Department of Justice and Regulation also reports all alleged criminal behaviour in youth justice centres to Victoria Police, including all alleged assaults.

As was never the case under the previous government, incident reporting data is published publicly on a quarterly basis.

In addition, the Andrews Labor Government has legislated to ensure the Commission for Children and Young People receives serious incident reports, in its role providing independent oversight of services to young people in youth justice centres.

The Department of Justice and Regulation is reviewing incident reporting procedures to improve the system. This will be designed to ensure that the department's obligations are met and will allow for the continued reporting and oversight of incidents impacting young people in the department's care.

### **Youth justice system**

**Question asked by:** Ms Wooldridge  
**Directed to:** Special Minister of State  
**Asked on:** 11 May 2017

#### **RESPONSE:**

I am not aware of any allegations of that nature. While my portfolio has responsibility for administering the integrity and accountability-system and the Government's public sector reform program, managing inquiries into the conduct of any person, including a Minister, is outside the scope of my role.

Anyone who is concerned about the conduct of a Minister, a public sector employee or director of a public entity can refer the matter to the integrity and accountability system for investigation.

The Independent Broad-based Anti-corruption Commission receives protected disclosures and considers complaints about corrupt conduct and police misconduct, and the Ombudsman considers complaints about administrative action.

Complaints that are made to these bodies are considered by independent officers of Parliament and their employees, free from the direction or control of the Executive Government. People who make protected disclosures also benefit from a range of protections if they are made through the appropriate avenues.

### Youth justice system

**Question asked by:** Ms Springle  
**Directed to:** Minister for Families and Children  
**Asked on:** 11 May 2017

#### RESPONSE TO SUPPLEMENTARY QUESTION:

All youth detainees who were accommodated in Grevillea Youth Justice Centre have been moved to other youth justice centres. This occurred in line with the Supreme Court's orders.

The Government is examining the Court's reason for its decision and considering whether an appeal is appropriate.

Grevillea was a temporary measure to ensure the safety of young people and youth justice staff. The unit has been vital to ensuring young people in custody were kept in a secure environment.

The Government did not make the decision to establish a temporary youth justice facility lightly. It was faced with extraordinary circumstances after extensive damage to the Parkville Youth Justice Precinct left 60 beds unusable.

Remaining repairs and fortification works at Parkville will continue.

We will continue to do everything we can to keep the community, youth justice staff and young people in custody safe.

### Drug driving

**Question asked by:** Ms Patten  
**Directed to:** Minister for Agriculture  
**Asked on:** 11 May 2017

#### RESPONSE:

The Victorian Government is investing in a range of measures to reduce the level of trauma on our roads. The Towards Zero Road Safety Strategy and Action Plan is a \$1.2 billion investment which includes infrastructure, enforcement measures and public education campaigns.

Victoria has been proactive in the enforcement of illegal drugs in driving for well over 10 years. Our public education campaigns remind all Victorians that we all have a role to play in reducing trauma on Victoria's roads. This includes people who drink alcohol and those who may take illicit drugs.

In relation to the Transport Accident Commission's (TAC) latest public education campaign about drug driving, I can say this: while the young man in the television commercial appears to be in control of the vehicle, it does not mean he is not experiencing some form of impairment. That is the message the ad was designed to convey. While a person may no longer feel the 'high' of a drug, or feel impaired, the drug may still be present in their system and affect their driving capability.

There has been a lot of reaction from the public to this campaign and so the TAC and Victoria Police have provided information online to address these questions. They are available at the Towards Zero website:  
<https://www.towardszero.vic.gov.au/campaign/drug-driving>

In response to your supplementary question: A comprehensive study by Olaf Drummer and Suwan Yap of the Victorian Institute of Forensic Medicine in 2016 was carried out to determine the effect of prescribed drugs in road trauma. The results of the analysis showed that the crash risk was elevated for drivers using cannabis and amphetamines. Deceased drivers who tested positive for THC were 3 times more likely to be culpable than those without any drugs and alcohol in their system.  
<http://www.sciencedirect.com/science/article/pii/S0379073816000104>

### **Lobbyist code of conduct**

**Question asked by:** Mr Barber  
**Directed to:** Special Minister of State  
**Asked on:** 24 May 2017

#### **RESPONSE:**

The Lobbyist Code of Conduct was last updated in 2013. As part of the Government's accountability reform agenda, the Government will consider reforms to the Lobbyist Code of Conduct to improve the operation of the code.

### **Ararat correctional facility**

**Question asked by:** Mr O'Donohue  
**Directed to:** Minister for Corrections  
**Asked on:** 24 May 2017

#### **RESPONSE TO SUBSTANTIVE QUESTION:**

The Coalition fails to understand that the new secure facility in Ararat, like Corella Place, is not a prison.

Both Corella Place and the new secure facility are specialist facilities, which provide supervision for our most serious offenders, to keep the community safe while also focusing on rehabilitation.

The new secure facility forms a key part of the Government's response to the Harper Review and its commitment to strengthen the post-sentence supervision and detention scheme and keep the community safe.

With the changes we are implementing, Victoria will have the most comprehensive post-sentence scheme for serious offenders in the country. As such there are no other facilities like the one we are building in Ararat: comparisons between other states simply don't exist.

The costs of the new specialist facility reflect its emphasis on intensive treatment and supervision, with a range of programs and services provided to protect the community and rehabilitate offenders, consistent with the purposes of the post-sentence legislation.

A highly trained, multi-disciplinary team of staff will maintain a safe, secure and therapeutic environment for offenders ordered to live at the facility by the courts.

Without these facilities, more serious sex and violent offenders would be released into the community-with no supervision or management. Unlike the Coalition, the Andrews Government is committed to implementing the Harper Review in its entirety, which puts the safety of the community first by investing in thorough, evidence-based management of serious offenders.

### **Youth justice system**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 May 2017

#### **RESPONSE:**

Neil Comrie AO APM was commissioned by the Department of Health and Human Services to conduct an independent review of this incident including the circumstances leading up to the escape and compliance with operating procedures and guidelines leading up to and during the incident.

Maintaining a high level of safety and security is a priority for all staff at Youth Justice Custodial Facilities. SERT play a critical role in responding where incidents have escalated to the point where safety and security is

compromised. Where necessary SERT and centre management will call for a Police response to assist or take control of the incident.

Since the machinery of government change, all SERT staff have received additional tactical operations training.

While the member may not back our hard working staff, I do.

This is why our government has introduced legislation that will see tougher consequences for assaulting staff, causing property damage, escaping or attempting to escape whilst incarcerated.

### **Youth justice system**

**Question asked by:** Ms Wooldridge  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 May 2017

#### **RESPONSE TO SUBSTANTIVE QUESTION:**

The Government is still examining the Supreme Court's decision handed down on 12 May and has until 9 June to decide whether to appeal. As legal proceedings may not have concluded, it would be inappropriate for me to comment on legal costs at this stage.

Acting in accordance with the Supreme Court's orders, all young people were moved from Grevillea by 12 May 2017, and relocated to either Malmsbury or Parkville Youth Justice Precincts.

Grevillea was never intended to be a long term accommodation option for young people in Youth Justice custody. The unit was temporarily established to ensure sufficient capacity in the youth justice custodial system due to urgent capacity issues caused by the loss of beds at Parkville Youth Justice Precinct after the riots in mid-November 2016.

### **Melbourne Youth Justice Centre**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 May 2017

#### **RESPONSE TO SUPPLEMENTARY QUESTION:**

Since November 2016, a program of works has been in place at the Parkville Youth Justice Precinct to not only repair the facility, but to fortify and strengthen the infrastructure to support the safe and secure detention of young offenders and greater security for staff.

All units currently under refurbishment at the Parkville Youth Justice Precinct have had building permits issued for the works. I am advised that each building permit requires fire system certification prior to an occupancy permit being issued.

In addition, I am further advised that our Central Safety Measures contract includes regular inspection and testing of all fire-related systems at each youth justice centre.

**Youth justice system**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 May 2017

**RESPONSE TO SUPPLEMENTARY QUESTION:**

Decisions made by the Department regarding which young people were to be transferred to Grevillea Youth Justice Centre took into account all of the relevant circumstances including their involvement in incidents, the suitability of the young person and their needs. Consideration was given to requirements under the Children, Youth and Families Act 2005 and the Charter of Human Rights and Responsibilities Act 2006.

A Client Movement Panel was also established to provide advice regarding the transfer of young people to the Grevillea Youth Justice Centre.