

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

**WRITTEN RESPONSES TO QUESTIONS
WITHOUT NOTICE**

25 August to 8 September 2017

(Extract from book 15)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 13 September 2017)

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
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	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 Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	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 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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

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
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
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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 (until 23 August 2017)	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 Finn, Mr Gepp, 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 Elasmr, #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 Morris, Mr Mulino, 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.

Fire Services Bill Select Committee — Ms Hartland, Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

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, Ms Hutchins, Mr Merlino, Mr M. O’Brien, Mr Pakula 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 Bath, Ms Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon 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*): Dr Carling-Jenkins and 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 Gepp 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 — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

Council — Acting Clerk of the Parliaments and 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 Elasmr, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, 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 ¹	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ⁶	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ²	Western Metropolitan	AC	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 ⁷	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 ³	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	VILJ
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
Gepp, Mr Mark ⁴	Northern Victoria	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph ⁵	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Appointed 16 April 2015

² DLP until 26 June 2017

³ Resigned 27 May 2016

⁴ Appointed 7 June 2017

⁵ Resigned 6 April 2017

⁶ Resigned 25 February 2015

⁷ Appointed 13 October 2016

PARTY ABBREVIATIONS

AC — Australian Conservatives; 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; VILJ — 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.

25 August to 8 September 2017

Leadbeater's possum

Question asked by: Ms Dunn
Directed to: Special Minister of State
Asked on: 25 May 2017

RESPONSE:

The Government believes that this question should have been directed to the Minister for Energy, Environment and Climate Change and as a consequence I am answering this question on her behalf.

The review of the 200-metre timber harvesting exclusion zones has been completed and the report on the review was released in July 2017 and is available online:
https://www.wildlife.vic.gov.au/__data/assets/pdf_file/0033/73869/eadbeaters-Possum-Review-Report-July-2017.pdf.

The review has been conducted with input from the Department of Environment, Land, Water and Planning (DELWP), including the Arthur Rylah Institute, and VicForests as they hold the required data and expertise to meet the objectives of the review.

The review draws on the best available science, including references to scientific findings by Professor David Lindenmayer from the Australian National University and Dr Dan Harley from Zoos Victoria. The review has also considered Leadbeater's Possum records located since implementation of the Leadbeater's Possum Advisory Group (LPAG) recommendations commenced in 2014, including records identified by members of community groups such as the Friends of the Leadbeater's Possum.

The report makes several recommendations which are now being considered.

Equal opportunity legislation

Question asked by: Ms Pennicuik
Directed to: Minister for Corrections
Asked on: 22 August 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The Victorian Government welcomes the release of the Royal Commission's Criminal Justice report, which makes 85 recommendations that aim to improve the operation of the criminal justice system. In this report, the Royal Commission recommended that each state and territory government should introduce legislation to create a criminal offence for failing to report child sexual abuse in institutions.

The Royal Commission also recommended that there be no exemption, excuse, protection or privilege from this offence granted to clergy for failing to report information about child sexual abuse that is disclosed during, or in connection with, religious confession.

Victoria already has a criminal offence for failing to report child sexual abuse to police. In Victoria, any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the sexual offence to police is a criminal offence (unless they have a reasonable excuse for not doing so).

A person does not commit the offence if the information that leads them to form a reasonable belief that a sexual offence has been committed against a child is privileged under the Evidence Act 2008. This means that clergy

members are not required to report a sexual offence against a child to police if information about the offence was received during religious confession.

The offence was introduced by the former Coalition Government in 2014 in response to the recommendations made by the Betrayal of Trust report, from the Family and Community Development Committee Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations. That Inquiry did not recommend changes to the confidentiality of religious confession. Accordingly, Victoria's offence does not require a person who receives information about sexual abuse in a religious confession to report that information to police. This is consistent with the approach taken to information received in religious confessions for any criminal offence.

The Victorian Government will give careful consideration to all recommendations made by the Royal Commission, including those in relation to religious confessions.

RESPONSE TO SUPPLEMENTARY QUESTION:

The Equal Opportunity Act 2010 prohibits discrimination on the basis of a specified attribute of a person, such as their sex, age or race, in certain areas of public life, such as employment, education and the provision of goods and services. The Act also provides for "exceptions" to unlawful discrimination, which recognise that discrimination may be justified in certain circumstances. An exception is a defence to an allegation of unlawful discrimination, and a person or body seeking to rely on an exception bears the burden of proving that it applies.

On 30 August 2016, the Government introduced the Equal Opportunity Amendment (Religious Exceptions) Bill 2016 (the 13111) into Parliament to amend the religious exceptions in the Act in relation to employment. Unfortunately it was defeated in the Legislative Council on 6 December 2016.

The Bill aimed to restore a fairer balance between a person's right to be free from discrimination in employment, and the appropriate protection of religious freedom.

The Constitution prevents the Government from reintroducing similar legislation within the same term.

We remain steadfastly committed to equality for all Victorians.

Haining Farm

Question asked by: Mr Young
Directed to: Special Minister of State
Asked on: 23 August 2017

RESPONSE:

The Haining Farm Redevelopment Working Group has been working tirelessly over the last six months to develop a plan to redevelop Haining Farm that considered the views of the community.

In June 2017, the Haining Farm Redevelopment Working Group ran a community engagement process which included community drop-in sessions and an online engagement process on the Engage Victoria website.

During the four weeks of consultation, over 2300 responses were received. Of the 2300 responses, 30 per cent came from within a 25 km radius of Don Valley.

Approximately 80 percent of respondents were in favour of the site providing habitat restoration for threatened species along with community access and recreation.

Deaths in custody

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 23 August 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The Ombudsman completed his report titled "Investigation into deaths and harm in custody" in 2014.

It found the Coalition Government was responsible for a prison system that was placing prisoners in "overcrowded and at times substandard conditions" leading to "increased tensions and violence", in turn increasing prisoners' chances of self harm and death.

It also found that the poorly resourced and managed system put prisoner officers "at a greater risk of being assaulted by prisoners as a consequence of overcrowding."

43 of the recommendations had been implemented, with two in final stages and a final recommendation not accepted by the County Court.

RESPONSE TO SUPPLEMENTARY QUESTION:

Karreenga is a 300-bed facility. It was upgraded to medium security before completion of construction. This included ensuring that infrastructure, security and services are suitable for medium-security prisoners who are classified to that location.

There have been two recent (and unrelated) attempted suicides at Karreenga. I am advised that vulnerable prisoners receive appropriate support and treatment at Karreenga and that the annex is staffed appropriately for a medium security prison.

Prevention of self-harm is a key priority and central to this is the integrated approach implemented by custodial and health staff, consistent with mental health policy, prison operational guidelines and legislative requirements.

Vocational education and training

Question asked by: Ms Lovell
Directed to: Minister for Training and Skills
Asked on: 23 August 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The previous Coalition Government left the VET sector subject to the greed of unscrupulous private providers and a TAFE system on its knees.

This mismanagement produced over-inflated student numbers in the years leading up to the period examined in this report, it also lead to a failure to deliver the much needed skills to grow employment and drive the Victorian economy.

I would remind the member of the Mitchell Institute's modelling and Professor Peter Noonan's comments reported in The Australian earlier this year which reported that VET figures had been "artificially propped up" in Victoria, where overstimulation of the state's open market training system had generated a temporary enrolment bubble.

The damage of the Coalition's legacy is taking time to reverse but we are committed to that task.

The Andrews Government is aligning training to industry needs. We are rebuilding our vocational training system to make it strong and sustainable.

RESPONSE TO SUPPLEMENTARY QUESTION:

I reject the member's assertion regarding the provision of "any data" to NCVER.

I stand by what I have said about the Quality Blitz. During the Liberals' four years of mismanaging the training system the Department operated on stretched resources which let unscrupulous providers flourish.

In regard to the member's assertion regarding the number of students studying at TAFE in Victoria, I would advise the member to look to the commentary that accompanies this data before forming an opinion about year on year changes, particularly as they relate to revision and de-duplication carried out by NCVER.

We have reopened the Lilydale and Greensborough TAFE campuses, stemmed the decline of apprentices, targeted and removed shonky training providers, and we are making sure every Victorian has access to quality training. The TAFE sector in Victoria is in its strongest financial position for years, with TAFEs recording a \$44.7 million surplus in 2016, compared to a \$52.5 million deficit under the Coalition in 2014 — a turnaround of \$96.5 million.

The Andrews Labor Government is delivering a quality training system training that meets the needs of students and industry.

Adult and community education

Question asked by: Mr Ramsay
Directed to: Minister for Training and Skills
Asked on: 23 August 2017

RESPONSE:

I recently read a story entitled "Cuts Push Training Centres to the Brink". This story said "Up to a quarter of Victoria's adult community education centres could be forced out of VET by rising bureaucratic costs and cuts". The Chief Executive of Mount Martha Community Learning Centre was reported to say that the cost of registration on top of the cuts in course funding "makes it very difficult for us".

That story was published in the Australian on 9 July 2014 — three years, seven months and seven days into the term of the Coalition Government. This is your report card.

The member should be aware that this government is committed to minimising red tape and that we recognise that the role of compliance in ensuring quality and improving outcomes must be balanced with the nature of the providers we work with.

In 2017, we offered reduced entry requirements for restricted contracts of 200 accredited training places in order to meet the needs of Learn Local registered training organisations. Almost two thirds of Learn Local RTOs took up this offer.

As part of Skills First, we also allocated \$1.5 million to establish our first three Learn Local Quality Partnerships. This program assists Learn Locals to work together to reduce compliance costs, share resources, improve quality and encourage best practice. These networks are now well into their first year of operation and, among other priorities, will be well placed to support preparation for the provider selection process for 2018.

Annual funding for the delivery of pre-accredited training provided through the ACFE Board has grown from \$14 million in 2014 to \$17.8 million in 2017. The Government has also announced additional education and training support at Learn Local organisations. This investment of \$2.6 million over three years has introduced a regional loading which will effectively lift the current subsidies for pre-accredited training in regional Victoria by 20 per cent, from \$8.20 to \$9.84 per hour.

West Gate tunnel project

Question asked by: Ms Patten
Directed to: Minister for Agriculture
Asked on: 23 August 2017

RESPONSE:

More than a dozen experts, most with decades of experience, worked on the modelling and economics that underpins this project — their work is world class and it unequivocally supports the project.

Modelling and appraisal of the project was conducted in line with Victorian standards set by the Department of Economic Development, Jobs, Transport and Resources, the Department of Treasury and Finance, as well as the Commonwealth Transport Assessment and Planning Guidelines.

Every aspect of the project, including the methodology of the traffic modelling, is being examined and cross examined by a six-week, independent assessment currently underway.

Electorate office budgets

Question asked by: Mr Rich-Phillips
Directed to: Minister for Families and Children
Asked on: 6 September 2017

RESPONSE:

I am advised that:

At the time of the member's question I had no reason to question my staff about the allegations raised in today's Herald Sun.

My staff have since advised me that they do not have any knowledge or association with the matters alleged by the Herald Sun. I have had confirmation from both Parliament and my Department that neither my Ministerial Office nor Electorate Office has ever used F&M printing.

The member's insinuations are entirely baseless.

Brighton incident

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 7 September 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The Callinan Report was handed down, and accepted, to the former Coalition Government. It was fully implemented in 2015, as Callinan intended in his review.

The Victorian Auditor General found in February 2016 that this recommendation has been implemented as per the recommendation, and that it was an appropriate response.