

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

**WRITTEN RESPONSES TO QUESTIONS
WITHOUT NOTICE**

12 May to 8 June 2017

(Extract from book 11)

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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 10 November 2016)

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Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
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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 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.

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

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Deputy President:

Mr K. EIDEH

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Mr L. B. O'SULLIVAN

Leader of the Greens:

Mr G. BARBER

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Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
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Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew ⁴	Northern Victoria	Nats
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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 ⁶	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
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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			

² Appointed 15 April 2015

³ Resigned 27 May 2016

⁵ Resigned 6 April 2017

⁶ Appointed 7 June 2017

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.

26 May to 8 June 2017**Garvoc level crossings**

Question asked by: Mr Purcell
Directed to: Minister for Agriculture
Asked on: 24 May 2017

RESPONSE:

V/Line has undertaken an assessment of the line of sight at the three occupational crossings and will complete preliminary vegetation removals in early June and further vegetation and tree removals in the near future.

I understand the office of the Minister for Public Transport and V/Line will continue to liaise with your office on this matter to provide an update on the status of the works.

Seymour and Benalla schools

Question asked by: Mr Young
Directed to: Minister for Training and Skills
Asked on: 24 May 2017

RESPONSE:

Benalla P-12 College officially commenced on 1 January 2013, with regeneration project planning having commenced some six years earlier. Benalla P-12 College was established as a result of the merger of Benalla College, Benalla Primary School, Benalla East Primary School and Benalla West Primary School.

Benalla P-12 College was allocated \$5 million in the 2014-15 State Budget, and a further \$3.5 million in the 2016-17 State Budget, providing much needed funds to complete the upgrade and modernisation of the college. The project is currently in the planning stages, with works due to commence in October this year and be completed in time for the commencement of the 2019 school year.

In 2009, a master plan for the newly formed Seymour College was developed, amalgamating Seymour East Primary School, Seymour Primary School, Seymour Special School and Seymour Technical High School. The college's administration block, special school home base and junior learning block were constructed in 2012-13.

Since completion of the master plan in 2009, the school has undergone significant change, and a review of the master plan is now required to reflect the school's current enrolment and other requirements, including the creation of a more inclusive environment for special needs students.

Seymour College received planning funding in the 2016-17 State Budget and is now undertaking schematic design for Stage 1 of its project, which includes the middle and senior learning spaces. Further stages of this project will be considered for funding in future state budgets.

RESPONSE TO SUPPLEMENTARY QUESTION:

The Andrews Labor Government is committed to investing in education and school infrastructure, and this has been demonstrated through the allocation of more than \$2.5 billion to school facilities in the last three state budgets.

The Benalla P-12 College project is currently in the planning stages, with works due to commence in October this year and be completed in time for the commencement of the 2019 school year.

Seymour College is now undertaking schematic design for Stage 1 of its project, which includes the middle and senior learning spaces. Further stages of this project will be considered for funding in future state budgets.

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:

I am advised that the transfer of young people to Grevillea youth justice centre took into account a range of factors.

Transfer recommendations were made by a panel comprising the Principal Practitioner of the Department of Health and Human Services, Secure Services, health services and Parkville College.

As I have advised the house previously, decisions regarding the young people transferred to Grevillea Youth Justice Centre were based on assessment of their behaviour, their involvement in serious incidents and a comprehensive risk assessment of the young person's development, medical and cultural needs.

These were operational decisions made by the Department of Health and Human Services.

Youth justice facilities

Question asked by: Ms Crozier
Directed to: Minister for Families and Children
Asked on: 25 May 2017

RESPONSE:

I am informed that

The responsibility for the management of the youth justice system in Victoria transferred from the Department of Health and Human Services to the Department of Justice and Regulation on 3 April 2017.

As the member should be well aware, I cannot comment on the individual circumstances of young people in youth justice centres.

Our youth justice staff work hard to ensure people coming into youth justice facilities are properly screened to make sure any prohibited items such as those that could jeopardise the security of the precinct, or the safety and wellbeing of people within the precinct are removed. There are stringent procedures in place regarding the search of young people and accommodation units. All young people are searched on admission to youth justice centres and at any time when in a youth justice centre if there is suspicion that a prohibited item is in their possession.

The 2017-18 Budget provided funding for an improved intelligence function across youth justice centres to help ensure a safe and secure custodial environment. The intelligence function ensures custodial management have targeted information available to inform them in making day to day decisions on security threats and contraband searches. This intelligence function has already been established at Malmsbury and is being expanded to Parkville.

The Department of Justice and Regulation is reviewing a number of current policies and procedures in youth justice facilities.

Heyfield timber mill

Question asked by: Mr O'Sullivan
Directed to: Minister for Agriculture
Asked on: 25 May 2017

RESPONSE:

Appropriate analysis, modelling and business valuation has been undertaken by the Government, supported by an independent professional services firm.

Voluntary assisted dying

Question asked by: Dr Carling-Jenkins
Directed to: Minister for Families and Children
Asked on: 25 May 2017

RESPONSE:

I have been advised that the consultations were independently facilitated in both metropolitan and regional Victoria, with discussion focusing on three key areas: eligibility and access; process; and oversight. Those who participated in the consultation process were asked to consider the practical workings of a voluntary assisted dying framework.

Forum attendees were free to take notes during the consultations. The facilitator advised that Department of Health and Human Services staff were assigned to each table to take notes in order to report back to the Ministerial Advisory Panel. Hence it was not necessary for the tables to appoint scribes in order to report the table discussions. This was to ensure attendees had the opportunity to fully participate in the discussions. These notes aimed to capture the breadth of discussions for the Panel, not as formal 'minutes' of the forums.

Many attendees took notes for their own records, and were free to do so.

The Department has not received any requests for notes from the forums.

The interim report outlines the key themes that have arisen from the consultation process with stakeholders. The themes in the report reflect the conversations the Panel has had with a diverse range of experts and stakeholders.

REDcycle program

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

RESPONSE:

The Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) provides Victoria with a road map and long-term vision for improving and investing in resource recovery infrastructure to achieve an integrated waste and resource recovery system over the next 30 years.

The SWRRIP identifies opportunities to significantly increase resource recovery of priority materials, including plastics, such as:

film plastics (soft plastics) used in consumer packaging

rigid plastics used in the construction and demolition sector

film plastics (soft plastics) used in the logistics sector

shredder floc (mixed plastic residual from end-of-life reprocessing of cars and whitegoods).

To support delivery of the SWRRIP, the Andrews Labor Government's \$7 million Resource Recovery Infrastructure Fund was launched in December 2016 to encourage the development of resource recovery infrastructure across Victoria. The guidelines for the fund include a target of increasing the rate of recovery of flexible plastics from 8% to 17%. Applications for Round 1 of the fund closed in March 2017 and will support local governments and industry to develop resource recovery infrastructure. The 2017-18 Victorian Budget delivered an additional \$7.6 million to the Resource Recovery Infrastructure Fund to support future infrastructure investment.

In May 2016, Sustainability Victoria released the Victorian Market Development Strategy for Recovered Resources. The strategy guides programs that build the quality, reputation and demand for products made from recycled content, using materials such as flexible plastics that would otherwise go to stockpiles and landfills. In 2016, Sustainability Victoria also launched the Recovered Glass Fines and Flexible Plastics Research and Development Grants program. The program will support projects investigating the use of flexible plastics in footpath construction and in the manufacture of recycled plastic railway sleepers.

The Andrews Labor Government is committed to supporting councils and community to reduce waste to landfill and increase recovery of waste materials for recycling. The Metropolitan Waste and Resource Recovery Implementation Plan outlines waste and resource recovery strategic goals and priorities for the next 10 years including opportunities to increase flexible plastics recovery.

Currently, flexible plastics are mostly recycled via dedicated collection points, such as supermarkets. Aggregating flexible plastics through kerbside collections will help increase local investment opportunities in plastic processing.

In 2016, four councils (Boroondara, Cardinia, Nillumbik and Hobsons Bay) partnered to launch a project trialling the recovery of flexible plastic waste through existing kerbside recycling collection services. The government supported the project with \$300 000 in funding via the Metropolitan Local Government Waste and Resource Recovery Fund. The project was launched in November 2016 and provided residents in those four metropolitan Melbourne council areas with a convenient process to recycle a wide range of flexible plastic waste.

Residents were supported with an information pack that included single use plastic collection bags featuring printed instructions clarifying which flexible plastics were appropriate for collection in kerbside recycling.

This project has provided an opportunity to explore recovery of flexible plastics through kerbside recycling services. The Metropolitan Waste and Resource Recovery Group is currently undertaking an evaluation of the program before considering options for future expansion.

Funding from the Sustainability Fund was provided to the RED Group in 2010. RED Group partnered with a plastic reprocessor to process the soft plastics into high-quality new products such as outdoor furniture suitable for schools, commercial businesses and local government.

The Australian Packaging Covenant and Sustainability Victoria also funded RED Group for infrastructure such as balers and forklifts in 2014-15, with a focus on metropolitan drop off locations.

Protective services officers

Question asked by: Ms Patten
Directed to: Minister for Corrections
Asked on: 25 May 2017

RESPONSE TO SUBSTANTIVE QUESTION:

Protective Services Officers (PSOs) will receive the same training as police in respect of their new powers.

PSOs are a type of 'sworn' Victoria Police personnel. PSOs are highly trained and undertake a 12-week training course at the Police Academy, which gives them the same training as police officers in respect of their community protection functions.

This includes Operational Safety and Tactics Training, which equips police and PSOs to use their firearms and other equipment safely and appropriately. Police and PSOs are required to 're-qualify' in this area every six months.

PSOs receive training on dealing with vulnerable persons and children, including mandatory training in discretionary decision making and professional and respectful behaviours, and are taught communication strategies to deal with people in an agitated state. In addition to their training at the Police Academy, new PSOs carry out their duties under intensive 'on the job' supervision from police officers and experienced PSOs for three months immediately after graduating from training. PSOs are actively supervised and report to a police supervisor when on duty. They also receive routine briefings at the beginning of each shift as part of their ongoing training and development.

Like police officers, PSOs assess and reassess the risk of any given situation and determine which option is most appropriate to manage any risk. PSOs take into account human rights considerations when making these decisions and are trained to de-escalate situations and use the minimum amount of force that the situation requires.

PSOs already receive the same training as police officers in respect of their existing search powers.

PSOs are being given power to search for drugs and also psychoactive substances (which police officers are being empowered to search for under Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017, which is currently in the Legislative Council). This new search power complements PSOs' existing search powers (relating to graffiti implements, volatile substances and weapons), and most notably the weapons search power which also requires PSOs to form a 'reasonable suspicion' before conducting a search. PSOs already discover illegal drugs during such searches.

If a person is found to possess illegal drugs during a drug search, a PSO will be able to arrest the person and seize the drugs. The PSO must hand the seized property to a police officer as soon as practicable after they arrive. The police officer will then undertake subsequent enquiries, investigate and determine the appropriate option. For example, whether to charge the person or whether diversion may be appropriate (in a case of low level criminal offending by an eligible offender with minimal or no offending history).

Harm minimisation is an important factor when a police officer makes a decision about the option to be pursued.

In relation to the new power for PSOs to arrest a person for breach or cancellation of parole, PSOs already have various police powers to arrest, apprehend or detain a person. PSOs also already receive training in relation to parole breaches. Additional training for PSOs will build on this training and will be the same as police officers' training.

Training on the new PSO powers will be incorporated into the existing PSO training course at the Police Academy and will be reiterated during on the job training and routine briefings.

RESPONSE TO SUPPLEMENTARY QUESTION:

Victoria Police has developed and implemented several new training programs in response to IBAC's December 2016 report on PSO corruption and misconduct risks. This includes mandatory training in discretionary decision making and professional and respectful behaviours. A new incident and debrief review system has also been established for significant incidents involving transit PSOs, to help inform PSOs' training.

PSOs are held to the same degree of accountability in relation to their decisions to use force or to arrest or search a person. In addition, PSOs carry out their functions while under surveillance of closed-circuit television, which is in place at train stations and in PSO pods.

Victoria Police expects the highest standards from its PSOs and actively enforces requirements relating to their behaviour in the Victoria Police Code of Conduct. PSOs are expected to undertake their duties in accordance with the law and with a high degree of professionalism and courtesy. Internal discipline of PSOs is dealt with by the Victoria Police Act 2013, which provides a process for investigating alleged misconduct and other inappropriate behaviour.

Brighton incident

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 6 June 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The Office of Correctional Services Review will provide independent oversight and contribute to a review of all interactions between Mr Khayre and staff in prison and on parole. This will investigate these matters further. I will await the outcomes of that investigation.

RESPONSE TO SUPPLEMENTARY QUESTION:

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Corrections system

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 6 June 2017

RESPONSE TO SUBSTANTIVE QUESTION:

I am advised there are sixteen prisoners in custody in Victorian prisons on terrorist related offences. Ten are unconvicted and 6 are sentenced.

RESPONSE TO SUPPLEMENTARY QUESTION:

I am advised there are no prisoners currently serving parole that have been convicted of a terrorism related offence.

Brighton incident

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 6 June 2017

RESPONSE TO SUBSTANTIVE QUESTION:

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RESPONSE TO SUPPLEMENTARY QUESTION:

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Adult Parole Board of Victoria

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 6 June 2017

RESPONSE TO SUBSTANTIVE QUESTION:

If this question relates to the final outstanding measure recommended by the former High Court Judge, Mr Ian Callinan, that measure recommended an electronic database and case management system be established as soon as possible.

Implementation of the electronic database was completed in 2014.

Phase 1 of the electronic case workflow system was delivered in December 2015 and improved the conduct of the Adult Parole Board hearings.

My department advises that phase 2 will be delivered in the second half of 2017.

Phase 3, which is the final phase of the project, will deliver the integration elements and introduce further workflow process efficiencies by the end of 2018.

While the case workflow system will support further improvements and efficiencies in the administration of the APB, the issues impacting the ability for the APB to access relevant information have already been addressed.

Timber industry

Question asked by: Ms Dunn
Directed to: Minister for Agriculture
Asked on: 7 June 2017

RESPONSE:

The findings and corrected transcripts of the Economy and Infrastructure Committee's Inquiry into VicForests Operations have yet to be completed and published. As such I am not in a position to comment on the details of issues that may have been raised at the hearing.

I can comment more generally that VicForests enters into commercial contracts known as Timber Supply Agreements with a range of customers. A general overview of the timber sales process is publically available on the VicForests' website at: <http://www.vicforests.com.au/sales-supply/how-we-sell-wood>

Prices are set in Timber Sales Agreements. These prices can be determined through competitive sales processes and/or negotiations, depending on which process is deemed most appropriate due to the timber lot being sold, market conditions and other factors. These pricing agreements are commercial-in-confidence.

Corrections system

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

RESPONSE TO SUBSTANTIVE QUESTION:

The Victoria Police information is sensitive and I am not at liberty to disclose it.

Parole programs

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

RESPONSE TO SUBSTANTIVE QUESTION:

I am advised that there are no prisoners on parole with a current conviction for a terrorist related offence.

I am advised that there are no prisoners on parole currently participating in the CISP program.

Prison programs

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

RESPONSE TO SUBSTANTIVE QUESTION:

I am advised that Corrections Victoria's management (in terms of placement within prison and treatment offered) of radicalised prisoners is individualised based on risk and need, as it is for any other prisoner. For those who are convicted terrorists or identified as violent extremists, Corrections Victoria encourages them to disengage through:

- addressing religious distortions (if these are present);
- providing psychological intervention;
- providing social programs and support (e.g. educational and vocational development, transitional assistance); and
- identifying protective factors (e.g. family and ethno-cultural support groups who do not support violent extremism).

RESPONSE TO SUPPLEMENTARY QUESTION:

I am advised there are no de-radicalisation programs other than the Community Integration Support Program (CISP) being run in the Victorian prison system. However, radicalised prisoners may be offered other offending behaviour treatment based on their assessed risk and need, including violence or drug and alcohol programs.

Parole conditions

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

RESPONSE TO SUBSTANTIVE QUESTION:

For security reasons it would not be appropriate to discuss this matter.

A tamper alert may occur as a result of accidental or deliberate interference. The member should be assured, however, The Electronic Monitoring system doesn't distinguish between accidental or deliberate interference, as such staff respond to every alert to understand what has transpired and then respond accordingly.