

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

**WRITTEN RESPONSES TO QUESTIONS
WITHOUT NOTICE**

24 February to 9 March 2017

(Extract from book 5)

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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)

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 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, 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 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, 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 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 Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): 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 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

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 ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ¹	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 ⁴	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
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	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

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; 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.

24 February to 9 March 2017

Treasury Corporation of Victoria

Question asked by: Ms Crozier
Directed to: Special Minister of State
Asked on: 8 February 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The Victorian Government is committed to having the best representation on its TCV board given its important role in raising funds from global markets.

Cassandra Kelly brings a valuable and diverse perspective and global expertise to her role of Deputy Chair. She has particular experience in risk and policy, and along with other Board roles. She is currently chair for Pottinger, and is an advisor to the G20/B20 on matters of infrastructure.

The appointment of Cassandra Kelly to the TCV board was in accordance with Victorian public sector director appointment guidelines.

RESPONSE TO SUPPLEMENTARY QUESTION:

The Board has met 13 times since she was appointed in August 2015. The Deputy Chair physically attended 7 of these, and participated in all other meetings electronically. As is standard practice across government boards, TCV met a portion of Ms Kelly's expenses for those meetings attended.

Overwhelmingly, representation on Victorian government boards is by Victorians. Where particular skills are required, we make no apologies for seeking out the very best people to deliver the best outcome for our State.

TCV manages around \$38 billion of debt with an estimated 15% to 20% sourced from international investors. Having a New York based director assists TCV by providing an international perspective to TCV's operations and investor relations.

Hyde Street, Yarraville

Question asked by: Ms Hartland
Directed to: Minister for Agriculture
Asked on: 22 February 2017

RESPONSE TO SUBSTANTIVE QUESTION:

The issues experienced by residents that currently live on Hyde Street in Yarraville south of Francis Street are acknowledged.

I have been advised that representatives of VicRoads and Western Distributor Authority met with some Hyde Street residents during late 2016 to discuss their concerns. I am also advised that VicRoads will arrange meetings with these residents to further discuss those issues in the coming weeks.

Barwon Prison

Question asked by: Ms Crozier
Directed to: Minister for Families and Children
Asked on: 23 February 2017

RESPONSE:

I am advised that the behaviour model the Member refers to supports and rewards young people to move towards more positive behaviours.

As the Member would be aware, a behavioural management model was also used by the previous Liberal government and included an incentives regime.

The new Model is premised on national and international evidence that suggests incentives and consequences are an effective and viable strategy to build pro-social behaviours and attitudes.

Under the model, staff are provided with a range of strategies to respond to inappropriate, challenging or unsafe behaviours through the consistent application of managed consequences. This includes limiting access to recreation activities, self-selected items and events.

A three tiered approach is used to manage young people's behaviour in custody. This approach sets out incentives for each of the rewarded levels based on a young person's behaviour. Under the Model, incentives and consequences proportionate to young people's behaviour can include varying access to participation in activities and self-selected items.

Levels are reviewed daily and the number of young people on each level varies each day. I am advised that the Department of Health and Human Services does not collect data regarding the allocation of rewards and consequences in a reportable format.

Youth justice centres

Question asked by: Ms Crozier
Directed to: Minister for Families and Children
Asked on: 23 February 2017

RESPONSE:

I am advised that the Member is wrong again-the government has been working closely with Wyndham City Council and sharing information relating to the selection criteria to which the Member refers.

I can inform the Member that the criteria in determining a preferred site included access for staff and visitors, the proximity to public transport, proximity to relevant services, planning considerations, size and shape of land and the cost and speed of construction.

The Hoppers Lane South site is vacant land and is preferred because of its close proximity to services, including meeting legal obligations around access to court, access to young offenders for legal representatives, family and other services, the, relative distance from residential communities and the suitability of the site itself.

The criterial did include an environmental site examination which included soil testing.

Parole reform

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

RESPONSE:

Currently the Adult Parole Board will have a fully operational database completed in 2018. Until such time, the government has put in place a system that allows the effective operation of the board.

The reason for the delay on implementing the last outstanding recommendation from the Callinan Report is that the funding allocated in 2014 was inadequate.

The solution proposed in 2014, and the funding initially allocated, by the then-Coalition government would never have developed a fully integrated workflow system that is required and recommended in the Callinan Review.

Instead this government has taken a phased approach to providing the solution that will best fulfil the recommendation and to better serve the board now and into the future.

The Government is about to embark on the final phase, the detail of which is commercial in nature and as such it would not be appropriate to outline this amount.

The final cost however will be met within the departments existing budget.

Mr Eideh

Question asked by: Ms Wooldridge
Directed to: Minister for Small Business, Innovation and Trade
Asked on: 23 February 2017

RESPONSE TO SUBSTANTIVE QUESTION:

I stand by my comments given during question time during the last sitting week that this question would best be directed to the Premier in the other place, or the leader of the Government in this place representing the Premier.

RESPONSE TO SUPPLEMENTARY QUESTION:

I am advised that my Department does not provide any support or resources to Mr Eideh in his role.

Rushworth State Forest

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

RESPONSE:

The Minister for Energy, Environment and Climate Change has asked the Department of Environment, Land, Water and Planning for a full explanation of why the trees were damaged and pushed over the track. Importantly the track is now closed to be rehabilitated. Signs are now in place and access to the area for firefighting has not been compromised. In terms of access for biking, there is a formed public road 50 metres west of the track that can be used for vehicles, including trail bikes, to access and enjoy the forest.

This practice is not a Government policy. The Department has recognised that this is an issue with their current practice and are now developing a policy to guide the method used to close tracks in State Forest across the state. A draft policy will be provided to the Minister for Energy, Environment and Climate Change by the end of this month.

The Department has advised that community consultation on this track closure did not occur. Importantly, the Department has committed to community consultation specifically on the management and use of the Rhroo State Forest. This consultation will be undertaken in partnership with Local Governments and start by April 2017.

Member for Melton

Question asked by: Ms Wooldridge
Directed to: Special Minister of State
Asked on: 7 March 2017

RESPONSE:

In my answer to this question I made it clear that I had not received any advice that would suggest that I had any specific authority to recover the funds.

I had sought advice from the Clerks, Parliamentary Services and within my department.

Beyond that, I suggest you read the President's guidance to the house in relation to separation of powers and responsibility.

Member entitlements

Question asked by: Mr Rich-Phillips
Directed to: Special Minister of State
Asked on: 7 March 2017

RESPONSE TO SUPPLEMENTARY QUESTION:

The Government is reviewing these matters appropriately and believes careful consideration of any change to regulations would benefit from an opportunity to incorporate any relevant advice from the Parliament's Audit Committee's examination of these matters which has not been completed.

Member entitlements

Question asked by: Mr Rich-Phillips
Directed to: Special Minister of State
Asked on: 7 March 2017

RESPONSE TO SUBSTANTIVE QUESTION:

I will not pre-empt the position of the Government on this matter beyond the issues I canvassed in my answer yesterday.

RESPONSE TO SUPPLEMENTARY QUESTION:

I don't accept that the argument contained within the question is a reasonable dichotomy.

The Government will assess these issues on their merits.

Taxi and hire car industry

Question asked by: Ms Patten
Directed to: Minister for Agriculture
Asked on: 7 March 2017

RESPONSE:

Every jurisdiction in Australia is moving to regulate ridesharing. The Victorian Government's financial assistance package of \$494 million to assist the existing industry in the most generous in the nation.

The financial assistance package is targeted at those who need it most, the small family run businesses. The Government is providing financial assistance for the first four licences held by an entity. Ninety eight per cent of licence holders hold four licences or less.

The Government has acknowledged that this level of assistance may still leave some licence holders in financial difficulty and has implemented a \$50 million Fairness Fund.

Applications opened in November 2016 and remain open until the end of April 2017. There are over 5000 licence holders and taking an individualised approach to each licence would place a significant administrative burden on all licence holders and the Government that would significantly delay payments.

The Government believes that the application based approach to responding to licence holders' individual circumstances is the fairest and most efficient approach.

Supervised injecting facilities

Question asked by: Ms Hartland
Directed to: Minister for Families and Children
Asked on: 7 March 2017

RESPONSE:

The Andrews Labor Government is committed to addressing the harms associated with drug use in communities across Victoria, including in the City of Yarra. That is why we are investing more than \$19.5 million this year on a range of strategies to reduce the harm associated with alcohol and other drug use. This includes our recent announcement of \$1.3 million to support a range of harm reduction measures that will seek to reduce fatal overdoses across the state, with a focus on the City of Yarra.

This new funding will expand outreach services, enhance overdose prevention education, and improve accessibility and use of Naloxone, increasing the availability of this lifesaving medication to Victorians in need.

On 22 February 2017, the Government supported a motion to refer the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017 to the Legal and Social Issues Committee of Parliament for review and consideration. In addition, the Victorian Law Reform, Road and Community Safety Committee has commenced an inquiry into Drug Law Reform, which will examine the effectiveness of laws and procedures relating to illicit and synthetic drugs and prescription medication.

I am advised that the Government will carefully consider the recommendations of these committees when they report back in September 2017 and March 2018, respectively.

I am advised that the Minister will continue to carefully consider the views of the Victorian community, including residents on the City of Yarra, on potential measures to reduce the harm associated with drug use. The Minister encourages all community members to actively engage with both Parliamentary inquiries currently underway.

Firearms

Question asked by: Mr Bourman
Directed to: Minister for Corrections
Asked on: 7 March 2017

RESPONSE TO SUPPLEMENTARY QUESTION:

Victoria Police and in particular the Licensing and Regulation Division, (which is responsible for the regulation of the Firearms, Private Security and the Weapons industries), seeks advice from a number of sources to advise the Chief Commissioner on firearms and the corresponding regulations. There is no single subject matter expert and there are numerous internal Victoria Police Divisions, including Forensic Services Department, People Development Command, Crime Command and Infrastructure, as well as Divisional Firearms Officers in the field, that provide valuable assistance in assessing and classifying firearms, and also ensure regulatory consistency and compliance. Furthermore, there are a number of external stakeholders who provide assistance to Victoria Police, including the Victorian Firearms Consultative Committee and its individual members, the Firearms User Group and various other representatives of the shooting industry including State and Territory counterparts. This collaborative approach helps facilitate Victoria Police's ability to educate and inform both its employees and the broader community on responsible firearm ownership.

Duck season

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

RESPONSE TO SUPPLEMENTARY QUESTION:

The Summer Waterbird Count monitors selected Victorian wetlands to provide information on game duck distribution and abundance, waterbird breeding and, importantly, any concentrations of rare or threatened species and colonially breeding waterbirds.

In 2017, the Summer Waterbird Count has been led by the Arthur Rylah Institute for Environmental Research, with assistance from Game Management Authority (GMA) and Department of Environment, Land, Water and Planning (DELWP) staff.

Reports have previously been published in July.

LaunchVic

Question asked by: Ms Crozier
Directed to: Minister for Small Business, Innovation and Trade
Asked on: 8 March 2017

RESPONSE TO SUBSTANTIVE QUESTION:

LaunchVic is an incorporated company, managed by a board. Consistent with practise of previous governments, matters pertaining to operational specifics are not within the purview of the Minister and should be referred to the LaunchVic board.