

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

**WRITTEN RESPONSES TO QUESTIONS
WITHOUT NOTICE**

7, 8 and 9 February 2017

(Extract from book 1)

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 10 November 2016)

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Legislative Council committees

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

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr 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 — #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*): Ms Bath, 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, Mr Nardella 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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Mr K. EIDEH

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Leader of the Opposition:

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Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

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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
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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
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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	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; 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.

9 December 2016 to 9 February 2017

Abortion services

Question asked by: Ms Patten
Directed to: Minister for Families and Children
Asked on: 7 December 2016

RESPONSE:

The Andrews Labor Government is developing a sexual and reproductive health strategy to increase access to services that support women to manage their reproductive choices. It also includes a focus on improving the management of endometriosis, menopause and polycystic ovary syndrome, which are important women's health issues.

Many of these services are delivered in primary care, community, private specialist clinics as well as public health services.

Medical termination involves the use of Mifepristone, also known as RU-486. Increasing training and support to GPs to provide these services will be a key action in the reproductive health services action plan.

The current MBS rebates for these services act as a disincentive to GPs. To address this the Andrews Labor Government will be raising the MBS rebate issue with the Commonwealth Government.

Firearms

Question asked by: Mr Bourman
Directed to: Minister for Corrections
Asked on: 7 December 2016

RESPONSE TO SUBSTANTIVE QUESTION:

I thank the member for his question and note that a briefing is being scheduled on matters arising from this enquiry.

On 9 December 2016, First Ministers at the Council of Australian Governments agreed to strengthen the National Firearms Agreement. Specifically, an updated National Firearms Agreement incorporates the reclassification of lever action shotguns with a magazine capacity of no greater than 5 rounds to Category B and lever action shotguns with a magazine capacity of greater than 5 rounds to Category D.

At the meeting, the Council of Australian Governments also agreed to task the Law, Crime and Community Safety Council to finalise and implement the updated National Firearms Agreement as soon as possible.

RESPONSE TO SUPPLEMENTARY QUESTION:

The Commonwealth import prohibition on lever action shotguns with a magazine capacity of greater than 5 rounds will remain in place until all jurisdictions have completed their respective transitions to the new classification structure.

Barwon Prison

Question asked by: Ms Springle
Directed to: Minister for Families and Children
Asked on: 7 December 2016

RESPONSE:

The structured day program being offered at Grevillea Youth Justice Centre is consistent with the programs offered at Parkville Youth Justice Precinct and Malmsbury Youth Justice Centre. The structured day program includes education, as well as a range of activities, health and rehabilitation services, visitors, and access to cultural and religious liaison officers.

Barwon Prison

Question asked by: Mr O'Donohue
Directed to: Minister for Families and Children
Asked on: 7 December 2016

RESPONSE TO SUBSTANTIVE QUESTION:

I am advised that the premise of the Member's question is incorrect.

The Grevillea Youth Justice Centre is operated by the Department of Health and Human Services (DHHS). Corrections Victoria Emergency Response Group (ERG) staff are working in the Grevillea Unit to provide further support to DHHS staff, including responding to incidents. These staff currently work under the direction of DHHS staff.

Incident escalation procedures are in place at the Grevillea Centre as they are in other youth justice centres. Youth justice staff are trained to manage incidents. Where additional support is required youth justice Safety and Emergency Response Teams are available on site to provide specialised intervention to safeguard and enhance safety and security for staff and young people. Arrangements are in place at the Grevillea Unit to enable the Corrections Victoria's Security and Emergency Services Group (SESG) to further assist in the management and resolution of serious incidents that are beyond the capacity of the Unit to manage. The Corrections Victoria SESG's involvement is limited only to events that are outside of the capabilities of DHHS or the ERG to respond to.

Malmsbury Youth Justice Centre

Question asked by: Ms Crozier
Directed to: Minister for Families and Children
Asked on: 7 December 2016

RESPONSE TO SUBSTANTIVE QUESTION:

According to departmental policy introduced under your government, the categorisation of incidents is based on an assessment of the circumstances of the incidents and involves consideration of the actual impact or apparent outcome for the client. My department has audit procedures in place to ensure that incidents are correctly categorised according to departmental policy.

My department has commenced work to reform and strengthen the client incident management system. It is anticipated that the new client incident management system will improve outcomes for clients through strengthened responses to incidents and provide greater opportunities to learn from incidents.

Parole reform

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 8 December 2016

RESPONSE TO SUPPLEMENTARY QUESTION:

All three reviews are complicated and incredibly important. In regards to community safety The Andrews Government will ensure they are properly implemented. It should be noted that when the questioner left the Government, the Coalition failed to implement 6 of the Callinan recommendations. In relation to the timelines for completion of the final outstanding recommendation of the Callinan Review, a detailed response to a question asked on this identical topic on 6 December 2016 was tabled the following day. As stated in that response, the final phase will deliver integration with related departmental systems and further workflow efficiencies by the end of 2018.

All the recommendations from the Walshe Investigation have been acquitted. The agreed infrastructure improvements at the Metropolitan Remand Centre will be finalised by mid-2018.

The Harper Review made 35 recommendations, all of which have been accepted in principle by Government. The recommendations propose significant and complex reforms to operation of the post-sentence scheme in Victoria, and the Harper Review emphasised that these reforms need to be carefully considered.

Government took swift action to respond to the Review. In May 2016, the Serious Sex Offenders Amendment (Community Safety) Act 2016 introduced a number of reforms to strengthen the management of sex offenders under the post-sentence scheme. In line with the Harper Review, the Act introduced new conditions to manage the risk of violent offending posed by offenders on post-sentence orders and extended Victoria Police holding powers. The Act also introduced a requirement that the court and the Adult Parole Board give paramount consideration to the safety and protection of the community when making decisions about post-sentence offenders, and a 12 month minimum term of imprisonment for offenders who breach certain conditions of supervision orders.

The Government also invested \$84 million in the 2016-17 State Budget to respond to the Harper Review recommendations and strengthen the post-sentence scheme.

Most of the Harper Review recommendations, including the establishment of a new governance body and expanding the post-sentence scheme to serious violent offenders, require complex legislative, operational and infrastructure changes. Phased implementation of these reforms will occur throughout 2017 until mid-late 2018.

Member for Footscray

Question asked by: Mr Ondarchie
Directed to: Minister for Small Business, Innovation and Trade
Asked on: 8 December 2016

RESPONSE TO SUBSTANTIVE QUESTION:

Duties required to perform responsibilities for the Government are factored into the budget allocated to Departments. Department expenditure is published in their Annual Report. Travel expenditure is reported on department websites.

FURTHER RESPONSE TO SUBSTANTIVE QUESTION:

I am advised that costs are shared between the Department of Premier & Cabinet and the Department of Economic Development, Jobs, Transport & Resources.

Further, I am advised my Department provides office accommodation for the Member for Footscray in her role as Special Adviser to the Premier.

Respectful relationships education

Question asked by: Dr Carling-Jenkins
Directed to: Minister for Families and Children
Asked on: 8 December 2016

RESPONSE:

Thank you for your question regarding Respectful Relationships in Early Childhood Education.

Building the foundations for Respectful Relationships starts in early childhood and can have a big impact on preventing family violence for our future generations.

This is why the Government is investing \$3.4 million to deliver professional development and strengthen early childhood educators' capacity to model and instil Respectful Relationships in everything they do with children and their families.

The unacceptably high rates of family violence, in particular violence against women and their children are well documented. Respectful Relationships is an opportunity to change this story for future generations. By supporting children to understand and promote respectful relationships we can make a real difference.

From April 2017 Respectful Relationships professional learning will be offered to 4000 educators. The professional learning, supported by online materials, is evidence-based and builds on the existing focus in the Victorian Early Years Learning and Development Framework, on the importance of promoting equity and respect. It will be offered to funded kindergartens that are engaged and ready to participate.

While it will not be mandatory for educators to participate, early childhood educators, leaders and service providers will be strongly encouraged to undertake the professional learning and draw upon evidence-based tools and resources.

Parent engagement is encouraged and supported as part of the development of the professional learning for early years' educators. Parents and carers have been consulted and have been very positive about the strengthened focus on Respectful Relationships, the rationale and the content of the professional learning package. This feedback will be used to inform the final package that is offered to early childhood educators in 2017.

I am very proud of this unique and ground breaking initiative and the positive impact it will have on thousands of children for the better.

Youth justice centres

Question asked by: Mr Finn
Directed to: Minister for Families and Children
Asked on: 7 February 2017

RESPONSE TO SUPPLEMENTARY QUESTION:

It's indisputable that Victoria needs a new youth justice facility.

The new youth justice facility has quite specific requirements, and the Government has given careful consideration to a range of sites in metropolitan Melbourne and regional Victoria through the development of a business case.

The preferred site for the new facility is Werribee South because the land is government-owned, it's close to health and education services, transport, and there is a significant buffer between the preferred site and residential areas. It is able to begin building quickly to ensure the safety and security of staff, young people, and the community.

The preferred site was announced on 6 February 2017 and the local council and community are being consulted. The Government will consult extensively with the community to respond to people's concerns and maximise community and economic benefits.

The Government is committed to engaging with the local community, staff and services providers around design and construction and will be conducting a series of information sessions to ensure that local community voices are heard.

Times and locations of community information and consultation sessions will be provided soon. Community members can call find out details by contacting the Department of Health and Human Services hotline on 1800 630 738, through notices in the local paper or by going to www.dhhs.vic.gov.au for more details.

Youth justice centres

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

RESPONSE TO SUBSTANTIVE QUESTION:

The Grevillea Unit at Barwon Prison was first gazetted as a youth justice centre and remand centre on 17 November 2016.

As prescribed by section 482(2) of the Children, Youth and Families Act 2005, persons detained in remand centres, youth residential centres or youth justice centres are entitled to receive visits from parents and relatives. This is to ensure that young people continue to have contact with their family. A connection to community is a key aspect to helping prevent offenders from re-offending on their release.

Families who do not have access to private transport are eligible for transport to take them from the nearest public transport stop to the Grevillea Unit. This may involve access to a taxi from Lara Station to Barwon Prison. The total cost of taxi fares invoiced to my department to date is \$197.09. No payment is made directly to offenders' families.

Supporting access to transport for families has been a longstanding service — a shuttle bus service between Malmesbury Youth Justice Centre and the nearest train station has operated for about 20 years.

Country Fire Authority enterprise bargaining agreement

Question asked by: Ms Wooldridge
Directed to: Minister for Small Business, Innovation and Trade
Asked on: 7 February 2017

RESPONSE TO SUBSTANTIVE QUESTION:

As usual, the Coalition are sprouting lies and misinformation for political gain.

The Andrews Labor Government and Victoria's fire services are focused on the current bushfire season and ensuring our firefighters have the resources to do what they do best—keep Victorians safe.

The Victorian community can have complete confidence that the CFA and MFB are ready to protect people and property.

Both the MFB and CFA are continuing to work with the UFU on resolving their respective Enterprise Bargaining Agreements through the Fair Work Commission.

We value the outstanding work of all our firefighters — including CFA volunteers. That is why we are delivering unprecedented investments for CFA volunteers including nearly 100 new CFA trucks, better equipment through the new \$15 million volunteer grants program, and upgrades to facilities, stations and training facilities across Victoria.

This contrasts with the record of the previous Coalition Government which cut \$66 million from the CFA and MFB and slashed 164 jobs in the CFA.

RESPONSE TO SUPPLEMENTARY QUESTION:

On 26 January protected industrial action was in place, as authorised under the Commonwealth Fair Work Act 2009, but the CFA have confirmed that at no point was the community at risk. The Traralgon Fire Brigade responded to the alarm, investigated the premises and determined the call to be a false alarm.

Youth justice system

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

RESPONSE:

The “Review of Youth Support, Youth Diversion and Youth Justice Programs” by Ms Penny Armytage and Professor James Ogloff is due to be completed by mid-2017. Its terms of reference does not include infrastructure.

The facility the Government has announced at Hoppers Lane, Werribee South is to be built as a youth justice facility. It will comply with relevant legislative requirements.

FURTHER RESPONSE:

The “Review of Youth Support, Youth Diversion and Youth Justice Programs” by Ms Penny Armytage and Professor James Ogloff is due to be completed by mid-2017. The matters raised in the members question are outside the terms of reference of this review. I point out to the member that both child protection and youth justice continue under my portfolio.

The facility the Government has announced at Hoppers Lane, Werribee South is to be built as a youth justice facility. It will comply with relevant legislative requirements.

Timber industry

Question asked by: Mr Young
Directed to: Minister for Agriculture
Asked on: 7 February 2017

RESPONSE TO SUBSTANTIVE QUESTION:

166 coupes on the Timber Release Plan have been affected (in whole or in part) by the 200m exclusion buffer associated with Leadbeater’s Possum detections, a measure introduced by the former Liberal-Nationals Government.

VicForests continues to work hard to ensure the Timber Release Plan provides sufficient flexibility to manage its operations around Leadbeater’s Possum detections, along with a range of other operational disruptions such as severe weather.

Ambulance services

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

RESPONSE:

Turning Point is funded to analyse ambulance data to identify ambulance attendances specifically attributable to alcohol and other specific drug types. The most recent data released by Turning Point indicates that there were 2155 ambulance attendances attributable to heroin in 2014-15 in metropolitan Melbourne. This data is yet to be released for 2015-16.

The cost of an ambulance attendance varies as individuals can have a range of different health needs when seeking ambulance services.

Gatwick Hotel

Question asked by: Ms Fitzherbert
Directed to: Minister for Corrections
Asked on: 8 February 2017

RESPONSE:

I have been advised that it is not appropriate to provide the personal details of offenders on orders.

Privacy and data protection

Question asked by: Mr Rich-Phillips
Directed to: Special Minister of State
Asked on: 8 February 2017

RESPONSE:

On 16 December 2016, the Commissioner for Privacy and Data Protection announced he would seek to determine whether any breach of the Information Privacy Principles has occurred and requested information from the Premier. The Government has twice responded to the Commissioner. In each case those responses were consistent with the Privacy and Data Protection Act 2014.

It would be inappropriate to comment on specific matters that are the currently the subject of the Commissioner's enquiry. However, the Government affirms the important purposes served by the Privacy and Data, Protection Act 2014, including the need for the responsible collection and handling of personal information in the Victorian public sector.

