

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**WRITTEN RESPONSES TO QUESTIONS  
WITHOUT NOTICE**

**24 August to 7 September 2018**

**(Extract from book 13)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

(from 16 October 2017)

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Special Minister of State . . . . .	The Hon. G. Jennings, MLC
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Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
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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** — Mr Dalidakis, Mr Mulino, Mr O’Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes 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, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

**Standing Committee on the Environment and Planning** — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr Elasmarr, Mr Melhem, Mr Mulino, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, #Ms Symes, Ms Truong and Mr Young.

**Standing Committee on Legal and Social Issues** — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, Mr Morris, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Ms Shing, Mr Somyurek, Ms Springle and Ms Symes.

# participating members

### Legislative Council select committees

**Port of Melbourne Select Committee** — Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

**Fire Services Bill Select Committee** — 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 Noonan 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 Elasmarr 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 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*): Dr Carling-Jenkins and Mr Gepp. (*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

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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**Deputy President:**

Mr N. ELASMAR

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**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:**

Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John <sup>1</sup>	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina <sup>2</sup>	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O’Brien, Mr Daniel David <sup>8</sup>	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel <sup>3</sup>	Western Metropolitan	Ind	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, Mr Luke Bartholomew <sup>9</sup>	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona <sup>10</sup>	Northern Metropolitan	FPRP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin <sup>4</sup>	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini <sup>11</sup>	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark <sup>5</sup>	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred <sup>6</sup>	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph <sup>7</sup>	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong <sup>12</sup>	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

<sup>1</sup> Resigned 28 September 2017

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

<sup>3</sup> DLP until 26 June 2017;  
AC until 3 August 2018

<sup>4</sup> Resigned 27 May 2016

<sup>5</sup> Appointed 7 June 2017

<sup>6</sup> Resigned 9 February 2018

<sup>7</sup> Resigned 6 April 2017

<sup>8</sup> Resigned 25 February 2015

<sup>9</sup> Appointed 12 October 2016

<sup>10</sup> ASP until 16 January 2018;  
RV until 14 August 2018

<sup>11</sup> Appointed 18 October 2017

<sup>12</sup> Appointed 21 February 2018

**PARTY ABBREVIATIONS**

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party; DLP — Democratic Labour Party;  
FPRP — Fiona Patten’s Reason Party; Greens — Australian Greens; Ind — Independent; LP — Liberal Party;  
Nats — The Nationals; RV — Reason Victoria; SFFP — Shooters, Fishers and Farmers Party; VILJ — Vote 1 Local Jobs



# CONTENTS

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## WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

### 24 AUGUST TO 7 SEPTEMBER 2018

<i>Epilepsy Foundation</i> .....	4909
<i>Government media policy</i> .....	4909
<i>River Red Gum Parks Management Plan</i> .....	4910
<i>Department of Education and Training</i>	
<i>WorkCover claim</i> .....	4910
<i>Australian Sustainable Hardwoods</i> .....	4911
<i>Firearms licensing</i> .....	4911
<i>Native forest logging</i> .....	4912
<i>Port Fairy and Terang ambulance stations</i> .....	4912
<i>Abortion services</i> .....	4912
<i>Roadside livestock grazing</i> .....	4913
<i>Child out-of-home care services</i> .....	4913
<i>Metropolitan Remand Centre</i> .....	4914
<i>Metropolitan Remand Centre</i> .....	4915
<i>Production of documents</i> .....	4915
<i>Major event ticketing</i> .....	4916
<i>Timber industry</i> .....	4916
<i>Trespass legislation</i> .....	4916
<i>Gambling regulation</i> .....	4917
<i>Timber industry</i> .....	4918
<i>Public land use</i> .....	4918
<i>Aboriginal child removal</i> .....	4918
<i>Crown Casino</i> .....	4919
<i>Production of documents</i> .....	4919
<i>Suburban Rail Loop</i> .....	4920
<i>North Richmond supervised injecting facility</i> .....	4920
<i>Production of documents</i> .....	4920
<i>Production of documents</i> .....	4921





**WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE**

*Responses have been incorporated in the form provided to Hansard and received in the period shown.*

**27 August to 7 September 2018**

**Epilepsy Foundation**

**Question asked by:** Ms Patten  
**Directed to:** Minister for Families and Children  
**Asked on:** 25 July 2018

**RESPONSE:**

I am advised that:

The Andrews Labor Government is committed to better support for people with disability. That means getting the NDIS right and delivering a better deal for NDIS participants.

Clarifying the intersection between the health system and the NDIS is a critical step along the way and a priority for Government as it negotiates with the Commonwealth Government for a NDIS Full-scheme Bilateral Agreement.

The Department of Health and Human Services recently hosted a meeting with the Victorian Neurological Alliance (the Alliance) and other organisations to discuss the links between health services and the NDIS and their implications for health and disability services to Victorians.

Alliance members include the Epilepsy Foundation, Alzheimer's Victoria, Epilepsy Foundation, Huntington's Victoria, Multiple Sclerosis (MS) Ltd, Motor Neurone Disease Victoria (MND), Muscular Dystrophy Association (MDA) and Parkinson's Victoria.

The Andrews Government understands their concerns in regard to ongoing support for Victorians deemed ineligible for the NDIS and for some NDIS participants whose needs will be a health system responsibility. For example, the complex and episodic nature of epilepsy means that an individual might need a combined health and disability response.

The Government values the contribution that the Epilepsy Foundation and other affected organisations make to the health and disability needs of Victorians. We will continue to work with them on these issues, including funding arrangements, together with the National Disability Insurance Agency and the Commonwealth Government.

**Government media policy**

**Question asked by:** Mr Davis  
**Directed to:** Minister for Regional Development  
**Asked on:** 21 August 2018

**RESPONSE:**

Complaints relating to content shown on City Loop TV screens have been made to Metro Trains and the Victorian Government via letter, email, phone and through social media channels.

I am advised that this includes at least 73 formal complaints to Metro Trains and Public Transport Victoria, as well as hundreds of additional complaints on social media.

***River Red Gum Parks Management Plan***

**Question asked by:** Mr O'Sullivan  
**Directed to:** Special Minister of State  
**Asked on:** 22 August 2018

**RESPONSE:**

The release of the River Red Gum Parks Management Plan sets out long-term goals and strategies the protection of over 100 historical parks and reserves across Victoria.

Stretching over 215 000 hectares across Victoria, the plan will collectively manage parks along the Murray, Ovens and Goulburn Rivers.

Bookable campsites in these areas are not unusual. For example, campsites at Hattah-Kulkyne National Park have required a booking for the past 5 years. This has proved to be an effective management practice that ensures protection of the environment and the continued provision of high quality camping experiences.

The plan recognises that dispersed self-select camping experiences will continue to be the main form of camping for the over 800 sites along the Murray River, ensuring that families can still access their favourite spots.

There will be minimal change to the camping experience. Three new camp grounds located at Wills Bend, Farley Bend and Stanton Bend, and eight other camping areas, are to be established in high-use areas. These may include bookable campsites and limit the length of stay to manage demand. Installation of visitor facilities may be considered at these sites.

As with all new initiatives, Parks Victoria will engage the community ahead of any proposed changes, such as planning for changes such as safari style tents. New initiatives identified within the plan will be investigated and rolled out during the 15-year period the plan will be in place for.

**Department of Education and Training WorkCover claim**

**Question asked by:** Mr Rich-Phillips  
**Directed to:** Special Minister of State  
**Asked on:** 23 August 2018

**RESPONSE:**

Mr Allman's claim for compensation was originally rejected by the WorkCover agent, consistent with the information provided by the Department of Education and Training (DET). However, following a partial hearing of this matter, noting all of the risks in the litigation under this no-fault scheme, WorkCover determined that it was preferable to settle this matter consistent with the model litigant guidelines.

The County Court made orders on 10 August 2018 that determine Mr Allman is entitled to weekly payments of compensation pursuant to the Workplace Injury Rehabilitation and Compensation Act 2013 and to reasonable medical and like expenses.

As Mr Allman has now established a lawful entitlement to compensation under the Act, his claim will be periodically reviewed to ensure that he continues to satisfy the legislative requirements for an ongoing entitlement to compensation.

This decision does not affect the underlying entitlement for DET to terminate Mr Allman when faced with the admissions he made under oath during the IBAC public hearings. The department is entitled to summarily dismiss public servants without notice in relevant circumstances under the public service executive contract.

**Australian Sustainable Hardwoods**

**Question asked by:** Ms Bath  
**Directed to:** Minister for Agriculture  
**Asked on:** 23 August 2018

**RESPONSE:**

I am advised by the Minister for Industry and Employment that the Heyfield sawmill is a viable business and the Andrews Government's intervention means that the sawmill can continue to contribute to the regional economy, provide local employment and produce world-class materials. ASH Management are responsible for day to day operations.

**FURTHER RESPONSE:**

I am advised by the Minister for Industry, responsible for ASH Heyfield, that the company have revised their operations in line with their log volumes and is operating as a profitable business.

The Andrews Government's intervention means valuable Gippsland jobs have been saved and the sawmill can continue making timber products and contribute to the local Heyfield economy.

**Firearms licensing**

**Question asked by:** Mr Young  
**Directed to:** Minister for Corrections  
**Asked on:** 23 August 2018

**RESPONSE TO SUBSTANTIVE QUESTION:**

Under Part 2 of the Firearms Act 1996 (the Act) a person applying for a firearms licence must demonstrate that the licence is required for a mandated reason. Depending on the category of licence, those reasons include:

- sport or target shooting;
- hunting;
- professional hunting;
- primary Production;
- security or Prison guard;
- official, commercial or prescribed purpose or a purpose authorised by another Act.

Depending on the category of licence and demonstrated reason, an applicant must produce certain evidence or information to establish that reason. For instance, for a Category A or B licence for the reason of hunting, if the applicant is a holder of a game licence issued under the Wildlife Act 1975, they must produce the licence.

Pursuant to Part 2 of the Act, an applicant renewing a firearms licence must continue to demonstrate that they have the reason for which the licence was initially issued.

**RESPONSE TO SUPPLEMENTARY QUESTION:**

Please refer above to the response to the substantive question. The Firearms Act 1996 sets out all of the mandated reasons for which a firearms licence may be sought.

### **Native forest logging**

**Question asked by:** Ms Dunn  
**Directed to:** Special Minister of State  
**Asked on:** 23 August 2018

#### **RESPONSE:**

The government understands the importance of certainty to business and the need to account for fluctuations in resource supply over time in a planned and fair manner.

It is difficult to confidently forecast how much timber will be available from State forests in 2040. To put this into context, the Victorian Environmental Assessment Council's 2017 Fibre and Wood Supply Assessment report found that sustainable harvest levels have reduced by more than 50 per cent over the past decade.

VicForests regularly forecasts the amount of timber that can be sustainably sourced from State forests over the medium-term through its Resource Outlook. The report, last published in 2017, is regularly updated to incorporate several factors, including bushfire events and regulatory and policy changes, such as threatened species protections, that influence the amount of timber that can be sustainably supplied to the timber industry. VicForests continues to use the Resource Outlook to inform commercial decisions on allocating timber from Victoria's State forests.

The government is committed to the long-term future of Victoria's forestry industry. This has been demonstrated by our decision to allocate \$110 million for new plantation establishment in the 2017-18 budget. Work continues within government on how to effectively work with stakeholders to maximise economic, social and environmental benefits.

### **Port Fairy and Terang ambulance stations**

**Question asked by:** Mr Purcell  
**Directed to:** Minister for Families and Children  
**Asked on:** 23 August 2018

#### **RESPONSE:**

The Port Fairy and Terang stations were funded as part of the \$144 million provided by the government in the 2016-17 Budget to fund and improve ambulance services and response times.

The ambulance station capital program is being delivered by the Victorian Health and Human Services Building Authority who are currently reviewing the designs and procurement for both stations to ensure that they are fit for purpose and fully align with building regulations and Ambulance Victoria requirements.

For both stations, construction is expected to begin in 2019. Operational dates will be determined as works approach completion and will be subject to Ambulance Victoria commissioning and roster processes.

### **Abortion services**

**Question asked by:** Ms Patten  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 August 2018

#### **RESPONSE:**

I am advised that:

As you are aware the Abortion Law Reform Act 2009 means that women in Victoria have a lawful right to a termination of pregnancy at any gestation.

Surgical and in recent years medical terminations, are provided by a wide range of providers including by general practitioners, women's health services as well as public and private hospitals and day procedure centres.

The number of public appointments scheduled is not available. Access to public funding, through Medicare, means that for most women termination services can be provided at low cost.

Easy, local access to contraception (including long acting options), together with improved access to medical termination, good partnerships for pathways between health care providers is critical to ensure women can make decisions about their reproductive options.

This government is proud to say it released the state's first Women's sexual and reproductive health: key priorities 2017-2020 is the Victorian Government's plan to improve the sexual and reproductive health of all Victorian women including access to contraception and termination services.

The plan is supported by \$6.6 million dollars of new funding to improve services and support across four key priority areas including improving access to reproductive choices.

To date the following has been delivered:

- The Royal Women's Hospital is being funded to train more clinicians to provide surgical terminations.
- The new 1800 My options website and phone line to provide women with free and confidential information and advice regarding termination services across Victoria (established in March 2018).
- four new community-based family planning hubs are already underway in Bendigo, Ballarat, Frankston and Melbourne's West to improve women's access to affordable, reliable and confidential access to contraception, pregnancy support and terminations services.

### **Roadside livestock grazing**

**Question asked by:** Mr Purcell  
**Directed to:** Minister for Agriculture  
**Asked on:** 24 August 2018

#### **RESPONSE:**

The Government is actively responding to farmers experiencing drought.

VicRoads assesses applications to allow grazing stock on the road reserve of the arterial road network — taking into account road safety risks and environmental impacts.

We encourage anyone who needs to make an application to get in touch with VicRoads by calling 13 11 70.

Furthermore, many local Councils in Victoria allow grazing of livestock on local roads to support farmers and reduce fire risk. Farmers in these areas can apply for grazing permits, issued under Local Laws, with certain conditions. Councils may require a site inspection and consultation with neighbouring landholders before a permit is issued.

### **Child out-of-home care services**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 August 2018

#### **RESPONSE:**

On 15 August 2018, the Salvation Army advised the Department of Health and Human Services of their intention to cease delivery of all out of home care services across Victoria as from 30 June 2019.

I am advised that, following a recent National restructure, the Salvation Army reviewed their social services across Australia and made the decision to withdraw from providing out of home care services.

The Salvation Army are a key provider of social services and will remain providing a range of other services to vulnerable Victorians.

The Andrews Labor Government is committed to meeting the needs of, and strengthening services to, vulnerable children and young people. This includes strengthening family reunification where appropriate and reducing the likelihood of entry into residential care services.

The number of children requiring out of home care can change on any given night. I am advised by the Salvation Army that they have met with the affected staff and are in the process of meeting with foster carers and the department is making appropriate arrangements for young people and their families to be supported to receive the advice.

The department is working with the Salvation Army to develop a plan that will enable a smooth transition for all children, carers and staff impacted.

### **Metropolitan Remand Centre**

**Question asked by:** Mr O'Donohue  
**Directed to:** Minister for Corrections  
**Asked on:** 24 August 2018

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

Firstly, I reject the member's assertion that I have tried to downplay this incident. My response in the House simply states the facts. It is Mr O'Donohue who, again, has put his desperate attempt to create scandal above fact.

The advice I have received from Corrections Victoria is that no edged weapon was identified as having been used in this incident and that Mr O'Donohue's claim that 80 prisoners refused direction simply is not true.

I am also advised that ten staff did not submit WorkCover claims as stated by Mr O'Donohue, but rather five claims have been submitted and four officers have returned to work to date.

It is very concerning that Mr O'Donohue continues to make claims about Corrections Victoria that are simply not true.

Corrections Victoria staff do a very difficult job each and every day they put their uniform on. It can be dangerous work, but it is work that keeps our community safe.

I urge Mr O'Donohue to desist with his baseless, unsubstantiated and unjustified claims that do nothing to help our prison officers do their important jobs.

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

The safety of staff and prisoners is our highest priority.

Prison officers have tough jobs, often dealing with complex and dangerous prisoners.

Victoria's prisons have a well-established system to respond to serious incidents and all facilities have dedicated teams on site which specialise in emergency response.

The Security & Emergency Services Group are a team of specially trained officers who can also be deployed across the state to provide support where required.

Serious incidents between prisoners occur less now than they did under Mr O'Donohue's time as Corrections Minister.

### Metropolitan Remand Centre

**Question asked by:** Mr O'Donohue  
**Directed to:** Minister for Corrections  
**Asked on:** 24 August 2018

#### RESPONSE TO SUBSTANTIVE QUESTION:

As stated in my response in the House, all recommendations from the Walshe Investigation into the riot at the Metropolitan Remand Centre (MRC) have been actioned.

#### RESPONSE TO SUPPLEMENTARY QUESTION:

Mr O'Donohue has yet again based his question on inaccuracy. Operation Oyster was replaced by the State Correctional Emergency Response Plan which was part of the Government's response to the findings in the Walshe review.

### Production of documents

**Question asked by:** Ms Wooldridge  
**Directed to:** Special Minister of State  
**Asked on:** 4 September 2018

#### RESPONSE:

The Government adopts a principled approach to claiming executive privilege in relation to Documents that are subject to an order for documents. An overriding principle is whether the release of information would be in the public interest.

These principles were set out in the Attorney-General's letter to the Clerk of the Legislative Council dated 14 April 2015. Those Provisions ensure that documents are protected that, if released, would;

- a) reveal, directly or indirectly, the deliberative processes of Cabinet;
- b) reveal high-level confidential deliberative processes of the Executive Government, or would otherwise jeopardise the necessary relationship of confidence between a Minister and the public service;
- c) reveal information obtained by the Executive Government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions (e.g. section 10.1.30 of the Gambling Regulation Act 2003);
- d) reveal confidential legal advice to the Executive Government; or
- e) otherwise jeopardise the public interest, in particular where disclosed would:
  - i. prejudice national security or public safety;
  - ii. prejudice law enforcement investigations;
  - iii. materially damage the State's financial or commercial interests (such as ongoing tender processes, or changes in taxation policy);
  - iv. prejudice intergovernmental and diplomatic relations; or
  - v. prejudice legal proceedings.

The Government's approach is consistent based on a considered analysis of the law

### Major event ticketing

**Question asked by:** Mr Ondarchie  
**Directed to:** Minister for Small Business  
**Asked on:** 4 September 2018

#### RESPONSE TO SUBSTANTIVE QUESTION:

As previously advised, the Department of Economic Development, Jobs, Transport and Resources is developing a process to seek the views of stakeholders in relation to their details being released.

This is required as permission was not initially sought at the time of the consultation. An update will be provided once the process is finalised.

#### RESPONSE TO SUPPLEMENTARY QUESTION:

I refute the premise of the question and refer to my answer provided in the substantive response.

### Timber industry

**Question asked by:** Mr Rich-Phillips  
**Directed to:** Minister for Agriculture  
**Asked on:** 4 September 2018

#### RESPONSE:

Decisions on the release of Cabinet documents is a matter for Cabinet consideration.

### Timber industry

**Question asked by:** Mr O'Sullivan  
**Directed to:** Minister for Agriculture  
**Asked on:** 4 September 2018

#### RESPONSE:

The Victorian Government is currently considering how to most effectively invest this \$110 million. In its considerations the government recognises the importance of planning and aligning the development of plantations with industry needs. Plantation establishment has not yet commenced.

### Trespass legislation

**Question asked by:** Mr Bourman  
**Directed to:** Minister for Corrections  
**Asked on:** 4 September 2018

#### RESPONSE TO SUBSTANTIVE QUESTION:

The Government takes community safety very seriously and our criminal laws are continually monitored to ensure that they remain adapted to Victoria's needs.

There are a number of existing laws in place to safeguard the rights of community members, including where a person trespasses on farming land. Section 9 of the Summary Offences Act 1966 makes it an offence to enter private premises without the consent of the owner or occupier. This offence carries a maximum penalty of 25 penalty units or 6 months' imprisonment.

In addition, there are a range of other summary and indictable offences that may apply to individuals trespassing on farming land for the purpose of protesting, depending on the circumstances. These include:



- entry likely to breach the peace (section 9(1)(g) Summary Offences Act), which carries a maximum penalty of 25 penalty units or 6 months' imprisonment;
- wilful damage of property (section 9(1)(c) Summary Offences Act), which carries a maximum penalty of 25 penalty units or 6 months' imprisonment;
- criminal damage (section 197(1) Crimes Act 1958), which carries a maximum penalty of 10 years' imprisonment;
- contamination of goods (section 249 Crimes Act) which carries a maximum penalty of 10 years' imprisonment or a fine of 1200 penalty units, or both; and
- unlawful assembly (common law offence, penalty prescribed in s 320 Crimes Act) which carries a maximum penalty of 5 years' imprisonment.

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

There are a range of offences that apply to make unauthorised entry to private land unlawful, and which can be relied on by police to arrest and charge trespassers.

The Government believes that the existing laws strike the appropriate balance between protecting the community and respecting the rights of all Victorians to lawfully engage in freedom of expression, peaceful assembly, and freedom of association.

#### **Gambling regulation**

**Question asked by:** Ms Patten  
**Directed to:** Minister for Trade and Investment  
**Asked on:** 4 September 2018

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

The government has no plans to introduce a \$1 maximum bet on gaming machines. Thanks to the previous Labor Government, Victoria was one of the first Australian jurisdictions to adopt a maximum \$5 bet limit at pubs and clubs. In NSW and the ACT, the maximum bet limit is \$10, and no Australian jurisdiction has a maximum bet limit of less than \$5. A \$1 bet limit has been rejected by the Commonwealth Government and all Australian states and territories. There is also no limit on the amount that can be placed on other forms of gambling, such as wagering or certain casino games.

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

Although the Andrews Government will not be introducing a \$1 maximum bet limit, we have implemented or will be introducing a range of measures to address the harm associated with gaming machines. These include:

- the establishment of the YourPlay pre-commitment scheme
- limiting daily EFTPOS cash withdrawals in venues to \$500 per card
- capping machine numbers in the state at the current level until 2042
- further restricting regional and municipal caps that apply to pokies
- prohibiting gaming venue operators from cashing cheques for patrons
- imposing new harm minimisation requirements in relation to cashless gaming
- redeveloping the Responsible Service of Gaming training
- reviewing the Responsible Gambling Codes of Conduct that apply to gaming machines
- ensuring that the Victorian Responsible Gambling Foundation is one of the nation's most highly funded organisations to address problem gambling.

**Timber industry**

**Question asked by:** Ms Dunn  
**Directed to:** Minister for Agriculture  
**Asked on:** 4 September 2018

**RESPONSE:**

The assertions of the member are incorrect.

**Public land use**

**Question asked by:** Mr Young  
**Directed to:** Special Minister of State  
**Asked on:** 5 September 2018

**RESPONSE:**

The Victorian Government recognises that public land is valued by, and an asset for all Victorians, for a variety of recreational and commercial uses, social and cultural purposes and environmental values.

Members of the public have access to Victoria's national parks, including for recreation and tourism activities, however there are regulations around specific uses to preserve and protect the natural and cultural values of the parks.

This is supported by the Victorian Environment Assessment Council's (VEAC) draft proposals paper for the Central West Investigation which states that "four-wheel driving, trail bike riding, mountain biking, horse riding, car rallies, camping, bee keeping, and dog walking in specified designated sites, can all be accommodated in national parks".

However, some of these activities are limited to some areas or to specific times of the year, to preserve Victoria's natural assets, protect particular values, minimise conflicts and ensure public safety.

VEAC is due to submit its final report on the Central West Investigation to government in March 2019. The government will then consider VEAC's findings and final recommendations. In accordance with the Victorian Environmental Assessment Council Act 2001, the government will have six months to respond to VEAC's final recommendations.

**Aboriginal child removal**

**Question asked by:** Ms Springle  
**Directed to:** Minister for Early Childhood Education  
**Asked on:** 5 September 2018

**RESPONSE:**

I am advised that:

The Andrews Labor Government acknowledges the ongoing suffering and trauma experienced by Aboriginal Victorians who are members, and descendants of members, of the Stolen Generations.

We know that the impacts of past policies and practices of forcible removal of Aboriginal children have been devastating which is why the Government continues to advocate for a national redress scheme, in line with the recommendations of the Bringing Them Home report.

However, we acknowledge that it has now been 20 years since the Report was released, and the Commonwealth Government has still not implemented the Report's compensation recommendations.

The Andrews Labor Government has taken action towards several other elements of reparations for Stolen Generations members, including a formal apology in the Victorian Parliament, restitution and rehabilitation through targeted responses to members of the Stolen Generations, and broader efforts to address Aboriginal disadvantage and dispossession.

Last month we also announced \$975 000 in funding to support Connecting Home Limited in Collingwood to deliver a range of services for Stolen Generations survivors. These include case management, family reunion, counselling, support group and other healing services.

### **Crown Casino**

**Question asked by:** Dr Ratnam  
**Directed to:** Minister for Trade and Investment  
**Asked on:** 5 September 2018

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

Skill-based games to be used in gaming machines incorporate at least some element of player skill in determining the outcome of the game. Currently there are no skill-based gaming machines or games approved to operate in Victoria.

A gaming machine and games must be approved by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to be operated in Victoria. In determining whether to approve a gaming machine or game, the VCGLR must have regard to player return, game fairness and security and responsible gambling, a certificate of a person listed on the Roll of Manufacturers, Suppliers and Testers as well as whether the gaming machine or game complies with the Australian and New Zealand Gaming Machine Standards, including the Victorian Appendix.

The VCGLR has recently received an application from a manufacturer for approval of a gaming machine game with a skill-based component. I understand this application is under consideration.

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

The Responsible Gambling Ministerial Advisory Council has been asked to provide the Minister for Consumer Affairs, Gaming and Liquor Regulation, the Hon Marlene Kariouz MP, with advice on emerging products, including skill-based gaming.

The Minister will consider this advice.

### **Production of documents**

**Question asked by:** Mr Rich-Phillips  
**Directed to:** Special Minister of State  
**Asked on:** 5 September 2018

#### **RESPONSE:**

You would be aware that Mr Guy has not agreed to release documents to the 58th Parliament relating to the Previous Baillieu/Naphine Government; but he did consent to release information which was then included in the Government response to summonses issued by the Royal Commission into Family Violence.

Mr Eccles AO said in his letter to the Opposition Leader dated 10 April 2018 that in responding to the resolution of the Legislative Assembly of 29th March 2018 he was acting in accordance with a direction of the Premier. Mr Eccles was thereby acting within the terms of his employment contract and his responsibilities under the Code of Conduct for Public Sector Employees. He also clearly stated in his correspondence that failure to do so would have jeopardised compliance with his obligations under the Code.

### Suburban Rail Loop

**Question asked by:** Ms Wooldridge  
**Directed to:** Special Minister of State  
**Asked on:** 5 September 2018

**RESPONSE:**

Work to develop the Victorian Government's Suburban Rail Loop policy has been undertaken in accordance with the regular activities of Development Victoria and Rail Projects Victoria.

Information relating to costs incurred for work undertaken by consultants and contractors is outlined in the regular annual reporting of departments and entities.

### North Richmond supervised injecting facility

**Question asked by:** Ms Fitzherbert  
**Directed to:** Minister for Families and Children  
**Asked on:** 5 September 2018

**RESPONSE:**

I am advised that:

The transitional medically supervised injecting room in North Richmond opened on 30 June 2018 and is already saving lives.

There have already been more than 8000 visits to the medically supervised injecting room, and trained staff have safely responded to more than 140 overdoses that may otherwise have been fatal had they happened elsewhere. The Government is not providing information related to unique client numbers due to privacy concerns for those accessing the MSIR.

Feedback shows clients are engaging with staff, seeking treatment for a range of health issues and asking for referrals for drug dependence treatment.

The recently announced purpose-built facility for the medically supervised injecting room will provide more counselling and treatment rooms, and more capacity for treatment and support services to help people ultimately overcome their drug dependency.

### Production of documents

**Question asked by:** Mr Rich-Phillips  
**Directed to:** Special Minister of State  
**Asked on:** 6 September 2018

**RESPONSE TO SUBSTANTIVE QUESTION:**

Citizens of Victoria need to have some confidence that the material that has been provided to the Parliament does protect their privacy. There is work currently being undertaken with the authority of the Legislative Assembly to constrain uploading of information — a process to remedy that and reduce that risk of the exposure of inappropriate access to personal information.

**RESPONSE TO SUPPLEMENTARY QUESTION:**

In this matter where important documents have been provided to the Legislative Assembly which were denied to the Ombudsman and the Auditor General, a number of broader documentation relating to this case were deemed to be in scope by the Department and provided to the Executive Government. Thereby, the usual process of redactions or limiting the scope of documents because of privilege was not undertaken by Legal Officers or Freedom of Information Officers within those Departments. In this regard some additional vetting would have been warranted.

**Production of documents**

**Question asked by:** Mr Rich-Phillips  
**Directed to:** Special Minister of State  
**Asked on:** 6 September 2018

**RESPONSE:**

In my response yesterday, I said the following in relation to the Ventnor document release.

In this matter, material that was withheld from the Ombudsman and withheld from the Auditor-General during the life of the previous administration has now seen the light of day material that in fact the (then) Minister Matthew Guy worked assiduously to prevent his department releasing to the Ombudsman and releasing to the Auditor-General, matters that would have shown him to be acting in a totally inappropriate way. The Government formed the view that this release was clearly in the public interest.

There may be circumstances when a decision to release information may be constrained by the availability of departmental resources that could be allocated to its assessment. Members of Parliament, the media and the community should be aware that sometimes the scope of requests may be far broader than necessary to hone in on relevant information.