

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**WRITTEN ADJOURNMENT RESPONSES**

**8, 9 and 10 December 2009**

**(Extract from book 17)**

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## **The Lieutenant-Governor**

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**Privileges Committee** — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

**Select Committee on Train Services** — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

**Standing Committee on Finance and Public Administration** — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

**Standing Orders Committee** — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

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*Parliamentary Services* — Secretary: Dr S. O'Kane

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Mr DAMIAN DRUM

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Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Ms Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
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Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
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Huppert, Ms Jennifer Sue <sup>1</sup>	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
			Vogels, Mr John Adrian	Western Victoria	LP

<sup>1</sup> Appointed 3 February 2009

<sup>2</sup> Resigned 9 January 2009



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## WRITTEN ADJOURNMENT RESPONSES

*Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.*

**Tuesday, 8 December 2009**

**Schools: building program**

**Raised with: Minister for Education**

**Raised by: Mr Koch**

**Raised on: 2 June 2009**

**REPLY:**

I am informed as follows:

The Government has committed \$1.9 billion to rebuild, renovate or extend 500 schools in four years. This is the largest school building program in Victoria's history, and will transform education infrastructure across the State. The *Victorian Schools Plan* will see the remainder of the 1600 government schools rebuilt, renovated or extended over 10 years. Since 1999, the Victorian Government has invested \$3.3 billion on capital works in schools to rebuild, renovate or extend more than 800 schools.

In addition to this funding provided by the Victorian Government, the Commonwealth Government is investing over \$300 million as part of the *National School Pride* program and over \$3 billion as part of the *Primary Schools for the 21<sup>st</sup> Century* program under the *Building the Education Revolution*.

The *Building the Education Revolution* program is supporting local jobs across the State and is providing schools with 21<sup>st</sup> century learning environments. The Department of Education and Early Childhood Development has had extensive consultation with the building industry and held eight industry forums across Victoria to better understanding of the BER process and disseminate information on how to get involved.

The Department continues to work with companies on the whole of government Construction Supplier Register to most effectively match capabilities to the available projects.

The manufacturing, engineering and service sectors are encouraged to register with the Industry Capability Network (ICN) to be considered for future works. ICN is proactive in ensuring that local businesses are presented with the opportunity to participate in major projects by working in partnership with government, associations, industry and project proponents.

There are approximately 300 registered companies on the *Building the Education Revolution* Architects Panel. As projects are approved, architects are being selected from the panel to undertake design work.

Companies registered on the panel will also be considered for work in future capital works projects within the *Victorian Schools Plan* capital works program.

In order to meet the Commonwealth's strict timelines, projects need to commence immediately. To help schools achieve this, the Department worked in partnership with Hayball and Gray Puksand from two of Victoria's top architectural firms to create a series of 21st century learning environment design templates to facilitate modern learning environments and that can be customised to meet the needs of each school. These design templates follow strong design principles for student safety and comfort, ecologically sustainable design and reduced operating costs.

Schools unable to accommodate a template design were assisted to develop individual designs to meet the specific constraints of their sites.

I am pleased to note that Amphitheatre Primary School received \$40,000 under Round 2 of the *National Schools Pride* program for an outdoor learning area.

In addition, \$368,000 has been provided under Round 1 of the *Primary Schools for the 21<sup>st</sup> Century* program for refurbishments of existing facilities including learning and teaching spaces and administration and staffing facilities. I also note that \$50,000 has been provided under the *Better Schools Today* program bringing the total project to a value of \$418,000.

### **Rail: Wandong station**

**Raised with:** Minister for Public Transport

**Raised by:** Mrs Petrovich

**Raised on:** 11 August 2009

#### **REPLY:**

The Mitchell Shire Council and the local Wandong community have been strong advocates for the construction of a pedestrian overpass across railway tracks at Wandong. Many residents in the area, including children, illegally crossed the railway line to access shopping and other facilities on the western side of the line, or from the west as a shortcut to the local primary school on the eastern side.

In March 2005, Maunsell produced a report, commissioned by Council, which supported the construction of a pedestrian railway overpass at Wandong to address community safety concerns about people illegally crossing the railway lines. In September 2006, the Government announced the construction of the overpass, which would create another safe railway crossing for Wandong residents, particularly primary school children.

The overpass project involved extensive consultation with Council and residents. Community meetings were held in July 2007 and April 2008 to inform the residents about the project and to obtain feedback. A further meeting with the Wandong and Heathcote Junction Community Group was also held in March 2008.

The overpass access points are opposite the primary school on the eastern side of the railway line and local shops on the western side. The overpass has been built to comply with federal disability discrimination legislation. Ramps are provided at a gradient that will cater for people using wheelchairs and other mobility aids. The height of the structure allows for future rail traffic initiatives such as the 'double stacking' of rail freight containers, which provides a greener, more efficient way of moving freight.

The overpass demonstrates the Government's commitment to supporting vital local infrastructure projects to help create greater opportunities for economic development and growth.

There is no plan to combine the railway stations at Wandong and Heathcote Junction.

### **Wind farms: Waubra**

**Raised with:** Minister for Energy and Resources

**Raised by:** Mr Koch

**Raised on:** 15 September 2009

#### **REPLY:**

The Australian Government recently passed the legislation for an expanded Renewable Energy Target (RET). The RET will encourage 20 per cent of Australia's electricity generation to come from renewable sources by 2020. The RET scheme provides a financial incentive for the least cost renewable energy generation to meet the targets. To

date, wind energy has been the main beneficiary of renewable energy schemes as it is currently one of the least cost forms of renewable energy.

Victoria has world-class wind resources. As a result Victoria is likely to host a significant share of the investment flowing from the RET. The challenge for the Government is to ensure the Victorian community receives the maximum potential benefit of such regional investment, whilst minimising any adverse environmental or social impacts.

Any proposal to construct a wind energy facility is assessed according to the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (the Guidelines) and a Planning Permit is issued under the *Planning and Environment Act 1987*. The Guidelines provide a clear decision making framework to ensure that proposals for wind energy facilities are thoroughly assessed against criteria important to both proponents and the community before development can commence, including the effect on the amenity of the surrounding area, such as noise, blade glint and shadow flicker. Waubra wind farm has been subject such to an assessment.

The Planning Permit contains provisions for the monitoring of noise under the wind farm's Environmental Management Plan. Any one with the health effects identified from the wind farm, should be encouraged to contact Community Relations Coordinator on 1800 283 550 or via email: [info@waubrawindfarm.com.au](mailto:info@waubrawindfarm.com.au) to discuss the possibility of noise monitoring being conducted at the premises. I understand that Acciona is in discussion with Mr and Mrs Godfrey to understand the impact of wind farms and eliminate their concerns, where possible.

### **Children: early childhood services**

**Raised with: Minister for Children and Early Childhood Development**

**Raised by: Ms Lovell**

**Raised on: 16 September 2009**

#### **REPLY:**

I am informed as follows:

In 2005 the Government committed to extending the *Children's Services Regulations 1998* to cover family day care and outside school hours care. A comprehensive review was undertaken to develop a stronger regulatory framework in order to enhance children's early development through the provision of higher quality education and care services.

The 1998 Regulations were due to expire on 26 May 2008. Due to the complexity of the changes to the legislative regime and the need to allow for a substantial period of consultation for the draft regulations, extending regulations were made on 22 January 2008 to prolong the life of the old Regulations until 25 May 2009. Other significant considerations in extending the old Regulations included many requests from the sector for more time to consider issues that arose in the review process, and the National Reform Agenda being advanced through the Council of Australian Governments (COAG).

There was extensive consultation with sector representatives and others in developing the draft regulations that were released for public comment on 21 January 2009. Preparation of the draft regulations and the accompanying Regulatory Impact Statement (RIS) followed the rigorous process set out in the *Victorian Guide to Regulation*. This Guide establishes a consistent framework across the whole of government for the development of best practice regulation in Victoria.

The Government scheduled two months to consult on the proposed regulations, which was double the period required for such regulatory change.

The public consultation phase involved some 40 consultation sessions held throughout Victoria attended by more than 1,600 people, and produced almost 800 formal feedback submissions, including around 35 detailed

submissions from peak agencies. Overall, there was overwhelming support for the key directions proposed in the draft regulations, particularly around quality improvement.

The anticipated costs outlined in the RIS were determined using two different methods—one which looked at the cost of implementing the regulatory changes in a typical centre, and the other which looked at the estimated state-wide cost for governments, parents and providers of implementing the proposed regulations. Both costing methods are vigorous and robust and were scrutinised by the Victorian Competition and Efficiency Commission (VCEC) in order to assess the adequacy of the RIS. A letter from VCEC confirming its assessment was published with the RIS.

In determining the key provisions of the new *Children's Services Regulations 2009*, the Government was mindful of its commitment both to improved quality in children's services and to maintaining affordability for Victorian families. I am confident that the new Regulations strike an appropriate balance between quality improvements that are affordable for families and viable for the industry.

In relation to the Commonwealth cost projections by Access Economics, unless the same things are being costed and the baseline assumptions regarding ratios, qualifications and implementation dates are the same, which I am informed is not the case, the costs are not directly comparable to our RIS costings.

More information can be found at: <http://www.education.vic.gov.au/ecsmanagement>

### **Keilor Cemetery Trust: investment**

**Raised with:** Minister for Local Government

**Raised by:** Ms Hartland

**Raised on:** 17 September 2009

#### **REPLY:**

The Local Government Inspectorate was made aware of the allegations you raised in relation to the Keilor Cemetery Trust investment following complaints from Brimbank City Council.

An investigation found that there was no prima facie evidence to corroborate the allegations raised in relation to a conflict of interest between former Brimbank City Councillor, Kathryn Eriksson and the Bank of Cyprus.

### **Public transport: myki ticketing system**

**Raised with:** Minister for Public Transport

**Raised by:** Ms Hartland

**Raised on:** 13 October 2009

#### **REPLY:**

Vandalism on the public transport network does not just affect myki. It is a problem that exists across the entire transport network and public infrastructure in general.

As with Metcard, most instances of vandalism against myki equipment have occurred on the train network. Between 18 June 2009 and 28 October 2009, there were 235 reported cases of vandalism to myki equipment, of which 68 per cent were at unmanned stations.

The vast majority of vandalism against myki equipment has been general graffiti, including tagging and scratching.

**Centre Dandenong Road, Dingley: bus lane**

**Raised with:** Minister for Roads and Ports

**Raised by:** Mrs Peulich

**Raised on:** 10 November 2009

**REPLY:**

I am informed that, as at the date, the question was raised:

The 2005 Kingston Transport Study included a number of key recommendations to encourage traffic to use arterial roads in the City of Kingston, thus reducing the impacts of traffic on residential amenity.

The study recognised the need to improve the amenity of Centre Dandenong Road. VicRoads has therefore been making improvements to the surrounding arterial road network to encourage through traffic—particularly heavy vehicles—to use more efficient alternatives such as Lower Dandenong Road and Boundary Road or Westall Road. For example, works are currently underway to replace the roundabout at the intersection of Lower Dandenong Road and Boundary Road with traffic signals. The Brumby Government's \$38 billion *Victorian Transport Plan* also identified the construction of a new 3.5 km section of the Dingley reservation between Perry Road and Springvale Road.

To complement these measures and improve the operation and reliability of the bus service on Centre Dandenong Road, a project to introduce bus lanes on this road was proposed by the South Eastern Integrated Transport Group, the peak group representing the regional transport interests of a number of municipal councils including Kingston and Greater Dandenong. The project is supported by the Department of Transport and VicRoads, and is in line with the Government's *Keeping Melbourne Moving* strategy for improving the flow of road-based public transport.

In response to feedback from the local community regarding the project, VicRoads will delay the installation of the bus lanes until after the traffic signals at the Lower Dandenong Road / Boundary Road intersection have been commissioned and the resulting traffic patterns in the area become more established. At this stage, works to install the bus lanes on Centre Dandenong Road are expected to commence in early 2010.

In the meantime, VicRoads and the Kingston City Council will continue to advise the wider community of the changes to traffic management in the area.



**WRITTEN ADJOURNMENT RESPONSES**

*Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.*

**Wednesday, 9 December 2009**

**Rail: Eltham station**

**Raised with: Minister for Public Transport**

**Raised by: Mrs Kronberg**

**Raised on: 12 August 2009**

**REPLY:**

In preparation for the delivery of 38 X'Trapolis trains, purchased as part of *The Victorian Transport Plan*, additional stabling roads and maintenance facilities will be built across Melbourne's rail network.

The provision of additional stabling will allow for greater network reliability and pave the way for new services. Ensuring trains are housed at the right locations eliminates the need to relocate them from stabling yards on other lines before the morning peak.

The option of stabling trains at Wattle Glen is likely to require duplication of the rail track between Greensborough and Wattle Glen, making this a very large scale and expensive project.

Currently there are three sidings at Eltham, which provide for the overnight stabling of trains each day of the year. The proposal to expand the number of sidings by two can be completed at a relatively modest cost and provides considerable operational value. Stabling at Eltham is important to rail operations because it is where many services commence and terminate to meet customer demands at Eltham and along the rail corridor. Bringing trains from other locations to commence service at Eltham results in inefficient train operations and takes up critical track capacity.

Due to the rapid patronage growth on the metropolitan rail network, the Government needs to create as many opportunities as possible for growing the capacity of the rail network. The continued use of Eltham as a stabling site, and the expansion of the stabling yards, is essential to growing the capacity of the network. Both the Department of Transport (DOT) and VicTrack recognise that stabling at Wattle Glen could be a long term option. However, this stabling would be in addition to and not instead of stabling at Eltham.

DOT has met with the Shire of Nillumbik to discuss the stabling project at Eltham in relation to the Shire's land use plans. Future details of stabling requirements at Eltham will be made available to assist Council with its planning.

**Geelong Ring Road: noise barriers**

**Raised with: Minister for Roads and Ports**

**Raised by: Mr Koch**

**Raised on: 17 September 2009**

**REPLY:**

The Geelong Ring Road includes around 27,000 square metres of noise walls between Corio and Waurn Ponds, and as you may be aware, the reservation has been in place since 1980. Under VicRoads' Traffic Noise Reduction

Policy, only dwellings with building approval prior to the establishment of a freeway reservation are eligible for noise attenuation.

The Brumby Government has, however, decided to act above this commitment and provide noise attenuation for residents along the corridor who had building approval prior to the official announcement of the State Government's commitment to the project, in October 2002, and where noise levels exceed VicRoads' Traffic Noise Reduction Policy objective for new roads to 63 decibels or less for 90 per cent of the time between 6am and midnight (63 dBA L<sub>10</sub> 18hr).

This means that any houses with building approval in the 22 years since the reservation was established in 1980 would normally be ineligible for noise attenuation. The Government has shown empathy with the community and a strong sense of social responsibility by providing noise attenuation for properties in these areas in line with the revised October 2002 date.

I am informed that noise monitoring has been conducted on the ring road, with all results validating the computer modelling on which the size and location of noise walls was based.

This testing also showed that VicRoads is meeting its obligations under the Traffic Noise Reduction Policy. That is, that traffic noise levels do not exceed an average of 63 decibels for 90 per cent of the time between 6am and midnight.

Naturally, any property purchased or built after October 2002 was done so after the state committed to build the ring road. I have been advised that VicRoads has worked closely with local real estate agents and the Real Estate Institute of Victoria to ensure potential property buyers in areas adjacent to the Geelong Ring Road had access to all the information about the potential impact of the project.

In some locations along the alignment, due to the grade of the road, the proximity of houses or a range of other factors, traffic noise levels do not reach the trigger level for noise attenuation.

The majority of the landscaping and planting from the Hamilton Highway to the Princes Highway has been implemented following opening to take advantage of more favourable weather conditions.

The Geelong Ring Road represents an appropriate provision of community infrastructure delivered in a well-planned and responsible manner, in partnership with local government and industry.

There is no doubt that the Geelong Ring Road will deliver real benefits to the people of Geelong and continue to drive the growth of this region for many years to come.

### **Buses: Colac–Lorne**

**Raised with:** Minister for Public Transport

**Raised by:** Ms Tierney

**Raised on:** 15 October 2009

#### **REPLY:**

The Colac–Lorne bus service that was trialled during the summer of 2008–09 proved very popular with the communities of Colac, Birregurra and Deans Marsh, and I am pleased to advise that the service will operate again this summer.

The service will start operating on a peak timetable from 21 December 2009 to January 31 2010, and from 29 March to 11 April 2010 with five return trips per day (a total of 70 trips per week). An off-peak timetable will operate from 1 February to 28 March 2010 with three return trips per day, a total of 21 trips per week.

**WRITTEN ADJOURNMENT RESPONSES**

*Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.*

**Thursday, 10 December 2009**

**Housing: first home owner grants**

**Raised with:** Treasurer

**Raised by:** Mr Hall

**Raised on:** 24 November 2009

**REPLY:**

The *First Home Owner Grant Act 2000* (FHOG Act) establishes a scheme for the payment of grants to first home owners. In order to receive the grant you must satisfy certain eligibility criteria. This includes that you occupy the property as your principal place of residence for a continuous period of 6 months within a 12 month period after the home is purchased or after construction of a new home is completed. This is consistent with the purpose of the Act in encouraging and assisting Victorians to buy their first home that they will live in. The FHOG is specifically designed not to support Victorians who seek to buy an investment property.

In his adjournment debate of 24 November 2009, Mr Hall raised a FHOG eligibility issue relating to his constituents Mr Edwards and his wife. Both are Australian Defence Force Officers who serve with the Royal Australian Air Force. Mr Edwards and his wife were granted the FHOG in relation to the construction of a new home in Sale. Upon commencing the construction of their home Mr Edwards received an early posting to Singapore of three years precluding them from satisfying the residency requirement. Mr Hall requested that investigate this matter fully and consider waiving the residency requirement to ensure that Mr and Mrs Edwards are not disadvantaged through.

I am advised that in the course of investigating this matter on my behalf the SRO contacted the Edwards' earlier this week. I am further advised that while the Commissioner is unable to totally waive the residency requirement the SRO did offer to extend the period within which the Edwards must meet the residency requirement to allow for them to meet the requirement on their return to Sale at the conclusion of Mr Edwards posting to Singapore. This offer was declined by Mr and Mrs Edwards on the basis that they were unlikely to return to Sale.

While I sympathise with their situation it is apparent that on the basis that the owners do not intend to return to their Sale home and will not meet the residency requirements I am unable to intervene on this occasion due to the fact the property if maintained by Mr and Mrs Edwards will by definition become an investment property.

If Mr and Mrs Edwards do not meet the residency requirements on this occasion they will not have precluded themselves from applying for the FHOG on their return.