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**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

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**FIRST SESSION**

**QUESTIONS ON NOTICE**

**2 May 2006**

**(Extract from book 5)**

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## QUESTIONS ON NOTICE

**Tuesday, 2 May 2006**

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**QUESTIONS ON NOTICE**

*Answers to the following questions on notice were circulated on the date shown.  
Questions have been incorporated from the notice paper of the Legislative Assembly.  
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.  
The portfolio of the minister answering the question on notice starts each heading.*

**Tuesday, 2 May 2006**

**Major projects: VicUrban developments**

**455.** Ms ASHER to ask the Minister for Major Projects — what measures have been or will be put into place to ensure future housing developments by VicUrban are more accessible, for both entry and inside the dwelling, for people with a disability.

**ANSWER:**

I am informed that:

VicUrban is the Victorian Government's new sustainable urban development agency formed from a merger of the Docklands Authority (DA) and the Urban and Regional Land Corporation (URLC). Fundamental to its purpose is that VicUrban promotes access for all people — including people of all abilities — to its community developments.

Ensuring access to people with disabilities is required under the Federal Government's Disability Discrimination Act 1992 and relevant Australian standards (1428.1, 1428.2).

However, VicUrban, as a coordinating developer of residential estates, does not directly construct housing. This is carried out by builders who are required to comply with provisions of the Building Code of Australia (BCA) and other relevant laws.

Where VicUrban develops public spaces, disabled access must comply with provisions of the Federal Act noted above.

Compliance with State and Federal Government Legislation is supplemented by the following VicUrban policies:

The Smart Living Framework Policy August 2002 (of the former URLC and adopted by VicUrban) states as its third goal:

- 3. Improving the amenity and livability of urban environments by creating lively places and a varied mix of land uses and activities.

Goal: To create environments that deliver vibrant and viable communities which foster a sense of wellbeing.

- Access for all abilities —

Melbourne Docklands Integration and Design Excellence July 2000 Principle 1 (of the former DA and adopted by VicUrban) states:

For all People and their Needs

- The development should be attractive and accessible for a full range of people from Melbourne, Victoria and visitors from other places.

In addition to the above, VicUrban is currently developing a Sustainability Charter which identifies environmental, design, community, affordability and commercial performance measures. The charter's community performance measures will include 'access for all abilities'.

This question was asked in the Legislative Council (No. 1816) by the Hon. Graeme Stoney and the response tabled on the 16 September 2004.

**Major projects: Melbourne showgrounds**

**513(b).** Ms ASHER to ask the Minister for Major Projects with reference to Mr Neil O’Keefe and the Melbourne Showgrounds redevelopment project —

- (1) On what date did Mr O’Keefe, former Chair of the Joint Venture of the Showgrounds redevelopment project, resign.
- (2) On what date was the Minister advised of Mr O’Keefe’s resignation.
- (3) What was the reason for Mr O’Keefe’s resignation.

**ANSWER:**

As at the date the question was raised, the answer is:

- (a) 27 May 2004.
- (b) Mr O’Keefe advised the Minister for Agriculture of his resignation in a letter dated 27 May 2004.
- (c) Mr O’Keefe advised the reasons for his resignation were as follows:
  - (1) the primary task for which he was needed — bringing the parties together and progressing the project — has been achieved
  - (2) to make sure that there is not the slightest possibility of any question mark later being placed over the tender phase of this project because of his linkages with the private sector.

This question was asked in the Legislative Council (No. 3794) by the Hon. Graeme Stoney and the response tabled on the 16 December 2004.

**Major projects: Melbourne showgrounds**

**534.** Ms ASHER to ask the Minister for Major Projects —

- (1) On what date was Mr Neil O’Keefe appointed as Chair of the Joint Venture for the Showgrounds redevelopment project.
- (2) On what date was the actual decision made to short-list the three bidders, Westpac/Baulderstone Hornibrook, Eco-vida and PPP Solutions, for the Showgrounds redevelopment project.
- (3) What were the names of the people who took the decision to put Westpac/Baulderstone Hornibrook, Eco-vida and PPP Solutions on the short list.
- (4) On what date did Mr Neil O’Keefe advise that he had a conflict of interest.
- (5) On what date was the Minister advised that Mr Neil O’Keefe had a conflict of interest.
- (6) Did Mr Neil O’Keefe advise the Minister that he had a conflict of interest.
- (7) On what date was the Executive Director of Major Projects, Mr James Cain, advised that Mr Neil O’Keefe had a conflict of interest.
- (8) What action did Mr James Cain take.
- (9) On what date did Mr James Cain advise the Minister or the Minister’s office of this.
- (10) On what date was the probity auditor appointed.
- (11) On what date was the probity auditor advised that Mr Neil O’Keefe had a conflict of interest.
- (12) If the Minister was advised that Mr Neil O’Keefe had a conflict of interest, what did the Minister do to protect the integrity of the tender process.

- (13) If Mr Neil O'Keefe resigned in May 2004, why was a public announcement delayed until August 2004.
- (14) On what date was the Minister advised that the Westpac/Baulderstone Hornibrook bid had been renamed Showcase Victoria.
- (15) Were there any variations in the number and name of the companies involved in the Westpac/Baulderstone Hornibrook bid and the Showcase Victoria bid; if yes, what were the variations.
- (16) On what date was the decision made to remove the Showcase Victoria bid from the short list.
- (17) What were the names of the people who took the decision to remove the Showcase Victoria bid from the short list.
- (18) Why was the Showcase Victoria bid dropped from the short list.
- (19) What remuneration did Mr Neil O'Keefe receive while Chair of the Joint Venture for the Showgrounds redevelopment project.
- (20) Did Mr Neil O'Keefe receive any remuneration after he advised the Government of his resignation as Chair of the Joint Venture for the Showgrounds redevelopment project; if yes, what was the amount.
- (21) On what date was the probity auditor advised that Mr Terence Cuddy was involved in the Westpac/Baulderstone Hornibrook bid and was also a Director of RIP3e, a company of which Mr Neil O'Keefe was also Director.
- (22) Did the probity auditor give any advice regarding the promotion of the Westpac/Baulderstone Hornibrook bid by Mr Neil O'Keefe in the article featured in *The Sunday Age* dated 1 February 2004.
- (23) On what date was the Government advised that Mr Terence Cuddy was involved in the Westpac/Baulderstone Hornibrook bid and was also a Director of RIP3e, a company of which Mr Neil O'Keefe was also a Director.
- (24) Did the Government at any time approve Westpac/Baulderstone Hornibrook's use of Mr Terence Cuddy in their bid.

**ANSWER:**

As at the date the question was raised, the answer is:

- (a) 8 May 2003.
- (b) The decision was made by participants in the Joint Venture during March 2004 and announced on 31 March 2004.
- (c) The decision was made by the participants in the Joint Venture being: the State of Victoria, as represented by the Minister for Major Projects, the Minister for Agriculture and the Treasurer; and the RASV as represented by its Board.
- (d) Mr O'Keefe did not advise that he had a conflict of interest.  
  
Mr O'Keefe informed Major Projects Victoria that he required guidance to ensure his business and personal interests complied with the probity requirements of the project. His request was provided to the probity auditor. The probity auditor did not identify a conflict of interest.
- (e) Since no conflict of interest was advised by Mr O'Keefe or the probity auditor the Minister was not advised.
- (f) Mr Neil O'Keefe did not advise that he had a conflict of interest.
- (g) Since no conflict of interest was advised by Mr O'Keefe or the probity auditor the Executive Director was not advised.
- (h) Since no conflict of interest was advised by Mr O'Keefe or the probity auditor no action necessary.

Mr Cain ensured that Mr Neil O'Keefe's request for guidance on probity matters was provided to the probity auditor.

- (i) The Minister and his office were not advised. Consistent with Victorian Government Purchasing Board policies, the administration of probity requirements is not a matter for the Minister, but the Department.
- (j) 25 August 2003.
- (k) Since no conflict of interest was advised by Mr O'Keefe the probity auditor was not advised.

The probity auditor was advised that Mr Neil O'Keefe required guidance to ensure his business and personal interests comply with the probity requirements of the project.

- (l) Since no conflict of interest was advised by Mr O'Keefe or the probity auditor the Minister was not advised.
- (m) The announcement of 3 August 2004 related to the appointment of Mr Adrian Nye as the new Chairman. There was no separate announcement that Mr Neil O'Keefe had resigned.
- (n) The Minister was not advised that the Westpac/Baulderstone Hornibrook bid had been renamed Showcase Victoria.
- (o) There were no variations.
- (p) The decision to not proceed with the Showcase Victoria bid was made on 5 August 2004.
- (q) The decision to not proceed with the Showcase Victoria bid was made by the Joint Venture Establishment Board: Adrian Nye, Jack Seymour, John Fox, Barrie Laws, John Fitzgerald, James Cain and Dale Seymour. Ministers were advised of this decision.
- (r) The Joint Venture Establishment Board agreed to not proceed with the Showcase Victoria bid as the other bids were substantially superior in a number of areas across the evaluation criteria.
- (s) The total remuneration received by Mr Neil O'Keefe as Chair of the Joint Venture was \$67,491.42.
- (t) Mr Neil O'Keefe received remuneration for services provided up to the date of his resignation. He received one further payment of \$726 on 31 May 2004 for services provided prior to his resignation.
- (u) The Government and the probity auditor have not been advised that Mr Cuddy was directly involved with the Westpac/Baulderstone Hornibrook bid.

A copy of the Gould League annual report was appended to the Westpac/Baulderstone Hornibrook expression of interest of 5 November 2003. It identified Mr Cuddy as one of 10 directors of the Gould League. The Project Expression of Interest documentation required proponents to identify all key consortium member representatives and advisers. Mr Cuddy was not identified in the Westpac/Baulderstone Hornibrook expression of interest documentation as having any direct or key involvement with the project, nor did he participate in any forum on the project with the Government's project team.

- (v) Yes.
- (w) The Government has not been advised that Mr Cuddy was directly involved with the Westpac/Baulderstone Hornibrook bid.

A copy of the Gould League annual report was appended to the Westpac/Baulderstone Hornibrook expression of interest of 5 November 2003. It identified Mr Cuddy as one of 10 directors of the Gould League. The Project Expression of Interest documentation required proponents to identify all key consortium member representatives and advisers. Mr Cuddy was not identified in the Westpac/Baulderstone Hornibrook expression of interest documentation as having any direct or key involvement with the project, nor did he participate in any forum on the project with the Government's project team.

QUESTIONS ON NOTICE

Tuesday, 2 May 2006

ASSEMBLY

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- (x) The Government has not been advised that Mr Cuddy was directly involved with the Westpac/Boulderstone Hornibrook bid, nor has the Government approved his use.

This question was asked in the Legislative Council (No. 3796) by the Hon. Graeme Stoney and the response tabled on the 16 December 2004.

