

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**WRITTEN ADJOURNMENT RESPONSES**

**19, 20 August 2008**

**(Extract from book 11)**

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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, 19 August 2008**

**Firearms: licensing**

**Raised with:** Police and Emergency Services

**Raised by:** Mr Dalla-Riva

**Raised on:** 12 March 2008

**REPLY:**

The Firearms Regulations 2008 came into operation on 21 April 2008 following the expiration of the Firearms Regulations 1997. The Firearms Regulations provide an operational framework to give effect to key elements of the Firearms Act 1996 (the Act), including the prescription of fees payable for an application for a licence, permit, approval or authority under the Act, and requirements that must be fulfilled before shooting can take place on certain types of land.

Notice of a Regulatory Impact Statement and Exposure Draft of the proposed Firearms Regulations 2008 was published in February 2008. The closing date for submissions was 17 March 2008. The Department received 221 public submissions, which were forwarded to me for consultation. After thorough consideration, I decided to make the new regulations with the following amendments:

Fees

Fees in the Exposure Draft of the proposed regulations were set on a full cost recovery basis and reflected the total cost of administering each licence. This meant that whereas under the previous (1997) regulations, the cost of administering the more expensive licences was absorbed by the cost of the licences that were less costly to administer, any cross-subsidies between licences were removed.

Removing the cross-subsidies resulted in reductions for the majority of licensees, with substantial increases for a small group of others, for example, the dealer licensees. The firearms industry gave feedback that the cross-subsidies should be retained.

Under the new regulations, each fee under the Schedules increased by 2.5 per cent, except where this resulted in an increase of less than a dollar. This achieves full recovery of the costs of processing licences, permits and approvals, but distributes those costs more evenly across the firearms community.

Proposed Regulation 6 — requirements for the suppression of pest animals

The previous regulation imposed several restrictions, including prior notification to a police station where a primary producer uses their firearms on another primary producer's property for the purposes of pest suppression.

Stakeholders gave feedback that these requirements were impractical, and that compliance was low. The regulation has been aligned with some of the key requirements that apply to sport or target shooting activities on private property. The requirements to inform police of the place and date that the activity will occur were removed, and have been replaced with a requirement that the activity does not occur within 250 metres of a dwelling or 100 metres of a public road.

Proposed Regulation 14 — cap on dealers' fees for acting as agents

The previous regulations prescribe a maximum fee of \$10 that dealers can charge for this function. Stakeholders gave feedback that the fee was too low and should be increased. Based on advice from the Victorian Firearms Consultative Committee, the cap has been increased to a maximum of \$25. The regulation gives dealers the discretion to charge less than the maximum.

Proposed Regulation 22 — conduct of shooting activity on private property

This regulation applies to sport or target shooting on private property, not approved ranges. However, stakeholders argued its application was unclear and that it purported to regulate the conduct of all shooting activity on private property. In order to clarify its scope, the heading of the regulation has been amended to include a reference to "sport and target shooting".

The Regulations are available for download from the Victorian legislation and parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Thank you for raising this matter with me.

**School buses: Heatherwood School**

**Raised with:** Education

**Raised by:** Mr Atkinson

**Raised on:** 8 April 2008

**REPLY:**

I am informed as follows:

The Department of Education and Early Childhood Development provides transport assistance for over 6,400 special school students in the form of free school bus services or financial assistance to parents to transport their children privately.

The difference in the timetabled travel time compared to the actual travel time was caused by traffic congestion resulting from the Eastlink road works at Springvale Road.

The Department of Education and Early Childhood Development introduced two additional bus services as an interim solution from 14 July 2008 and has advised Heatherwood School of these arrangements.

**Air services: landing fees**

**Raised with:** Industry and Trade

**Raised by:** Mr Rich-Phillips

**Raised on:** 10 April 2008

**REPLY:**

I thank you for your interest in the Aerodrome Landing Fees Act 2003.

As Minister for Industry and Trade I am aware of the government's responsibility in this area and as such I have instructed the Department to ensure a review of the Aerodrome Landing Fees Act commences in the near future.

**Kew Residential Services: site development**

**Raised with:** Planning

**Raised by:** Mr D. Davis

**Raised on:** 15 April 2008

**REPLY:**

Issue: The impact of the proposed Stage 2 development on the site's vegetation.

In November 2003 Amendment C53 to the Boroondara Planning Scheme introduced numerous provisions into the Planning Scheme, including the rezoning of the Kew Residential Services site to a Residential 1 Zone, the application of a Development Plan Overlay Schedule 3 (the Schedule) to the land and the incorporation of the Kew Residential Services Urban Design Framework, October 2003 (the UDF) into the Planning Scheme.

The UDF was developed following an extensive public consultation process which occurred during 2003.

A Development Plan (DP), as required by the Schedule, was approved by the then Minister for Planning on 9 March 2006 after a consultation process involving the Department of Planning and Community Development, Boroondara City Council and the proponent (Walker Corporation). The DP details the specifics of the future development of the land. The DP provides for the construction of no more than 520 dwellings on the site.

The purpose of Amendment C53 and the DP is to facilitate the redevelopment of the subject land for residential purposes. The Stage 2 Planning Permit application is an integral part of this process and is required to be generally in accordance with the approved DP.

The Stage 2 Planning Permit for subdivision and vegetation removal was issued on 11 April 2008 under delegation after a four month consultation process with Council and included an endorsed plan that identifies the significant vegetation, including heritage listed trees, to be retained and protected. A condition of the permit requires that an Arboricultural Management Plan must be prepared and approved by the responsible authority. The plan is currently being reviewed by Council and the Department's State Planning Services.

A further condition of the permit, issued under the Planning and Environment Act 1987, requires that all heritage approvals, under the Heritage Act 1995, must first be obtained prior to any works commencing. I understand that the proponent intends to lodge an application for a heritage permit shortly. The application will be advertised in the usual manner.

**Consumer affairs: advertising scams**

**Raised with:** Consumer Affairs

**Raised by:** Ms Lovell

**Raised on:** 15 April 2008

**REPLY:**

I refer to the matter you raised in the Adjournment Debate on 15 April 2008, in relation to advertising services that claim to be able to predict the name of your true love or confirm if your partner is cheating on you. An example you provided related to a service called The LoveCalculator where the service claims that if you SMS your name and your partners name to them they will determine if you and your partner are compatible. In some cases, these services charge \$5.00 per message. You asked that I have these advertisements reviewed to ascertain their compliance with the *Fair Trading Act 1999* (the Act).

The Director of Consumer Affairs Victoria (CAV) has reviewed these advertisements. The activities described can be seen as analogous to palm reading or fortune telling, but with a "new tech" approach. The Director believes that

most people are well accustomed to the nature of these activities and generally see them as light entertainment at a modest cost.

The Director has advised me that initial inquiries indicate that the advertisements, prima facie, do not contravene the Act. The LoveCalculator appears to be a gimmick and advertises a service that in itself does not constitute misleading and deceptive conduct. Indeed the website for The LoveCalculator prominently displays the word "Fun" on its homepage.

I am particularly concerned to ensure that these services do not engage in practices that rip off consumers. For example, CAV has previously had complaints of consumers' bank accounts being debited without their approval for subscription services after accessing premium cost telephone services.

I am advised that CAV has not received any complaints regarding The LoveCalculator. All complaints received by CAV are recorded on a case management database and provide important marketplace intelligence that forms the selection of projects for further enforcement action and in targeting compliance audits, public education and industry liaison.

### **WorkCover: medical records**

**Raised with:** Finance, WorkCover and the Transport Accident Commission

**Raised by:** Mr Rich-Phillips

**Raised on:** 16 April 2008

#### **REPLY:**

The Government takes privacy very seriously, and is disappointed at what has occurred. The breach of protocols in the handling of personal information has been linked to human error.

I am informed that QBE has reminded all its staff on the importance of privacy and the appropriate procedures for handling personal information. It has also allocated additional resources to its Access to Information Team and made some modifications to their processes to improve compliance with privacy requirements.

I have also asked that WorkSafe remind Agents of their obligations to ensure the private and personal information of injured workers is protected.

### **Child care: police record checks**

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

**Raised by:** Ms Hartland

**Raised on:** 17 April 2008

#### **REPLY:**

I am informed as follows:

The Hon Maxine Morand MP, Minister for Children and Early Childhood Development is aware of the dual requirement for children's services staff to have both the Criminal History Check and the Working with Children Check from 1 July 2008 and recognises that this is an additional burden on staff engaged in 'child related' work under the Working with Children Act 2005.

In order to reduce the regulatory burden on children's services staff, the Minister has endorsed work that will amend the Children's Services Regulations 1998 to enable the Working with Children Check to be the only Criminal History Check required for most children's services staff.

As part of the licensing process Licensees, Licensee Representatives, Primary Nominees and Nominees are required to have a current Criminal History Check. This requirement will continue for Licensees, Licensee Representatives and Primary Nominees to ensure that all aspects of the Criminal History Check, including matters related to fraud and driving offences have been read and considered, and means that this group will continue to require both checks. However, the Criminal History Check will no longer be required for Nominees if they have a current Working with Children Check, once the proposed amendments to the Children's Services Regulations 1998 are completed.

Additionally, as part of the review of Children's Services, all service providers have been advised that under the new licensing system to be introduced on 25 May 2009, licences issued prior to that date may continue for their full term, at which time they may be re-issued for a five year period.

### **Doctors: Dandenongs**

**Raised with:** Health

**Raised by:** Mr O'Donohue

**Raised on:** 17 April 2008

**REPLY:**

A strengthened, collaborative interface between the Department of Human Services and general practices will result in more integrated service delivery and better health outcomes for all Victorians. The general practice shortage in Belgrave, Tecoma and Upwey is consistent with shortages in other rural and semi-rural areas nationally. Despite general practice falling predominately in the Federal Government domain, since 2004-05, the Victorian Government has allocated over \$500,000 in capital development and practice establishment funds to community health to increase general practice services in the Shire of Yarra Ranges. Recruitment of general practitioners to this area continues to be difficult even with the various State and Commonwealth government incentives available. Despite these difficulties, State health services, local governments and general practice organisations are committed to continuing to work together to address the specific health needs of their communities.

### **Maffra Secondary College: funding**

**Raised with:** Education

**Raised by:** Mr Hall

**Raised on:** 7 May 2008

**REPLY:**

I am informed as follows:

Since 1999, the Victorian Government has spent \$2.9 billion on capital investment in schools, including the renovation, rebuilding or extension of 400 schools.

In 2007 the Government committed \$1.9 billion to renovate, rebuild or extend a further 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 1,600 government schools rebuilt, renovated or extended over the next 10 years.

The 2007-08 Budget delivered on more than one-quarter of the promised 500 schools, with 131 schools receiving funding to commence works. The 2008-09 Budget will deliver on a further 128 schools, providing over half of the schools within the first two budget years.

Maffra Secondary College has recently been announced as part of the capital works program, with a budget of \$5.3 million.

The school has been informed and is currently progressing through the tender process.

### **Maroondah Hospital: mental health facility**

**Raised with: Mental Health**

**Raised by: Mr Leane**

**Raised on: 8 May 2008**

#### **REPLY:**

Thank you for your suggestion that you raised in the Legislative Council that those services wishing to develop mental health facilities in the future inspect the mental health facilities at Maroondah Hospital prior to undertaking any works.

I can only agree with your observations that the mental health redevelopments at the Maroondah Hospital site are excellent. I am particularly impressed by the women's only bedrooms and lounge area. I believe that our mental health facilities need to be safe and sensitive to the gender specific needs of women who enter the mental health service.

I will be recommending to the Mental Health and Drugs Division that the Maroondah Hospital site be used as an example of a quality product when considering the layout and design of the new mental health facilities we are developing at Northern Hospital, Dandenong Hospital and Austin Health.

### **Wallan Secondary College: funding**

**Raised with: Education**

**Raised by: Mrs Petrovich**

**Raised on: 27 May 2008**

#### **REPLY:**

I am informed as follows:

I refer to your request raised during the Adjournment Debate on 27 May 2008 concerning the acquisition, by Wallan Secondary College, of the old Wallan police house.

Since 1999, the Victorian Government has spent \$2.9 billion on capital investment in schools, including the renovation, rebuilding or extension of 400 schools. While this was a remarkable achievement it was recognised that there was more to do.

The Government, at the last election, committed \$1.9 billion to renovate, rebuild or extend a further 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 the next 10 years.

The 2007–08 budget delivered on more than one-quarter of the promised 500 schools, with 131 schools receiving funding to commence works. The 2008–09 budget will deliver on a further 128 schools, providing over half of the schools within the first two budget years.

I am pleased to advise that funding of \$8.0m for stage 3 of the Wallan Secondary College was announced as part of the 2008/2009 capital works program. The school has been informed and is currently progressing through the tender process.

I am advised that the College is also preparing a request to the Regional Director, Hume Region, for support of a case to extend the current site to incorporate the old Wallan police station into the school property.

The school's case, when it is made, will be considered by the department.

### **Disability services: funding**

**Raised with:** Community Services

**Raised by:** Mr Drum

**Raised on:** 27 May 2008

#### **REPLY:**

The third CSTDA, covering the period 2002–2007, was to expire on 30 June 2007. A Variation Agreement has extended the term of the third CSTDA to 31 December 2008, with no interruption to payments to the States and Territories.

This extension will allow discussion and negotiation of the reform of national agreements and performance arrangements that was announced at the 26 March 2008 meeting of the Council of Australian Governments (COAG). The reform will include a reduction from the current 92 Specific Purpose Payments (SPPs) to five or six new national agreements for delivery of core government services, one of which will be for disability services. It is expected that negotiations will be completed in October 2008 with funding for new agreements announced in November 2008.

The Commonwealth announced in its 2008–09 budget that funding of \$901.2 million nationally over four years will be redirected from the previously announced Disability Assistance Package to the new Disability Specific Purpose Payment. This funding is to be distributed to States and Territories on the basis of disability population in each state and territory. Victoria's share of the new disability services funding is \$221.5 million over four years (\$25.16 million in 2008–09).

A further \$51 million has been spent or committed by the Commonwealth, of which \$10.4 million has been provided to Victorian agencies over three years for building respite care capacity.

On 4 May 2008 the Prime Minister also announced an investment of \$100 million in new capital funds for disability supported accommodation across Australia. This funding will also be distributed to States and Territories on the basis of disability population. Victoria's share of this funding will be \$24.58 million.

At the Disability Ministers' Conference on 30 May 2008, Ministers agreed to the delivery of the capital funding and new disability services funding ahead of the outcomes of the Specific Purpose Payment reform process. As a result of this new spirit of inter-governmental cooperation, the capital funding will be made available to Victoria before the end of June 2008 and the new disability services funding from 1 July 2008.

The Senate Community Affairs Committee Inquiry into the funding and operation of the Commonwealth State and Territory Disability Agreement reported in February 2007. Recommendations of the report have informed the framing of priorities for the Disability Specific Purpose Payment reform.

### **Frankston Hospital: emergency department**

**Raised with:** Health

**Raised by:** Mr Rich-Phillips

**Raised on: 28 May 2008**

**REPLY:**

Data provided by Peninsula Health to the Department of Human Services for the period July to December 2007 under-reported the proportion of emergency patients seen within recommended time for triage categories 2 and 3.

Frankston Hospital emergency department performance data show for this period that the proportion of triage category 2 patients seen within 10 minutes was 60 per cent and the proportion of triage category 3 patients seen within 30 minutes was 53 per cent.

Frankston Hospital emergency department's operating time on bypass for the period July to December 2007 increased to 3.1 per cent from 2.7 per cent in the equivalent period in 2006–07. The statewide benchmark for operating time on bypass is 3.0 per cent. For the period 1 June 2007 to 3 June 2008, Frankston Hospital's emergency department operating time on bypass is 2.2 per cent.

All health services, including Peninsula Health, experienced significant pressures during the winter period (July to December 2007) from a combination of factors including an outbreak of viral gastroenteritis, an increase in the incidence of influenza, and industrial action by nurses and allied health staff. During this period the acuity of emergency presentations and the length of stay for inpatients both increased.

In 2007–08, \$5.3m was allocated to facilitate the expansion of new models of patient care in Victorian hospitals to improve access and provision of timely care. In 2007–08, Frankston Hospital emergency department received:

- \$90,000 to undertake a service planning review of its model of care and infrastructure to identify opportunities for improvement;
- \$316,000 to open an Emergency Demand Unit that provides a flexible response – including up to eight additional beds – to peak demand periods and better care for patients requiring short-stay observation.

A Winter Demand Management Strategy for 2008 is being implemented, which will provide support to health services during the winter peak. As part of the strategy, Peninsula Health will receive \$356,800 to:

- improve emergency access by providing additional sub-acute beds for patients not requiring acute care;
- trial an emergency clinical in-reach assessment and treatment service to residential aged care facilities to manage avoidable emergency department presentations;
- expand the ICU nurse liaison hours to better manage the needs of acutely ill patients not in ICU wards.

**Schools: capital works**

**Raised with: Education**

**Raised by: Mr Thornley**

**Raised on: 29 May 2008**

**REPLY:**

I am informed as follows:

The Department is aware of the re-development of the Tooronga Village and how this may impact on future enrolments at Auburn South Primary School.

The Department will continue to monitor population growth and education demand in the Auburn South area to ensure that the needs of local students are catered for.

In respect to the Building Futures framework, it applies to all schools across the state irrespective of their location when capital works funding for projects is sought.

Thank you for raising this matter.

### **Patient transport assistance scheme: reimbursement**

**Raised with:** Health

**Raised by:** Ms Lovell

**Raised on:** 29 May 2008

#### **REPLY:**

The Victorian Patient Transport Assistance Scheme (VPTAS) aims to assist rural Victorians who are required to travel to receive treatment from the nearest recognised specialist. VPTAS provides financial assistance for both travel and accommodation. However, it is not intended to be a full reimbursement scheme and is designed to subsidise the cost incurred by rural Victorians required to travel to receive specialist treatment.

The Department of Human Services (the department) undertakes a review of the private car travel subsidy every two years to ensure subsidy rates are aligned with the Royal Automotive Club of Victoria (RACV) average car running cost.

Reviews have been conducted in the month of August every two years since 2001. The fuel review of August 2007 resulted in a 21 per cent increase in the private car travel subsidy rate to 17 cents. The next scheduled review is in August 2009. In the interim, the department will continue to monitor the impact of fuel price changes on the RACV average car running cost.

Regarding the reimbursement rate for accommodation, VPTAS reimburses patients and an approved escort (if applicable) staying in commercial accommodation at a rate of \$35.00 per person per night, plus Goods and Service Tax (GST) if applicable.

A significant portion of patients who utilise VPTAS access accommodation that has been arranged or provided by the treating health service, for example, Ronald McDonald House or Ryder Cheshire Victorian Home. The commercial accommodation arranged or provided by the treating health service is charged to patients and an approved escort (if applicable) at a rate of \$35.00 per person per night, plus GST if applicable.

In September 2007, the Senate Standing Committee on Community Affairs released a report on its inquiry into patient assisted transport schemes across all states in Australia. The report, 'Highway to Health: Better Access for Rural, Regional and Remote Patients' focused on eligibility criteria and reimbursement rates. As part of this process it was noted that VPTAS reimbursement rates for fuel and accommodation for both concession and non-concession cardholders are above or equal to other state schemes.

### **Family violence: counselling services**

**Raised with:** Community Services

**Raised by:** Mrs Kronberg

**Raised on:** 29 May 2008

#### **REPLY:**

Building on Victoria's already substantial commitment to tackling family violence—over \$50 million since 2005 – a further \$24.7 million over four years (\$6.13 million in 2008–09) across the whole of government has been committed as part of the 2008–09 State Budget. In 2008–09, approximately \$3.4 million will be provided across the State for counselling and support programs for women and children affected by family violence. This is an increase of over \$750,000 from 2007–08.

The Eastern Metropolitan Region, in 2008–09, will receive approximately \$650,000 for counselling and support services for women and children who are victims of family violence. This is an increase of approximately \$150,000 from 2007–08.

A range of agencies in the region receive funding to provide these services, including Australian Childhood Foundation, Anglicare Victoria, Doncare, Eastern Access Community Health, Knox Community Health Service, Migrant Information Centre, Mitcham Community House, Monashlink, Ranges Community Health Service, Relationships Australia, Whitehorse Community Health Service and Yarra Valley Community Health Service. Agencies are funded to provide individual and/or group interventions.

Women's and children's counselling and support services aim to assist women who are at risk of being unsafe in the family environment or who have experienced family violence. They are not crisis services.

The Women's Domestic Violence Crisis Service of Victoria (phone 9373 0123) provides an immediate response to women who are victims of family violence. Also, in the Eastern Metropolitan Region, the Eastern Domestic Violence Service provides outreach services and is able to respond immediately to women who are experiencing or escaping family violence.

### **Grahamvale Primary School: funding**

**Raised with: Education**

**Raised by: Ms Lovell**

**Raised on: 10 June 2008**

#### **REPLY:**

I am informed as follows:

Since 1999, the Victorian Government has spent \$2.9 billion on capital investment in schools, including the renovation, rebuilding or extension of 400 schools.

In 2007 the Government committed \$1.9 billion to renovate, rebuild or extend a further 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 1,600 Government schools rebuilt, renovated or extended over the next 10 years.

The 2007–08 Budget delivered on more than one-quarter of the promised 500 schools, with 131 schools receiving funding to commence works. The 2008–09 Budget will deliver on a further 128 schools, providing over half of the schools within the first two Budget years.

Grahamvale Primary School was one of the schools announced in the 2008–09 Budget under the Rural Replacement Program. This initiative was established to deliver on this Government's commitment to rural Victoria, by upgrading and replacing relocatable and outdated infrastructure with new modern facilities.

### **Environment: Brooklyn industrial emissions**

**Raised with: Environment and Climate Change**

**Raised by: Mr Pakula**

**Raised on: 10 June 2008**

**REPLY:**

Thank you for your question on Tuesday, 10 June 2008, regarding odour pollution issues around the Brooklyn area. Particularly, you highlight the concerns of the "On the Nose" Brooklyn residents' group who argue EPA's current fine and penalty regime does not in all circumstances act as sufficient deterrent against pollution incidents or an incentive to adopt more effective odour reducing technology. While the fine system does play an important part in our enforcement regime, I, and the Environment Protection Authority, recognise that fines are not always the best way to achieve satisfactory outcomes particularly where systematic change is required to prevent future breaches. Your question is timely given the release for public comment of draft guidelines for a new enforcement tool called Enforceable Undertakings.

***Current penalty and fines regime***

The Environment Protection Authority's current enforcement regime includes measures such as abatement notices, penalty infringement notices, and for serious offences, prosecution in the courts. The Authority's publicly available Enforcement Policy guides the use of this regime.

Pollution offences can result in a penalty infringement notice and fine of 50 penalty units (\$5671 in 2008/09 penalty units). As you point out, this is not always as effective as a deterrent or incentive to invest in reducing the impacts of a particular plant as we may like. However, it is a high penalty for an infringement notice, keeping in mind that an infringement notice does not involve a finding of guilt by a Court.

I understand the concerns you have raised and have requested that EPA approach the Department of Justice to examine the fines and penalty infringement notices regime and explore options for future improvement.

The need to an enforcement tool that addresses circumstances where systemic change is required as part of an effective remedy to prevent further breaches has, in part, led to the development of Enforceable Undertakings.

***Enforceable Undertakings***

Enforceable Undertakings are a voluntary, negotiated written promise/set of promises in which a party undertakes to perform various tasks as a part of a settlement for an alleged contravention of the Act or Regulations. An enforceable undertaking will be an enforcement option applied in appropriate circumstances in lieu of court prosecution. They are not to be considered a 'soft option' and the Environment Protection Authority will only enter into Enforceable Undertakings where they will achieve a more effective outcome. In serious cases, prosecution will remain the most appropriate and effective enforcement option.

The Australian Competition and Consumer Commission and the Australian Securities and Investments Commission already use Enforceable Undertakings as a means of delivering tailored responses to alleged breaches in faster timeframes than a court prosecution would provide.

The most promising aspect of Enforceable Undertakings is their capacity to be tailored to fit the circumstances of an alleged breach and importantly to provide for measures to prevent future breaches. For example, Undertakings could contain commitments to:

- Cease certain behaviour of forms of conduct;
- Investigate and provide a written report regarding the circumstances leading to any alleged breach. Identify any failings in the organisation's systems or management;
- Formulate specified actions, programs or strategies to prevent future breaches (eg. systems, procedures, guidelines, awareness or research);
- Nominate an officer, with appropriate senior management reporting structures, to monitor compliance assurance responsibilities;
- Undertake works to reduce the environmental impact or hazard associated with operation of any part of the company's operation;
- Provide statements of commitment from senior management that it will support compliance programs;
- Implement publicity or educative programs (eg. Public apology); and/or

- Carry out specific projects for the restoration or enhancement of the environment in the nature of community service.

In the event that a party does not comply with the terms of an Enforceable Undertaking the Authority can take action through the courts resulting in orders to comply or to take specified actions. If these orders are breached the party may be found in contempt of court which can result in large fines or imprisonment.

The Environment Protection Authority has released a discussion paper and draft guidelines for public comment and they are available on the Authority's website. We encourage comments on the draft guidelines and look forward to community input.

### **Water: waterways and drainage charge**

**Raised with: Water**

**Raised by: Mrs Petrovich**

**Raised on: 11 June 2008**

#### **REPLY:**

Melbourne Water is now responsible for the delivery of waterway, floodplain and drainage management in the entire Port Phillip and Westernport area. The waterways and drainage charge is collected and allocated across the whole region and will be spent only on waterway, floodplain and drainage works. Spreading the cost of these services across all properties in the catchment is the fairest approach, given that everyone benefits either directly or indirectly from healthy waterways and a safe reliable drainage system.

With the extension of Melbourne Water's boundaries, the waterways and drainage charge will now be paid by all property owners in the Port Phillip and Westernport region. The charge will fund:

- Improvements to river health through replanting, weed removal, erosion control and managing environmental flows;
- Grants for property owners and community groups to improve their waterways;
- Management and improvements to larger, regional drainage assets;
- Improvements in flood management and flood warning systems;
- Provision of infrastructure to service urban growth using the principles of sustainable development;
- Monitoring and investigations to improve knowledge and understanding on the region's waterways and the threats to their health;
- Protecting and improving water quality through improved stormwater management and assistance to local government; and
- Increased community and stakeholder engagement and involvement.

These works are informed and prioritised by a number of strategies which have been developed by Melbourne Water in close consultation with stakeholders and customers.

Given the absence of a regional authority responsible for waterways in the extended area in the past, the health of the waterways in this area requires urgent attention. Therefore, over the next five years all funds that are raised within the extended area will be spent within the extended area. A significant proportion of works for the whole regional area will be carried out in the extended area.

### **Country Fire Authority: Toongabbie**

**Raised with: Police and Emergency Services**

**Raised by: Mr Hall**

**Raised on: 11 June 2008**

**REPLY:**

I refer to the issue you raised concerning the proposed upgrade of the Toongabbie Country Fire Authority (CFA) fire station.

Like all Victorians, we are indebted to emergency service volunteers who willingly give their time and expertise to make Victoria a safer place in which to live. Their efforts are greatly appreciated, particularly in times of extreme emergency such as bushfires and floods.

The Victorian Government acknowledges and appreciates the excellent work performed by volunteer emergency services such as the Toongabbie Fire Brigade. Since 1999, the CFA's annual budget has more than doubled in size—increasing to \$295 million in 2008–09. These funds enable brigades to protect their communities and include programs such as the CFA Station Replacement Program. This program will replace or refurbish 18 stations at an estimated total cost of \$39.2 million over a four year period.

In regard to the upgrade of the Toongabbie station, CFA advises that, while it has been listed on their upgrade program, there are higher priorities within the region currently. The CFA also advised that the Regional Asset Manager has met with the Toongabbie Brigade Management Team to discuss immediate issues and future development plans for the area and will continue to work with them on improvements to the station.

### **Greensborough: shopping centre redevelopment**

**Raised with: Planning**

**Raised by: Mr Guy**

**Raised on: 12 June 2008**

**REPLY:**

Thank you for your Adjournment Debate question raised in Parliament on Thursday, 12 June 2008, regarding Greensborough Shopping Centre and Development Assessment Committees.

The Victorian Government is committed to a stronger partnership with local government, working together to make sure that local and city-wide interests are balanced when major planning decisions are made.

Development Assessment Committees will enable State and local governments to partner in making significant decisions in places of shared State-local interest that have an impact on the wider region.

The State Government will consult with the local government sector on the implementation and operation of Development Assessment Committees before they are established.

Development Assessment Committees will initially be introduced in Camberwell, Coburg, Doncaster Hill, central Geelong and Preston (High Street). Development Assessment Committees will progressively be introduced across all remaining Principal Activity Centres, which includes Greensborough.

### **Manufacturing: future**

**Raised with: Industry and Trade**

**Raised by: Mr Koch**

**Raised on: 24 June 2008**

**REPLY:**

- The Victorian Government is fully committed to the manufacturing sector in Victoria. The Ministerial Statement on Manufacturing and Industry Policy, released in December 2006, outlined the Government's record in working with the manufacturing sector since 1999 including the Agenda for New Manufacturing which has underpinned manufacturing policy since 2002.
- As Minister for Industry and Trade, Information and Communication Technology, and Major Projects, I have had detailed discussions with the State's key industry groups regarding this commitment to manufacturing and has explained his role as Minister captures more effectively this relationship between manufacturing and broader economic development.
- The 2007 State Budget committed significant amounts of money for industry development and exports over 4 years including \$9.9m to expand Opening Doors to Export, \$5.4m for an expanded Industry Capability Network (ICN), \$2.1m for Tiger Teams and a new Victorians Abroad Program, and \$8.1m for Strategic Industry Development Program.
- The implementation of these initiatives is well underway as is the delivery of a number of broader commitments to improve industry competitiveness, including:
  - the reduction of VIPP Implementation Plan thresholds from \$50m to \$10m in metropolitan areas and from \$5m to \$2.5m in regional areas. Indeed the Ai Group congratulated the Government on this change in its 2008 Budget submission;
  - a further \$1.43 billion in reductions in taxes and business costs announced in the 2008/09 Budget.
- The Brumby Government in addition has made specific commitments too, such as the Toyota Hybrid production at Altona.
- The Brumby Government will be making further commitments in the coming months in a detailed industry and manufacturing policy statement addressing specific challenges facing the manufacturing and related industries, and to identify and capitalise on opportunities, at a time of unprecedented change. These challenges and opportunities include the rise of China and India, intensified technological change and the growing importance of climate change.
- This work is being linked closely with key planks of the Government's broader economic development agenda including innovation, climate change and future skills and education and training needs.
- The contrast to the record and policies of the Coalition could not be starker. The Coalition:
  - did not make any submission to the Bracks Automotive Review
  - did not make any submission to the Federal Government's Textiles Clothing and Footwear Review
  - did not make any submission to any other Federal Government Inquiry impacting on the Victorian manufacturing industry including:
    - Innovation
    - Trade policy
    - Infrastructure
- The Coalition, through Peter Ryan, criticised the Brumby Government for supporting the Toyota Hybrid car production at Altona — securing the jobs of thousands of Victorian automotive manufacturing workers.
- The timing of the statement will be aligned with the outcomes Federal Government's reviews of the automotive and TCF sectors, the National Innovation System and Export Policies and Programs, all of which are scheduled for completion by August this year.

**‘Victoria online’ website: update**

**Raised with:** Industry and Trade

**Raised by:** Mrs Peulich

**Raised on:** 24 June 2008

**REPLY:**

Victoria Online ([www.vic.gov.au](http://www.vic.gov.au)) is the State Government’s main portal website, providing the online interface to services and information across three levels of government. When Victoria Online was established, updating the directory and information was designed as a manual process.

The Parliament of Victoria’s pages and the contact details of the Members of the Legislative Assembly and Council have been updated recently (drawing on the information recorded on the Parliament of Victoria’s website).

Additional changes to enhance Victoria Online’s flexibility and currency of information are being examined.

**Water: Smart Water Fund**

**Raised with:** Water

**Raised by:** Ms Tierney

**Raised on:** 24 June 2008

**REPLY:**

On 25 June 2008 I launched Round 6 of the Smart Water Fund.

Two streams of funding are available in Round 6:

- \$3 million for community groups and businesses throughout Melbourne and regional centres; and
- \$2 million for research and development into key challenges facing the water industry.

Between 30 June and 9 July 2008 the Smart Water Fund conducted information sessions in 11 major urban centres of regional Victoria. These sessions were hosted by the regional water corporations, providing the opportunity for regional Victoria to learn about potential funding for innovative water projects.

Applications for funding under Round 6 of the Smart Water Fund close on 22 August 2008.

**Carers: grandparents**

**Raised with:** Community Services

**Raised by:** Mr Drum

**Raised on:** 24 June 2008

**REPLY:**

I thank the member for Northern Victoria for his concern for grandparent carers and report that this matter has been under investigation by the Victorian Government. The numbers of children in kinship care with relatives has increased and in 2007 we consulted with families and statutory services on the best response to assist family members who take on parenting when the parents are unable to do so, either due to being incapacitated (or as in the members’ experience, the parents’ death) or in other situations where children are at risk of neglect or abuse.

The family members who take on this care are often grandparents, but are also aunts, brothers or sisters, or sometimes unrelated family friends. Following the review by the Department of Human Services of the support required by these families, the Victorian Government has allocated \$2.2 million in 2008–2009 to assist kinship carers where children are brought to the attention of Child Protection. This includes an amount specifically for Indigenous kinship care. The annual funding will rise to over \$4.5 million by the 4th year.

The Government is aware that significant numbers of children are cared for by relatives without Child Protection intervention, and sometimes to avoid such intervention. Our review has highlighted that these families are in need of support also. Such support needs include easier access to information from schools and health centres, as well as awareness by mainstream children's services of the needs of grandparent carers, and appropriate financial support. Victoria through our Child Safety Commissioner will seek to investigate how Victorian services could be more accessible to these families. In addition, I participate in the Community and Disability Services Ministers Council of relevant State and Commonwealth Ministers. This Council is continuing to examine ways to make appropriate Commonwealth and State and Territory payments available to grandparent and relative carers.

The Commonwealth has benefits such as a Double Orphan's pension that the children referred to by the member for Northern Victoria may be eligible for. Officers of my department could provide further information to the member if he wishes to pursue this.

### **Water: water saver kits**

**Raised with:** Water

**Raised by:** Mr Pakula

**Raised on:** 24 June 2008

#### **REPLY:**

The water saving kits form part of the Victorian Government's Water Plan awareness and education campaign is currently running across the State. The kits are available free of charge to Victorians.

In order to obtain a kit, your constituents can text "Water" to 13 21 20, call the DSE Customer Service Centre on 136 186 or visit [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au) and order a free Water Saving kit.

It is encouraging to note that your constituents have embraced water conservation and I am confident these kits will assist them in their further endeavours to save this precious resource.

### **Western English Language School: portable classrooms**

**Raised with:** Education

**Raised by:** Mr Finn

**Raised on:** 24 June 2008

#### **REPLY:**

I am informed as follows:

The Department of Education and Early Childhood Development recognises the high-quality service provided by the Western English Language School (WELS) in the Western Metropolitan Region for newly arrived students. The Government believes students should be educated in their local communities. An independent evaluation of English as a Second Language delivery last year identified that many newly arrived students, particularly secondary students, are travelling long distances, and for a significant time, from outer suburbs such as Broadmeadows, Werribee and Mooroolbark, to attend English language schools in inner urban areas.

The Minister for Education met with representatives from Wyndham City Council and the Wyndham Humanitarian Network on the need for adequate educational facilities for refugee and humanitarian entrants in Werribee. In response, Department representatives contacted Western Metropolitan Regional Office to discuss the establishment of a WELS outpost for secondary school students in Wyndham.

A number of meetings were held between Department representatives, regional staff and Wyndham City Council regarding the need and to determine an appropriate site. Galvin Park Secondary College was determined to be the most appropriate site of the secondary schools in Werribee on account of space, enrolments and access. Galvin Park Secondary College and WELS have been involved in meetings and continue to be involved in working towards establishing a secondary new arrivals program in Werribee.

Figures from the Local Settlement Planning Committee of the Department of Immigration and Citizenship indicate the ongoing settlement of new arrivals in Werribee. There is consequently a need for education services for new arrivals in the area. New portables have been located at Werribee Primary School to meet the ongoing needs of primary new arrivals. This is a wonderful resource for the community, as will be the secondary campus of WELS at Galvin Park Secondary College.

### **Sport and recreation: Country Action grants**

**Raised with:** Sport, Recreation and Youth Affairs

**Raised by:** Ms Tierney

**Raised on:** 25 June 2008

**REPLY:**

I have approved the allocation of a grant of \$5,000 to the Geelong Community Basketball Association and \$4150 to Diversitat, from the Country Action Grant Scheme 2008/09.

Staff from Sport and Recreation Victoria have contacted the club in order to facilitate the payment of the grants as soon as possible.

### **Family violence: regional and rural Victoria**

**Raised with:** Women's Affairs

**Raised by:** Ms Darveniza

**Raised on:** 25 June 2008

**REPLY:**

- I had great pleasure in launching the new family violence website on 12 June. This online gateway will enable women across Victoria to access government information on family violence, including information about where to seek help.
- My department is ensuring that family violence service providers, agencies and women's networks in rural and regional areas are informed of the website through a promotional campaign that will target:
  - Regional media
  - Local members of parliament
  - Local government
  - Departments which provide funding to service providers
  - The family violence integration coordinator in each region

- New promotional postcards featuring the Family Violence domain name will support the communications campaign.
- I take every opportunity to visit rural and regional areas and to meet with agencies which provide family violence services so that I can continue to be informed about the particular issues and challenges faced by rural and regional women experiencing family violence.

### **Office of Housing: Flemington estate**

**Raised with: Housing**

**Raised by: Ms Hartland**

**Raised on: 25 June 2008**

#### **REPLY:**

The Flemington public housing estate is managed from the Ascot Vale Housing Office and staff from the office attend the Flemington estate on a daily basis. The presence at the estate includes attendance at resident or community agency meetings, following up on maintenance issues, visiting tenants in relation to tenancy issues or providing information and advice to residents on various matters.

It is not necessary for a person to attend the office to just submit documents for rental rebate purposes. A staff member can attend at the person's home to discuss any issues that are of concern or to pick up any documentation that is required to be submitted to the office. In addition to this arrangement, residents can send any documents to the office through the mail rather than attend the office in person.

As you are aware, the Moonee Valley City Council, in conjunction with the Office of Housing and the Department of Planning and Community Development, have jointly funded the Flemington Community Capacity Building Project. This project aims to improve the health and wellbeing of the community residing at the Flemington estate by improving coordination of key activities, increasing resident participation and coordinating action by State and Local Government and local service providers.

The project is engaging with residents and groups on the estate through a working group process. The residents have also expressed an interest in establishing a tenant group on the estate and housing staff are working with the Project Officer from the Flemington Community Capacity Building Project to assist in this process.

The Flemington Project has created many opportunities for interaction between residents and housing staff.

Housing staff were instrumental in establishing the community facility at the base of the high-rise building at 12 Holland Court, Flemington which is very well used by individuals from the Flemington housing estate as well as community organisations who represents residents of the Flemington housing estate.

### **Community services: Springvale resident**

**Raised with: Community Services**

**Raised by: Mr Rich-Phillips**

**Raised on: 25 June 2008**

#### **REPLY:**

I am advised that Child Protection staff from the Department of Human Services are aware of the issues raised by the residents of Heather Grove, Springvale and are actively working with Police, community support services and the family.

**Bayside and Kingston: synthetic playing surfaces**

**Raised with:** Sport, Recreation and Youth Affairs

**Raised by:** Mrs Coote

**Raised on:** 26 June 2008

**REPLY:**

The Brumby Government funds the development of feasibility studies and high quality, accessible community sport and recreation facilities through the Community Facilities Funding Program. Since 2000, the Victorian Government has provided more than \$170m through this program to improve 1,870 facilities across Victoria.

Funding under the CFFP is provided through Local Government Authorities. Both Bayside City Council and the City of Kingston have the opportunity to either submit individual or joint applications under the Recreation Planning category.

I encourage you to liaise with Bayside City Council and the City of Kingston to discuss the potential for an application to the CFFP.

**Drug-driving: public awareness**

**Raised with:** Finance, WorkCover and the Transport Accident Commission

**Raised by:** Mr Somyurek

**Raised on:** 30 July 2008

**REPLY:**

I refer to the issue of public awareness of drug driving raised in the Adjournment Debate of 30 July 2008 in the Legislative Council regarding public awareness of drug driving.

The Brumby Government's Arrive Alive strategy recognises that driving while affected by illicit drugs is undoubtedly a factor in many fatal crashes.

On 1 August 2008, I was pleased to launch a new Transport Accident Commission (TAC) public awareness campaign to make young road users aware of the dangers of driving under the influence of drugs.

This innovative campaign specifically targets the high number of young people putting themselves and others at risk when driving on drugs.

Driving under the influence of drugs is dangerous because it affects the very skills that drivers need to travel safely on the road, such as alertness, clear vision, physical coordination and the ability to make the right decision under pressure.

Research shows that a driver who has recently consumed cannabis or an amphetamine based substance is at the same risk as having a crash as a driver with an alcohol concentration above 0.05.

It is important to note that there are three critical factors recognised internationally as the best ways to reduce deaths and serious injuries on our roads: safer roads and roadsides, safer vehicles and safer road users.

This campaign will play an important role in developing safer road users and will assist in reducing the level of death and injuries on our roads.

With any advertising campaign around safe driving, it is recognised that enforcement is essential to getting the message through to our community. I commend the TAC and Victoria Police for the partnership approach they

take with campaigns such as this. With this campaign they are working together to educate motorists to better understand the drug driving/crash risk relationship, and the high risk of detection.

I trust this information is of assistance.

### **Water: fluoridation**

**Raised with: Health**

**Raised by: Mr Kavanagh**

**Raised on: 31 July 2008**

#### **REPLY:**

I thank the Legislative Council member, Mr Peter Kavanagh, for raising an adjournment matter on 31 July 2008 regarding water fluoridation in Castlemaine and other areas of Victoria.

I am aware that about 1,000 residents of Castlemaine have signed a notice of non-consent to treatment for dental decay (where the treatment is adding fluoride to drinking water). The notices were addressed to the Secretary of the Department of Human Services, Ms Fran Thorn. The Secretary has responded to each correspondent where a legible address was provided.

As you are aware, it is Victorian Government policy to extend water fluoridation to areas of rural and regional Victoria which do not currently benefit from this important public health measure.

The Victorian Government is not acting in isolation. All jurisdictions have endorsed *Healthy mouths healthy lives: Australia's National Oral Health Plan 2004-13*, which includes an action area to extend water fluoridation around Australia. And I also note that recently, the Queensland Premier, the Hon Anna Bligh MP, announced that water fluoridation will be extensively introduced to that state, so that by mid 2010 approximately 80 per cent of Queenslanders will benefit from this important public health initiative.

Water fluoridation is also supported by well-recognised organisations including: the World Health Organization; Australia's National Health and Medical Research Council; the Australian Dental Association and Australian Medical Association; Kidney Health Australia; the Australian Centre for Human Health Risk Assessment; the Public Health Association of Australia; Osteoporosis Australia and Arthritis Australia; the Cancer Council of Victoria; Dental Health Services Victoria; the Dental Therapists' Association; University of Melbourne School of Dental Science; La Trobe University School of Dentistry and Oral Health; Royal Children's Hospital Department of Dentistry and VicHealth. I also note that recently the 'Close the Gap' Indigenous Health Campaign has called for the introduction of water fluoridation into Aboriginal communities.

A report, *Water fluoridation and children's dental health: The Child Dental Health Survey Australia 2002*, released in December 2007 by the Australian Institute of Health & Welfare states that, due largely to fluoridated water, children in Australia have better oral health than children in many other countries. At any given age, in both first and permanent teeth, children who live in areas with optimally-fluoridated water have significantly less tooth decay than those from areas with low fluoride levels. In addition, optimal water fluoridation was associated with better dental health for both five to six year olds and 11 to 12 year old children regardless of the socioeconomic status of the area in which the children lived.

Currently 77 per cent of Victorians have access to fluoridated drinking water supplies. Following the recent commencement of water fluoridation in the Castlemaine area and the decision to fluoridate the towns of Yarrawonga, Warrnambool, Hamilton, Ballarat, Geelong and Colac, the proportion of Victorians with fluoridated drinking water will soon increase to approximately 87 per cent.

Extending water fluoridation to areas of Victoria such as Castlemaine, is an important means of redressing the poorer health outcomes experienced by rural and regional Victorians. The Victorian Government will continue to

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implement the policy of extending water fluoridation to those areas of Victoria currently without this important public health initiative.



**WRITTEN ADJOURNMENT RESPONSES**

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

**Wednesday, 20 August 2008**

**Aboriginal affairs: cultural heritage surveys**

**Raised with:** Aboriginal Affairs

**Raised by:** Mr P. Davis

**Raised on:** 29 May 2008

**REPLY:**

The *Aboriginal Heritage Act 2008* (the Act) promotes the consideration of Aboriginal heritage during initial scoping phases of a development project, when other planning and environmental issues are being dealt with. At this time in a project's life, there is maximum capacity to integrate the management of Aboriginal heritage into the proposed development.

Previously, Aboriginal heritage issues were often dealt with during the construction phase, creating substantial delay costs and a lack of certainty about construction if Aboriginal cultural heritage was found. It also resulted in unnecessary destruction of large amounts of pre-contact Aboriginal heritage material.

The cultural heritage management plan process is not required to be conducted 'in advance of the planning application'. The Act is very clear in this respect. A planning application may be lodged with a Council before, during or after Aboriginal heritage work is completed. The Council is not able to grant the planning permit before the cultural heritage management plan is completed and approved, but the application may be made at any time.

Aboriginal Affairs Victoria does not 'approve archaeological surveyors'. The Act states what appropriately qualifies a person as a cultural heritage adviser, as well as enabling the Minister for Aboriginal Affairs to make guidelines specifying appropriate qualifications for cultural heritage advisers.

Aboriginal Affairs Victoria does not 'regulate the use of Aboriginal community members as site monitors'. Where a Registered Aboriginal Party is not in place, cultural heritage advisers may freely choose whether or not to involve members of the relevant Aboriginal community in archaeological survey work. It is—and has been for many years—best practise for heritage advisers to work with the relevant Aboriginal community members to better inform Aboriginal cultural heritage management plans. Where a Registered Aboriginal Party is in place the cultural heritage adviser will normally work with representatives of that Party.

The Victorian Aboriginal Heritage Council, an independent body of 11 Victorian traditional owners, registers Aboriginal parties. The Government does not do this. The Council has, to date, registered five Aboriginal parties covering more than a third of the State, including the Gurnai Kurnai over the Central and East Gippsland area.

The Government is supporting the implementation of the new Act by undertaking a range of initiatives, including a major upgrade of the Aboriginal Heritage Information System, training for local government, developers and heritage advisers, providing information about Aboriginal heritage requirements via the web, designing and implementing training programs for Aboriginal people in heritage management, working with tertiary institutions to improve heritage management courses and conducting a review of the Aboriginal Heritage Regulations in consultation with all major stakeholders, including the housing development industry.

The Government will continue to meet its commitment to protect Victoria's unique Aboriginal cultural heritage. The *Aboriginal Heritage Act 2006* is a critical part of meeting that commitment. Under the previous legislation, delays during the construction phase of projects created not just uncertainty, but substantial costs for the

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development industry. The new legislation has established a framework which greatly reduces the potential for such delays and associated costs.

I would be pleased to be advised of the details of the examples cited by you in East Gippsland, as this could provide important input into the current regulation review.