

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**QUESTIONS ON NOTICE**

**5 and 7 April 2011**

**(Extract from book 5)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

Premier and Minister for the Arts . . . . .	The Hon. E. N. Baillieu, MP
Deputy Premier, Minister for Police and Emergency Services, Minister for Bushfire Response, and Minister for Regional and Rural Development . . . . .	The Hon. P. J. Ryan, MP
Treasurer . . . . .	The Hon. K. A. Wells, MP
Minister for Innovation, Services and Small Business, and Minister for Tourism and Major Events . . . . .	The Hon. Louise Asher, MP
Attorney-General and Minister for Finance . . . . .	The Hon. R. W. Clark, MP
Minister for Employment and Industrial Relations, and Minister for Manufacturing, Exports and Trade . . . . .	The Hon. R. A. G. Dalla-Riva, MLC
Minister for Health and Minister for Ageing . . . . .	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs . . . .	The Hon. H. F. Delahunty, MP
Minister for Education . . . . .	The Hon. M. F. Dixon, MP
Minister for Planning . . . . .	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession . . . . .	The Hon. P. R. Hall, MLC
Minister for Multicultural Affairs and Citizenship . . . . .	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development . . . . .	The Hon. W. A. Lovell, MLC
Minister for Corrections, Minister for Crime Prevention and Minister responsible for the establishment of an anti-corruption commission . . . .	The Hon. A. J. McIntosh, MP
Minister for Public Transport and Minister for Roads . . . . .	The Hon. T. W. Mulder, MP
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing . . . . .	The Hon. D. V. Napthine, MP
Minister for Gaming, Minister for Consumer Affairs, and Minister for Energy and Resources . . . . .	The Hon. M. A. O'Brien, MP
Minister for Local Government and Minister for Aboriginal Affairs. . . . .	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry . . . . .	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs . . . . .	The Hon. R. Smith, MP
Minister for Agriculture and Food Security, and Minister for Water. . . . .	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services . . . . .	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary . . . . .	Mr D. J. Hodgett, MP

### Legislative Council standing committees

**Economy and Infrastructure Legislation Committee** — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Economy and Infrastructure References Committee** — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Environment and Planning Legislation Committee** — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Environment and Planning References Committee** — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Legal and Social Issues Legislation Committee** — Ms Crozier, Mr Elasmarr, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

**Legal and Social Issues References Committee** — Ms Crozier, Mr Elasmarr, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

### Joint committees

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Naphthine and Mr Walsh.

**Drugs and Crime Prevention Committee** — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer.  
(*Assembly*): Mr Battin and Mr McCurdy.

**Education and Training Committee** — (*Council*): Mr Elasmarr and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

**Electoral Matters Committee** — (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall and Mrs Victoria.

**Family and Community Development Committee** — (*Council*): Mrs Coote and Ms Crozier.

**House Committee** — (*Council*): The President (*ex officio*). (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

**Outer Suburban/Interface Services and Development Committee** — (*Council*): Mrs Kronberg and Mr Ondarchie.  
(*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

**Public Accounts and Estimates Committee** — (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula.  
(*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt.

### Heads of parliamentary departments

*Assembly* — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

*Council* — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Mr M. VINEY

**Acting Presidents:** Ms Crozier, Mr Eideh, Mr Elasmr, Mr Finn, Mr O'Brien, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

**Leader of the Government:**

The Hon. D. M. DAVIS

**Deputy Leader of the Government:**

The Hon. W. A. LOVELL

**Leader of the Opposition:**

Mr J. LENDERS

**Deputy Leader of the Opposition:**

Mr G. JENNINGS

**Leader of The Nationals:**

The Hon. P. R. HALL

**Deputy Leader of The Nationals:**

Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP



# CONTENTS

---

## QUESTIONS ON NOTICE

### TUESDAY, 5 APRIL 2011

90.	<i>Police and emergency services: police — shootings and critical incidents review .....</i>	999
107.	<i>Police and emergency services: police — family violence response units .....</i>	1000
113.	<i>Higher education and skills: Department of Education and Early Childhood Development — staff .....</i>	1001
118.	<i>Planning: Department of Planning and Community Development — staff .....</i>	1002
135.	<i>Corrections: Office of Correctional Services Review — prisoner safety review .....</i>	1002
143.	<i>Education: Sebastopol College — upgrade .....</i>	1003
144.	<i>Housing: neighbourhood renewal — Delacombe .....</i>	1003
145.	<i>Housing: city of Ballarat .....</i>	1004
149.	<i>Public transport: rail — Wendouree service .....</i>	1004
152.	<i>Roads: Ballarat link road — funding .....</i>	1005
153.	<i>Sport and recreation: Marty Busch Recreation Reserve, Sebastopol — BMX facility .....</i>	1005
154.	<i>Sport and recreation: regional soccer and community facility — Ballarat .....</i>	1006
159.	<i>Treasurer: VicForests — credit .....</i>	1007

### THURSDAY, 7 APRIL 2011

147.	<i>Public transport: rail — Ballarat– Geelong service .....</i>	1009
148.	<i>Public transport: rail — Ballarat– Bendigo service .....</i>	1009
158.	<i>Water: regional water authorities — late charges .....</i>	1010
162.	<i>Water: spillway flows .....</i>	1011
163.	<i>Water: Wimmera Catchment Management Authority — flood levels .....</i>	1012
166.	<i>Attorney-General: native title claims — time frame .....</i>	1013
183.	<i>Housing: shire of Hepburn .....</i>	1013
184.	<i>Housing: shire of Moorabool .....</i>	1014
185.	<i>Housing: shire of Macedon Ranges .....</i>	1014





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 Council.*

*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, 5 April 2011**

**Police and emergency services: police — shootings and critical incidents review**

**90. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Police and Emergency Services): In relation to the ‘Examination of Police Shootings and Critical Incidents’ of February 2009 undertaken by Mr Michael Williams:

- (1) What were the terms of reference, findings and recommendations of the paper.
- (2) How is Victoria Police addressing and responding to the findings and recommendations.

**ANSWER:**

(1) The project team was given the following terms of reference.

Examination of police shooting critical incidents between July 2005 and December 2008 to identify issues relative to:

- Command and control of the incident
- Tactical response by attending police units/members
- Utilisation/deployment of specialist resources
- Mental health-related issues
- Drug and alcohol-related issues
- Identified patterns or trends across the incidents
- Any other related issues.

(2) That part of the report titled “Opportunities for Improvement” contains what can be considered recommendations, in that it identifies areas where there exist opportunities for improvement. The report notes that these opportunities should be considered in the context of a holistic approach, rather than in isolation. These opportunities are summarised as follows:

- **Operational members.** That members ‘log on’ using both voice and data (where available) to their communications centre, and that they gain a better understanding of criteria for use of the priority/duress button on both radio and data terminals. Also, that operational response units provide situation reports for their supervisor.
- **Communication centre.** That all relevant information is provided to response units over both voice and data, particularly in violent or potentially violent related incidents. That call takers and radio dispatchers be trained to recognise the ingredients that can turn an ordinary incident into a critical one, and that they maintain an open and free flowing conversation with callers, and wherever possible speak with the originator of the information. It was also noted that there may be potential to review event dispatching procedures to facilitate LEAP checks for incidents that have potential to escalate as well as a check list of notifications before the incident escalates.
- **Response readiness.** To assist responding members to recognise potential risks that can contribute to incidents escalating to critical in a short space of time by making better use of all avenues of inquiry (LEAP & CAD) and warning flags as risk identifiers.

- **Incident Management.** There is scope to increase the skills of sergeants, senior sergeants and inspectors who are responsible for the initial management of incidents, to assist them in identifying the ingredients that can escalate an incident to critical, as well as their capability and confidence in command and control roles. This also applies to members who are temporarily acting at the sergeant level. There is also opportunity to review the incident management policy to clearly establish incidents designated as critical, as in pursuits.
- **Tactical response.** The effective management of short critical incidents is imperative as this can be when a command structure cannot be implemented, the members can be placed at risk and the subject cannot be contained. Training programs that equip members with skills to identify symptoms of vulnerable persons (including mental impairment, mental illness and alcohol/drug affected) should be maintained as well as ongoing refresher training for these members, which includes the use of appropriate tactical communications and the importance of teamwork and not separating from one's partner. There should also be renewed focus on cordon and containment as well as tactical communication training.
- **Specialist resources.** The report identifies that the timely notification of specialist resources (the Special Operations Group (SOG), Critical Incident Response Teams (CIRT) and the Dog Squad) significantly impacts on the outcome of those incidents with the potential to escalate to critical. In particular it proposes the review of the existing policy governing the deployment of the SOG with a view to making better use of this highly trained resource.

Please note that some information from this part of the report has not been disclosed as it would reveal confidential methods or procedures for dealing with and investigating criminal offences.

The report identifies a number of recurring issues regarding some of the police shootings examined.

- There is evidence to suggest a degree of complacency (particularly regarding risk assessment and initial approach tactics) and a lack of tactical skill in responding to incidents that have the potential to escalate into a critical incident.
- The Operational Safety Principles are still very relevant, however, these principles need reinvigoration with a particular emphasis on the benefits of creating time prior to engagement, and (where possible), using specialist resources to manage incidents involving the carriage of edged weapons by vulnerable persons.
- Similarly, responsibilities of forward commanders and operational commanders need to be reinforced amongst all operational police to ensure effective command and control is established at the earliest opportunity of an escalating incident. Training that equips supervisors to recognise and effectively manage critical incidents and the risks associated with them must be delivered and continually reinforced.
- Establishing a process that facilitates the designation of a 'critical incident' (either pre or post) will eliminate many of the identified command, control and tactical response issues.

Victoria Police advises that all of the issues identified in the report have been or are being addressed. Where required, training programs have either been introduced or revised to take identified issues into account, including for all commissioned officers and senior sergeants. In regard to issues affecting call centre staff, these have been worked through with the Emergency Services Telecommunications Authority.

**Police and emergency services: police — family violence response units**

**107. MS HARTLAND** — To ask the Minister for Employment and Industrial Relations (for the Minister for Police and Emergency Services): In relation to family violence response units (FVRU) and the announcement by the Victoria Police chief commissioner of more police to be posted into the west:

- (1) Of the extra police to be posted, will an allocation of these extra police go to permanently staff the dedicated Brimbank FVRU.
- (2) Will the dedicated FVRUs in Casey, Wyndham, Ballarat and Darebin be permanently staffed.
- (3) Will new dedicated FVRUs be established; if so, where.
- (4) How many staff will be provided to each dedicated FVRU.

- (5) Is this an increase or decrease in the number of staff in FVRUs; if so, by what number.
- (6) What funding will be provided to each dedicated FVRU.
- (7) Will there be an increase or decrease in the funding provided to each dedicated FVRU; if so, by how much.

**ANSWER:**

I am advised that:

- (1) Of the 24 new members assigned to Brimbank, no positions have been specifically allocated to the family violence response unit (FVRU). It is a matter for local management to decide whether the FVRU requires additional resources and allocate these additional resources accordingly.
- (2) Staffing of the FVRUs in Casey, Wyndham, Ballarat and Darebin will be considered in accordance with local operational needs.
- (3) The decision to establish additional dedicated FVRUs will be explored by regional management within the Police Service Area in accordance with local operational needs.
- (4) Decisions concerning the level of staffing available to each dedicated FVRU will be considered in accordance with local operational needs.
- (5) Any increase or decrease in the number of staff of FVRUs is dependent on local operational requirements at a particular time.
- (6) The funding provided to each dedicated FVRU is allocated according to local operational needs.
- (7) Any increase or decrease in the funding provided to each FVRU is a matter to be decided in accordance with local operational needs.

**Higher education and skills: Department of Education and Early Childhood Development — staff**

**113. MR PAKULA** — To ask the Minister for Higher Education and Skills:

- (1) What is the total number of executive and non-executive staff employed by the Department of Education and Early Childhood Development who were either —
  - (a) made redundant (whether voluntarily or involuntarily);
  - (b) had employment terminated by the department; or
  - (c) whose employment ceased as a result of a voluntary separation or resignation.
- (2) What is the total gross cost of all payments made to these staff as a result of these redundancies, terminations and separations, between 2 December 2010 and 2 March 2011 inclusive.

**ANSWER:**

I am informed as follows:

In respect to question (1) for the period between 2 December 2010 and 2 March 2011 inclusive there were 171 executive and non-executive staff:

- (a) 1 person was made redundant after a restructuring;
- (b) no person had their employment terminated during the period; the employment of 90 staff ceased at the end of a period of fixed term employment; and
- (c) 80 people ceased employment as a result of resignation.

In respect to question (2) the total gross cost of all payments made to these staff was \$1 008 569. This amount includes:

- final salary payment;
- payout of annual leave entitlements;
- leave loading entitlements; and
- long service leave entitlements.

**Planning: Department of Planning and Community Development — staff**

**118. MR PAKULA** — To ask the Minister for Planning:

- (1) What is the total number of executive and non-executive staff employed by the Department of Planning and Community Development who were either —
  - (a) made redundant (whether voluntarily or involuntarily);
  - (b) had employment terminated by the department; or
  - (c) whose employment ceased as a result of a voluntary separation or resignation.
- (2) What is the total gross cost of all payments made to these staff as a result of these redundancies, terminations and separations, between 2 December 2010 and 2 March 2011 inclusive.

**ANSWER:**

I am informed that:

- (1)(a) There were no voluntary or involuntary redundancies.
- (1)(b) There were no staff who had their employment terminated by the department.
- (1)(c) A total of two hundred and ten (210) people ceased as a result of voluntary separation or resignation.
- (2) All employees who separated were paid their statutory leave entitlements, or had their entitlements transferred to their new VPS department. There were no additional payments made to staff who separated from the department.

If you have further questions in relation to the Department of Planning and Community Development, you should direct your question to the Minister for Regional and Rural Development as the lead minister for the department.

**Corrections: Office of Correctional Services Review — prisoner safety review**

**135. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): In relation to the Office of Correctional Services Review and its review of the management of prisoner safety for at risk and vulnerable prisoners undertaken during 2009–10:

- (1) What were the main findings and recommendations of the review.
- (2) Did the minister respond to the recommendations of the review.
- (3) Will the review, its findings and recommendations be placed on the public record.

**ANSWER:**

I am advised that:

(1) & (2)

The report by the Office of Correctional Services Review (OCSR) of its review undertaken in 2009–10 of the management of prisoner safety for at risk and vulnerable prisoners has not yet been finalised.

Following completion of the review, the OCSR will advise the Secretary to the Department of Justice of the findings and Corrections Victoria will be asked to address any recommendations. The OCSR will then monitor Corrections Victoria's response to the recommendations.

(3) Consistent with current practice, when the report is finalised a summary of the review findings will be published in the department's annual report.

Information in relation to the review is available in the Department of Justice annual report 2009–2010, under the heading "**Reviews commenced in 2009-10**", [www.justice.vic.gov.au](http://www.justice.vic.gov.au) (publications).

### **Education: Sebastopol College — upgrade**

**143. MS PULFORD** — To ask the Minister for Higher Education and Skills (for the Minister for Education):

- (1) Has the minister sought and/or received advice from the Department of Education and Early Childhood Development on the delivery of the government's commitment to capital works at Sebastopol College; if so, did that advice recommend a timeline for provision of funding to the project; if so —
  - (a) what was the date recommended; and
  - (b) did the minister accept or endorse the recommendation.
- (2) Has the minister written to either the Premier and/or the Treasurer asking that the funds for capital works at Sebastopol College be included in the 2011–12 state budget.
- (3) Has the provision of funding for capital works at Sebastopol College been included in any budget submission made by the minister for the 2011–12 Victorian state budget.
- (4) Has the minister taken any formal action to ensure the provision of funding for capital works at Sebastopol College in 2011–12; if so, what was that formal action.

#### **ANSWER:**

I am informed as follows:

As the member would be aware, consideration of budget initiatives is cabinet-in-confidence.

I can however reconfirm the government's \$18 million capital commitment to rebuild Sebastopol secondary college as part of the development of the Ballarat South Learning Community. This project involves Sebastopol secondary college and the adjacent Redan Primary School coming together under a single governance structure while remaining on their existing sites.

As one of the government's priority projects, funding will be provided and works will commence during this term of government. The project is currently at the master planning stage and a number of community partnership opportunities are being explored.

The \$18 million funding committed to the college will enable a major redevelopment and the provision of state of the art learning environments for secondary students in Ballarat South.

### **Housing: neighbourhood renewal — Delacombe**

**144. MS PULFORD** — To ask the Minister for Housing:

- (1) Has the minister taken any action to ensure the continuation of the Delacombe neighbourhood renewal project.
- (2) Has the minister sought, through any formal process or action, funding for this initiative.
- (3) Is the minister committed to the ongoing operation of the neighbourhood renewal project at Delacombe with financial support for the project from the Victorian government.

**ANSWER:**

I can advise that:

- (1) Action has been taken to ensure the continuation of the Delacombe neighbourhood renewal project. I have given a commitment to support existing neighbourhood renewal projects to continue, including Delacombe, for the remainder of their funding period. I am currently undertaking a review of the initiative to ensure that the focus of renewal projects in the future will meet the new government's priorities and strengthen outcomes for families and communities.

(2&3)

Consistent with well-established conventions adopted by successive Victorian governments, the details of the budget process and the forward estimates over the next four years is a cabinet matter. The budget will be presented on 3 May 2011 and will be subject to the usual parliamentary and public scrutiny.

**Housing: city of Ballarat**

**145. MS PULFORD** — To ask the Minister for Housing:

- (1) Has the minister sought and/or received departmental briefings on the availability of public housing in the city of Ballarat.
- (2) Has the minister sought and/or received departmental briefings on projected capital works for the Office of Housing within the city of Ballarat.
- (3) Based on previously approved projects, what is the projected capital spend by the Office of Housing for the construction of new homes within the city of Ballarat.
- (4) Has the minister taken any action to increase the number of residential properties owned by the Office of Housing within the city of Ballarat; if so, what action has occurred.

**ANSWER:**

I can advise that:

- (1) I have received briefings on issues relating to the availability of public housing in Victoria.
- (2) I have received briefings on the future of public housing in Victoria.

(3 & 4)

Consistent with well established conventions adopted by successive Victorian governments, the details of the budget process and the forward estimates over the next four years is a cabinet matter. The budget will be presented on 3 May 2011 and will be subject to the usual parliamentary and public scrutiny.

**Public transport: rail — Wendouree service**

**149. MS PULFORD** — To ask the Minister for Planning (for the Minister for Public Transport): In relation to the extension of train services that currently terminate at Ballarat train station to Wendouree train station:

- (1) Has the minister sought and/or received departmental advice regarding the extension of these train services; if so —

- (a) did that advice recommend a time line for the extension of train services; if so, what was it; and
  - (b) did the minister accept the recommendation.
- (2) Has the minister written to the Premier and/or the Treasurer asking that the funds for the extension of these train services be included in the 2011–12 state budget.
  - (3) Has the provision of funds for the extension of these train services been included in any budget submission made by the minister for the 2011–12 Victorian state budget.
  - (4) Has the minister taken any formal action to ensure the provision of funding for the extension of these train services in 2011–12; if so, what was that formal action.

**ANSWER:**

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

(1-4) I have sought and received advice from the Department of Transport concerning the extension of additional Ballarat train services to/from Wendouree station. This advice is currently being reviewed.

**Roads: Ballarat link road — funding**

**152. MS PULFORD** — To ask the Minister for Planning (for the Minister for Roads): In relation to the government’s commitment to planning and land acquisition for the Ballarat link road:

- (1) Has the minister sought and/or received advice from the department or VicRoads on the delivery of the land acquisition; if so —
  - (a) did that advice recommend a time line for provision of funding to the project; if so, what was it.
  - (b) did the minister accept the recommendation.
- (2) Has the minister written to the Premier and/or the Treasurer asking that the funds for planning works and land acquisition be included in the 2011–12 state budget.
- (3) Has the provision for funding for planning works and land acquisition been included in any budget submission made by the minister for the 2011–12 Victorian state budget.
- (4) Has the minister taken any formal action to ensure the provision of funding for planning works and land acquisition in 2011–12; if so, what was that formal action.

**ANSWER:**

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

(1)-(4)

Consistent with well established conventions adopted by successive Victorian governments, the details of the budget process and the forward estimates over the next four years is a cabinet matter. The budget will be presented on 3 May 2011 and will be subject to the usual legislative and public scrutiny.

**Sport and recreation: Marty Busch Recreation Reserve, Sebastopol — BMX facility**

**153. MS PULFORD** — To ask the Minister for Housing (for the Minister for Sport and Recreation): In relation to the government’s commitment of \$60 000 to upgrade the BMX facility at Marty Busch Recreation Reserve:

- (1) Has the minister sought and/or received advice from the department on the delivery of the commitment; if so —

- (a) did that advice recommend a timeline for provision of funding to the project; if so, what was it.
- (b) did the minister accept the recommendation.
- (2) Has the minister written to the Premier and/or the Treasurer asking that the commitment be included in the 2011–12 state budget.
- (3) Has the provision of \$60 000 been included in any budget submission made by the minister for the 2011–12 Victorian state budget.
- (4) Has the minister taken any formal action to ensure the provision of the upgrade in 2011–12; if so, what was that formal action.

**ANSWER:**

I am informed that:

Sport and Recreation Victoria are preparing advice on the implementation of all the government’s election commitments for funding of community sport and recreation facilities. This includes procedures for the department to meet with all recipients of funding to discuss their individual projects. This will include discussions on potential cash flows for the projects.

The outcomes of government budget deliberations will be announced by the Treasurer when the 2011–12 state budget is presented to Parliament.

**Sport and recreation: regional soccer and community facility — Ballarat**

**154. MS PULFORD** — To ask the Minister for Housing (for the Minister for Sport and Recreation): In relation to the government’s commitment of \$2 million to build a regional soccer and community facility for Ballarat

- (1) Has the minister sought and/or received advice from the department on the delivery of the commitment; if so —
  - (a) did that advice recommend a time line for provision of funding to the project; if so, what was it.
  - (b) did the minister accept the recommendation.
- (2) Has the minister written to the Premier and/or the Treasurer asking that facility be included in the 2011–12 state budget.
- (3) Has the provision for the facility been included in any budget submission made by the minister for the 2011–12 Victorian state budget.
- (4) Has the minister taken any formal action to ensure the provision of \$2 million to build the facility in 2011–12; if so, what was that formal action.
- (5) Has the minister sought advice about the actual cost of completing the facility; if so, has the minister reconsidered the size of the election commitment made so that the project can be completed as proposed by the feasibility study undertaken in 2007 and 2008.

**ANSWER:**

I am informed that:

Sport and Recreation Victoria are preparing advice on the implementation of all the government’s election commitments for funding of community sport and recreation facilities. This includes procedures for the department to meet with all recipients of funding to discuss their individual projects. This will include discussions on potential cash flows for the projects.



The outcomes of the government's budget deliberations will be announced by the Treasurer when the 2011–12 state budget is presented to Parliament.

**Treasurer: VicForests — credit**

**159. MR BARBER** — To ask the Assistant Treasurer (for the Treasurer): In relation to the line of credit of \$16.6 million provided by the Victorian Treasury to VicForests in 2009–10 to assist with their cash-flow problems:

- (1) As of 3 March 2011, how much of this amount remains outstanding.
- (2) In this financial year, has there been any additional credit forwarded by Treasury to VicForests; if so, how much.
- (3) In the past two financial years, has there been any outstanding debt waived by Treasury to VicForests; if so, how much.

**ANSWER:**

VicForests has a short-term working capital facility through the Treasury Corporation of Victoria (TCV), approved by the previous Treasurer, amounting to \$25.0 million. This short-term working capital facility enables VicForests to smooth the timing of its cash receipts and payments.

- (1) As of 3 March 2011 the balance on the facility was \$19.9 million.
- (2) Every year the level of the facility for VicForests is reviewed by DTF. An increased limit of \$25.0 million was granted at the beginning of 2010–11.
- (3) There has not been an outstanding debt waived by DTF to VicForests during the last 2 financial years.



**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 Council.  
 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.*

**Thursday, 7 April 2011**

**Public transport: rail — Ballarat–Geelong service**

- 147. MS PULFORD** — To ask the Minister for Planning (for the Minister for Public Transport): In relation to conducting a feasibility study into the provision of passenger rail services between Ballarat and Geelong:
- (1) Has the minister sought and/or received departmental advice regarding conducting the feasibility study; if so —
    - (a) did that advice recommend a time line for completion of the feasibility study; if so, what was it; and
    - (b) did the minister accept the recommendation.
  - (2) Has the minister written to the Premier and/or the Treasurer asking that funds for conducting the feasibility study be included in the 2011–12 state budget.
  - (3) Has the provision of funds for conducting the feasibility study been included in any budget submission made by the minister for the 2011–12 Victorian state budget.
  - (4) Has the minister taken any formal action to ensure the provision of funding for conducting the feasibility study in 2011–12.

**ANSWER:**

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

(1)-(4)

Consistent with well established conventions adopted by successive Victorian governments, the details of the budget process and the forward estimates over the next four years is a cabinet matter. The budget will be presented on 3 May 2011 and will be subject to the usual legislative and public scrutiny.

**Public transport: rail — Ballarat–Bendigo service**

- 148. MS PULFORD** — To ask the Minister for Planning (for the Minister for Public Transport): In relation to conducting a feasibility study into the provision of passenger rail services between Ballarat and Bendigo:
- (1) Has the minister sought and/or received departmental advice regarding conducting the feasibility study; if so —
    - (a) did that advice recommend a time line for completion of the feasibility study; if so, what was it; and
    - (b) did the minister accept the recommendation.
  - (2) Has the minister written to the Premier and/or the Treasurer asking that the funds for conducting the feasibility study be included in the 2011–12 state budget.
  - (3) Has the provision of funds for the conducting of the feasibility study been included in any budget submission made by the minister for the 2011–12 Victorian state budget.

- (4) Has the minister taken any formal action to ensure the provision of funding for the feasibility study in the 2011–12 financial year; and if so, what was that formal action.

**ANSWER:**

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

(1)-(4)

Consistent with well established conventions adopted by successive Victorian governments, the details of the budget process and the forward estimates over the next four years is a cabinet matter. The budget will be presented on 3 May 2011 and will be subject to the usual legislative and public scrutiny.

**Water: regional water authorities — late charges**

**158. MR BARBER** — To ask the Minister for Higher Education and Skills (for the Minister for Water): In relation to section 281 of the *Water Act 1989*, regional water authorities are permitted to charge their customers interest on any unpaid amounts of a water bill:

- (1) Which authorities currently exercise this power.
- (2) What is the rate of interest that each of these authorities currently charge.
- (3) How much revenue has each authority raised through interest on late charges over the past three reported financial years.

**ANSWER:**

I am informed that:

(1) The regional water corporations that currently charge their customers interest on any unpaid amounts of a water bill under Section 281 of the *Water Act 1989* are Central Highlands Water, East Gippsland Water, Goulburn-Murray Water, Goulburn Valley Water, Grampians Wimmera Mallee Water, Lower Murray Water, South Gippsland Water, Southern Rural Water and Wannon Water. Westernport Water charges penalty interests but uses the Department of Justice penalty interest rate under the *Penalty Interest Rates Act 1983*.

(2) and (3)

The rate of interest charged by each water corporation and the revenue raised over the last three years are shown in the table below:

Corporation	Use of section 281 provision (Yes/No)	Rate of interest charged (%)			Revenue raised (\$)		
		2007-08	2008-09	2009-10	2007-08	2008-09	2009-10
Barwon Water	N	-	-	-	-	-	-
Central Highlands Water	Y	11.5%	11.5%	10%	\$68,350	\$87,446	\$97,051
Coliban Water	N	-	-	-	-	-	-
East Gippsland Water	Y	12.25%	10-12.25%	10-10.5%	\$22,714	\$14,796	\$15,578
Gippsland Water	N	-	-	-	-	-	-
Goulburn-Murray Water	Y	12.0%	12.25%	12.25%	\$375,755	\$565,596	\$854,670
Goulburn Valley Water	Y	10%	11.5%	10%	\$70,831	\$93,904	\$90,881

QUESTIONS ON NOTICE

Corporation	Use of section 281 provision (Yes/No)	Rate of interest charged (%)			Revenue raised (\$)		
		2007-08	2008-09	2009-10	2007-08	2008-09	2009-10
Grampians Wimmera Mallee Water	Y	12.25%	12.25%	*	\$148,751.38	\$155,108.21	*
North East Water	N	-	-	-	-	-	-
Lower Murray Water**	Y	12%	12%-11%	10%	\$140,646	\$151,175	\$350,308
South Gippsland Water	Y	10%	10%	10%	\$1,644.45	\$2,563.80	\$3,549.70
Southern Rural Water	Y	12.25%	12.25%	12.25%	\$70,861	\$222,038	\$318,566
Wannon Water	Y	12.25%	12.25%	12.25%	\$74,620	\$92,951	\$130,288
Western Water	N	-	-	-	-	-	-
Westernport Water***	Y	12%	11%	10%	\$39,030	\$39,598	\$34,363

Note:

\* Did not charge interest due to delay in sending bills as a result of new system implementation issues

\*\* Includes Timbercorp which went into receivership

\*\*\* uses Department of Justice interest rate under Section 2 Penalty Interest Rates Act 1983

**Water: spillway flows**

**162. MR BARBER** — To ask the Minister for Higher Education and Skills (for the Minister for Water): How much water went over the spillways of the following dams during each of the days in January 2011 —

- (a) Lake Eppalock;
- (b) Cairn Curran Reservoir;
- (c) Tullaroop Reservoir; and
- (d) Laanecoorie Reservoir.

**ANSWER:**

I am informed that:

The attached table (attachment 1) contains the daily volume (in megalitres) passing over the spillways for the period 1 January–31 January 2011. This data was provided by Goulburn-Murray Water.

As of 14 January 2011, Laanecoorie can now only hold about 3500 ML because the gates were damaged during the flood and have been temporarily removed for repair. This is 4500 ML below the normal full supply volume.

Attachment 1

Date	Eppalock	Cairn Curran	Tullaroop	Laanecoorie
1/01/2011	35	0	0	0
2/01/2011	24	0	0	0
3/01/2011	20	0	0	0
4/01/2011	10	0	0	0

Date	Eppalock	Cairn Curran	Tullaroop	Laanecoorie
5/01/2011	7	0	0	0
6/01/2011	4	0	0	0
7/01/2011	2	0	0	0
8/01/2011	0	0	0	0
9/01/2011	0	0	0	0
10/01/2011	0	0	0	0
11/01/2011	0	0	0	0
12/01/2011	800	2463	494	9765
13/01/2011	3614	19 483	3642	42 173
14/01/2011	47 516	62 476	23 383	137 427
15/01/2011	58 801	15 859	17 361	96 852
16/01/2011	35 135	3283	3003	28 068
17/01/2011	11 896	0	2641	24 759
18/01/2011	8243	0	1085	6498
19/01/2011	6237	0	763	3201
20/01/2011	4716	0	533	2424
21/01/2011	3839	0	385	2122
22/01/2011	2931	0	310	1862
23/01/2011	2460	0	242	1746
24/01/2011	2205	0	195	1612
25/01/2011	1778	0	180	1536
26/01/2011	1406	0	150	1536
27/01/2011	1144	0	125	1033
28/01/2011	942	0	112	1335
29/01/2011	803	0	100	1335
30/01/2011	688	0	75	1335
31/01/2011	597	0	65	843
<b>TOTAL</b>	<b>195 853</b>	<b>103 564</b>	<b>54 844</b>	<b>367 462</b>

**Water: Wimmera Catchment Management Authority — flood levels**

**163. MR BARBER** — To ask the Minister for Higher Education and Skills (for the Minister for Water): On 18 December 2008, and again on 3 June 2010, Wimmera Catchment Management Authority gave notice in the Victorian Government Gazette of intention to declare and alter flood levels for various towns in its region: How do those flood levels compare to actual floods observed during January 2011.

**ANSWER:**

I am informed that:

Wimmera CMA has recently declared flood levels for an area encompassing parts of the Wimmera River and Yarriambiack Creek between Glenorchy, Horsham and Warracknabeal, and varied previously declared flood levels for Horsham. A notice to this effect was included in the Government Gazette G31, 5 August 2010.

The levels are based on the best available estimate of a flood event which has a probability of occurrence of one per cent in any one year. The estimated flood levels were based on a comprehensive flood study by Water Technology, completed in 2009.

During the January 2011 event Wimmera CMA commissioned flood level surveys for key towns affected by the floods. Aerial flood photography was also commissioned by the Department of Sustainability and Environment.

This information and ground observations indicate that the peak levels for the January event were very similar to the declared flood levels. It is intended that the declared flood levels will be reviewed, to take into account the recent floods.

**Attorney-General: native title claims — time frame**

**166. MR BARBER** — To ask the Minister for Employment and Industrial Relations (for the Attorney-General): Does the government have a time frame in which to resolve all outstanding native title claims through the *Traditional Owner Settlement Act 2010*; and if so, what are the details of the time frame.

**ANSWER:**

I am advised that:

The government is seeking to expedite wherever possible resolution of the high priority native title determination applications (or ‘claims’) before the Federal Court which it inherited from the previous government.

There are currently **twelve** unresolved claims filed in the Federal Court in Victoria. Of these, **seven** are considered high priority by the Court.

Two of the high priority claims relate to the unresolved part of the Gunditjmarra claims which were subject to determination of native title by the Federal Court for part of the area in 2007. The state is seeking to negotiate a conclusion of these claims under the *Native Title Act 1993*.

The government has informed the court of its preference to negotiate settlements under the *Traditional Owner Settlement Act 2010* for the remaining high priority claims.

The government presented proposed negotiation parameters for these high priority claimants in March 2011. These claim groups are considering these proposals. Once the claim groups have responded to the proposed negotiation parameters, the parties will advise the Federal Court of a proposed timetable for resolution of the claims.

For the claims not considered a high priority by the court, the government’s first priority is to be satisfied it is engaging with the “right people, for the right country”. The government will also decide the most appropriate option for proposed resolution, which may include use of the *Traditional Owner Settlement Act 2010*.

The government intends to introduce amendments to the *Traditional Owner Settlement Act 2010* to provide for parliamentary ratification of settlements where they affect certain Crown lands.

**Housing: shire of Hepburn**

**183. MS PULFORD** — To ask the Minister for Housing: In relation to the availability of public housing in the Hepburn shire:

- (1) Has the minister sought, and received, departmental briefings on —
  - (a) the availability of public housing in the shire; and
  - (b) projected capital works for the Office of Housing within the shire.
- (2) What, based on previously approved projects, is the projected capital spend within the shire by the Office of Housing for the construction of new homes.
- (3) Has the minister taken any action to increase the number of residential properties owned by the Office of Housing within the shire; if so, what action was taken.

**ANSWER:**

I can advise that:

- (1) (a) I have received briefings on issues relating to the availability of public housing in Victoria.
- (b) I have received briefings on the future of public housing in Victoria.
- (2 & 3) Consistent with well established conventions adopted by successive Victorian governments, the details of the budget process and the forward estimates over the next four years is a cabinet matter. The budget will be presented on 3 May 2011 and will be subject to the usual parliamentary and public scrutiny.

**Housing: shire of Moorabool**

**184. MS PULFORD** — To ask the Minister for Housing: In relation to the availability of public housing in the Moorabool shire:

- (1) Has the minister sought, and received, departmental briefings on —
  - (a) the availability of public housing in the shire; and
  - (b) projected capital works for the Office of Housing within the shire.
- (2) What, based on previously approved projects, is the projected capital spend within the shire by the Office of Housing for the construction of new homes.
- (3) Has the minister taken any action to increase the number of residential properties owned by the Office of Housing within the shire; if so, what action was taken.

**ANSWER:**

I can advise that:

- (1) (a) I have received briefings on issues relating to the availability of public housing in Victoria.
- (b) I have received briefings on the future of public housing in Victoria.
- (2 & 3) Consistent with well established conventions adopted by successive Victorian governments, the details of the budget process and the forward estimates over the next four years is a cabinet matter. The budget will be presented on 3 May 2011 and will be subject to the usual parliamentary and public scrutiny.

**Housing: shire of Macedon Ranges**

**185. MS PULFORD** — To ask the Minister for Housing: In relation to the availability of public housing in the Macedon Ranges shire:

- (1) Has the minister sought, and received, departmental briefings on —
  - (a) the availability of public housing in the shire; and
  - (b) projected capital works for the Office of Housing within the shire.
- (2) What, based on previously approved projects, is the projected capital spend within the shire by the Office of Housing for the construction of new homes.
- (3) Has the minister taken any action to increase the number of residential properties owned by the Office of Housing within the shire; if so, what action was taken.

**ANSWER:**

I can advise that:



QUESTIONS ON NOTICE

Thursday, 7 April 2011

COUNCIL

1015

---

- (1) (a) I have received briefings on issues relating to the availability of public housing in Victoria.  
(b) I have received briefings on the future of public housing in Victoria.

(2 & 3)

Consistent with well established conventions adopted by successive Victorian governments, the details of the budget process and the forward estimates over the next four years is a cabinet matter. The budget will be presented on 3 May 2011 and will be subject to the usual parliamentary and public scrutiny.