

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**WRITTEN ADJOURNMENT RESPONSES**

**25 and 27 October 2011**

**(Extract from book 15)**

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## **The Governor**

The Honourable ALEX CHERNOV, AO, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

|  |                                   |
|--|-----------------------------------|
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| Minister for Planning . . . . .  | The Hon. M. J. Guy, MLC           |
| Minister for Higher Education and Skills, and Minister responsible for<br>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<br>Development. . . . .  | The Hon. W. A. Lovell, MLC        |
| Minister for Corrections, Minister for Crime Prevention and Minister<br>responsible for the establishment of an anti-corruption commission . . . .         | The Hon. A. J. McIntosh, MP       |
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| Minister for Gaming, Minister for Consumer Affairs, and Minister for<br>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<br>for the Aviation Industry . . . . .   | The Hon. G. K. Rich-Phillips, MLC |
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| Cabinet Secretary. . . . .   | Mr D. J. Hodgett, MP              |

## Legislative Council committees

**Privileges Committee** — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

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

## Legislative Council standing committees

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

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

**Environment and Planning Legislation Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, \*Mr Tarlamis, Mr Tee and Ms Tierney.

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

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

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

\* *Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

# *Participating member*

## Joint committees

**Dispute Resolution Committee** — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Naphine and Mr Walsh.

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

**Economic Development and Infrastructure Committee** — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw.

**Education and Training Committee** — (*Council*): Mr Elasmr 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.

**Environment and Natural Resources Committee** — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

**Family and Community Development Committee** — (*Council*): Mrs Coote and Ms Crozier. (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling.

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

**Law Reform Committee** — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

**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.

**Road Safety Committee** — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

**Rural and Regional Committee** — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

**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    |



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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, 25 October 2011**

**Eastwood Primary School: upgrade**

**Raised with:** Minister for Education

**Raised by:** Mr Leane

**Raised on:** 16 August 2011

**REPLY:**

I am informed as follows:

Following a recent visit to Eastwood Primary School accompanied by the principal and school council president I am well informed of the condition of the school's facilities.

The Victorian government has made a commitment to focus on upgrading government primary and secondary schools across the state. Priority projects to be included in the building program for the first term of government were identified in the *Victorian Liberal Nationals Coalition Plan for Education* released in November 2010. Further schools were identified for capital funding in the Victorian state budget 2011–12, released on 3 May 2011.

The government is aware that other schools such as Eastwood Primary School were involved in planning for building projects under the previous administration's capital program. Unfortunately state budget constraints do not allow for all school capital projects to be funded and the needs of schools across the state must be balanced and prioritised accordingly. The capital needs of all schools will be given due consideration during future state budget processes and in determining future priorities for the building program.

**Kurdish community centre: attacks**

**Raised with:** Attorney-General

**Raised by:** Mr Barber

**Raised on:** 1 September 2011

**REPLY:**

I thank Mr Barber for bringing to my attention the serious allegations of attacks on the headquarters of the Kurdish Association of Victoria.

I understand the Minister for Police and Emergency Services has written to Mr Barber advising the matter has been referred to the office of the Acting Chief Commissioner of Victoria Police.

I am also advised that Victoria Police has offered to arrange a meeting with Mr Barber.

**Roads: truck trailer registration fees**

**Raised with:** Minister for Roads

**Raised by:** Mr Elsbury

**Raised on:** 1 September 2011

**REPLY:**

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

Higher registration charges for 'lead trailers' (referred to as A-trailers by industry) used in B-double and B-triple truck and trailer vehicle combinations were introduced in 2009 in accordance with National Transport Commission's 2007 heavy vehicle charges determination. This determination was agreed to by ministers from all jurisdictions, with the support of the heavy transport industry.

The charges, which have substantially increased since 2009, are based on the principles of recovery of road infrastructure and road wear costs, and ensuring all heavy vehicles pay their share of road costs.

As a result of concerns raised by the heavy transport industry about costs, the National Transport Commission has convened a group comprising industry and road agencies (including VicRoads) to develop long and short-term options to reduce cost burdens or reduce productivity limitations on lead-trailer operators.

VicRoads advises me that following industry consultation, the National Transport Commission will shortly seek the views of road agencies about practical measures to increase productivity and/or reduce costs faced by lead-trailer operators.

**Schools: Kyneton**

**Raised with:** Minister for Education

**Raised by:** Mrs Petrovich

**Raised on:** 13 September 2011

**REPLY:**

I am informed as follows:

The Kyneton education plan has at its core a merger of Kyneton Secondary College, Kyneton Primary School and Lady Brooks Kindergarten in Kyneton. This however is in the context of this new entity establishing partnerships with the community. One of the nine recommendations of the Kyneton education plan is that partnerships with the community be 'actively and immediately pursued'.

Cobaw Community Health Services Ltd is an important part of the Kyneton community and it is expected that the new educational entity, once formed, would co-operatively work with it in the future. While Cobaw Community Health Services Ltd is not an educational organisation, it is well understood that its expertise can assist the new school to develop services which support the health and wellbeing of all students.

**Asbestos: non-occupational exposure**

**Raised with:** Minister for Consumer Affairs

**Raised by:** Ms Pennicuik

**Raised on:** 15 September 2011

**REPLY:**

Thank you for your adjournment debate question on 15 September 2011 advising me of the work being undertaken by the commonwealth Asbestos Management Review and the New South Wales (NSW) Ombudsman regarding the management of asbestos issues and inquiring about action planned in Victoria.

As you will be aware, this work is exploring approaches to the future management of both occupational and non-occupational exposure to asbestos.

The issues paper recently released by the Asbestos Management Review and the 2010 report by the NSW Ombudsman, amongst other matters, both propose the development of a strategic plan, at the national and state level respectively, to improve asbestos awareness and to guide the management of issues. I support consideration of a national framework to coordinate action across all levels of governments, industry and the community on this important issue.

With respect to non-occupational exposure to asbestos, both papers refer to the trend in asbestos related disease for home renovators. The issues paper notes that there is currently no obligation on a home owner to identify the presence of asbestos on their property. Therefore, it seeks feedback on whether identification and disclosure should be a legal requirement and, if so, when and how it would occur. I understand that stakeholders have expressed mixed views on this proposal. In accepting the recommendation by the NSW Ombudsman to consider requiring certification and disclosure by owners when a property is sold or leased, the NSW government has noted the need for community consultation and for any proposal to be fully assessed and supported by a cost-benefit analysis.

As the work that is currently being undertaken by the commonwealth and in NSW concerning certification and disclosure by property owners will assist in informing a position in Victoria, I intend to consider this matter when the outcomes of this work are released.

I look forward to seeing the final report and recommendation of the Asbestos Management Review, which I understand is due in mid 2012, and the NSW cost-benefit analysis.

Thank you for bringing this matter to my attention.



**WRITTEN ADJOURNMENT RESPONSES**

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

**Thursday, 27 October 2011**

**Schools: Kyneton**

**Raised with: Minister for Education**

**Raised by: Mrs Petrovich**

**Raised on: 16 August 2011**

**REPLY:**

I am informed as follows:

The Kyneton Primary School and Kyneton Secondary College Councils and the Shire of Macedon Ranges have been working cooperatively to establish a new educational entity in Kyneton. With the assistance of the Department of Education and Early Childhood Development regional staff a master plan has been created which envisages a multi-stage building project for a kindergarten-to-year 12 college.

The Victorian government has made a commitment to focus on upgrading government primary and secondary schools across the state. Priority projects to be included in the building program for the first term of government were identified in the *Victorian Liberal Nationals Coalition Plan for Education*, released in November 2010. Further schools were identified for capital funding in the Victorian state budget 2011–12, released on 3 May 2011.

The government is aware that other schools such as Kyneton Primary School and Kyneton Secondary College were involved in planning for building projects under the previous administration's capital program. Unfortunately state budget constraints do not allow for all school capital projects to be funded and the needs of schools across the state must be balanced and prioritised accordingly. The capital needs of all schools will be given due consideration during future state budget processes and in determining future priorities for the building program.