

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

WRITTEN ADJOURNMENT RESPONSES

12, 13 and 14 November 2013

(Extract from book 15)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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

Legislative Council standing committees

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Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Environment and Planning Legislation Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar ²	Western Metropolitan	LP
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Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise ⁴	Northern Victoria	LP
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
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Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

¹ Resigned 26 March 2013

² Appointed 8 May 2013

³ Resigned 1 July 2013

⁴ Appointed 21 August 2013

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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, 12 November 2013

Roads: city of Wyndham

Raised with: Minister for Planning

Raised by: Mr Elsbury

Raised on: 7 May 2013

REPLY:

The Growth Areas Authority is working closely with Wyndham City Council, state government agencies and developers on plans to fund and deliver the Armstrong Road corridor, including a grade separated crossing over the railway line. Funding for the road will be sourced primarily from developer contributions and GAIC works in kind.

A draft transport delivery and land release strategy to set out a process for funding is expected to be released for consultation in the next few months.

I am proud that this important work to deliver vital road infrastructure to the Wyndham growth corridor is being undertaken by the coalition government. Labor's neglect of this fast-growing region was unacceptable.

Snooker: Australian Goldfields Open

Raised with: Minister for Tourism and Major Events

Raised by: Mr Drum

Raised on: 13 June 2013

REPLY:

I refer to the matter raised by Mr Damian Drum, member for Northern Victoria, on the future of the Australian Goldfields Open snooker tournament.

The event in 2013 was the third and final year of the existing agreement to stage the event at Bendigo via a four-way partnership between the state government, the City of Greater Bendigo, Bendigo Stadium Limited and IMG.

Prior to a decision being made on the provision of future government funding, a formal evaluation of the outcomes of the existing three-year funding agreement is contractually required.

The evaluation will include details of broadcast outcomes, economic impacts, tourism visitation figures and brand awareness of Victoria and Bendigo.

Fire services property levy

Raised with: Treasurer

Raised by: Ms Mikakos

Raised on: 21 August 2013

REPLY:

The Victorian Bushfire Royal Commission found that the previous fire services levy system collected via insurance companies was fundamentally flawed, inequitable and unfair. It meant that property owners who chose not to insure, underinsure or self-insure, made no (or an inadequate) contribution to funding our fire services.

By ensuring all Victorians contribute, the coalition government's reforms will place our fire services on a fairer and more sustainable financial footing. They will benefit Victorians by, amongst other things, broadening the base of those who contribute to our fire services, abolishing the GST and stamp duty that previously applied to the levy on insurance premiums, and through the introduction of a new concession for eligible pensioners and veterans.

The impact of the fire services property levy on each property owner will vary depending on the value of their property, the classification of their property, their eligibility for a concession, and what they paid under the insurance-based fire services levy. However, the fire services property levy rates have been set such that the levy payable by the average insured property in each sector is less than under the insurance-based system.

When comparing the property-based levy to the old insurance-based levy there are a number of components to include.

The fire services property levy is paid with council rates. There is no GST or stamp duty payable and a concession is available for eligible households.

The old insurance-based levy was paid on both building insurance and contents insurance (which may have been paid by tenants). The levy also had GST and stamp duty on top, and there was no concession available.

Under the old insurance-based levy, how insurance companies recovered these costs from policy-holders was at their discretion, which meant that people with similar properties were often charged different amounts depending on their policy. This was especially the case in 2012–13, where many insurers progressively reduced or removed the fire services levy in the second half of the year.

The discretion of the insurance companies to apply the levy as they wished, and the lack of transparency, has now been removed.

Almost all residential properties, whether owner occupied or rented out to tenants, will be allocated to the residential land use classification, and attract the residential fixed charge of \$100 and the residential levy rate.

There is a narrow exception for properties classified as 'residential investment flats', which are a special class of investment flat. These properties are described as 'several flats not separately titled, all let with one entity that runs the complex as an investment business'.

Such properties include blocks containing multiple flats on one title, where a landlord manages all the flats. These properties are allocated to the commercial land use classification for the purposes of the fire services property levy, because these properties are owned and let by a single operator (which may be, for instance, a family trust, a company, a superannuation fund, or an individual) that runs the complex as a business.

The change in the levy arrangements from 1 July 2013 does not mean that insurance policy-holders are paying to fund the fire services twice for the same year. A levy component paid in an insurance premium prior to 1 July 2013 went to fund the fire services for the 2012–13 financial year, even though the period of insurance extends beyond 1 July 2013.

The fire services property levy to be paid with local council rates from 30 September 2013 goes to fund the fire services for the 2013–14 financial year.

The government has established an independent Fire Services Levy Monitor headed by Professor Allan Fels to oversee the transition to the new property-based levy and ensure that insurers genuinely pass on savings to their customers. The levy on insurers has ceased and insurers are no longer entitled to collect a fire services levy from policy-holders for policies taken out or renewed from 1 July 2013.

Any household or business that is concerned about whether their insurer is continuing to charge the fire services levy should seek alternative quotes or contact the office of the monitor on 1300 300 635, email enquiries@firelevymonitor.vic.gov.au or visit www.firelevymonitor.vic.gov.au.

We are confident that in introducing this significant reform, and meeting our commitment to implementing the recommendations made by the Victorian Bushfires Royal Commission, Victorians will benefit from a fairer system.

City of Wyndham refuse disposal facility

Raised with: Minister for Planning

Raised by: Mr Elsbury

Raised on: 22 August 2013

REPLY:

- I am advised that Wyndham City Council issued itself with a planning permit for the expansion of the existing refuse disposal facility at Werribee in 2008 and subsequently amended the permit twice to raise the landfill height from 44 metres to 120 metres.
- I understand that Wyndham City Council has since acknowledged an error in the process, including a failure to give proper notice. The council has sought to rectify this by making an application to the Victorian Civil and Administrative Tribunal (VCAT) to have the permit amendments removed. VCAT is the appropriate body to consider this matter.
- Wyndham City Council, as a responsible authority, is required to act in accordance with the Planning and Environment Act 1987 and the Wyndham planning scheme when issuing permits to itself or any other party.

East–west link

Raised with: Premier

Raised by: Ms Mikakos

Raised on: 22 August 2013

REPLY:

I refer to the matter raised regarding east–west link.

The Victorian coalition government is committed to delivering east–west link as a key city shaping project for Melbourne and Victoria. East–west link stage one is a transformational project which will provide a new east–west route across the city between the Eastern Freeway and CityLink. It will create 3200 construction jobs and ensure that Victoria's freight network remains the best in Australia. This will boost efficiency for firms across Victoria.

The Victorian coalition government provided Infrastructure Australia with business case information for east–west link in June 2013. The business case for the east–west link shows that the project has a benefit-cost ratio of 1:1.4. This means that \$1.40 of benefits accrue to the state for every \$1 invested in the project. In the interests of transparency, a summary of the business case is available online at www.lma.vic.gov.au.

The business case uses traffic modelling which was conducted by an independent qualified contractor, Veitch Lister Consulting. The same transport model was used for EastLink and CityLink and is also used by other state government agencies and private industry throughout Australia.

In contrast to this government's careful planning, the former Labor government produced no business case for projects such as the desalination plant, the north-south pipeline, myki or Peninsula Link. The former Labor government's mismanagement of such projects led to major delays and cost overruns.

Unlike the former Labor government, this government is committed to genuine community consultation. The Linking Melbourne Authority has held public meetings about the project and is inviting interested parties to be closely involved as planning for the east-west link progresses.

The result of the recent federal election shows strong support for east-west link. The Victorian government will work with the commonwealth government to build east-west link to help bust congestion, improve Victoria's productivity and connectivity, and make local roads safer.

Wallan-Kilmore bypass

Raised with: Premier

Raised by: Ms Broad

Raised on: 3 September 2013

REPLY:

I refer to the matter raised regarding the Kilmore-Wallan bypass.

The Victorian coalition government's commitment is to deliver a bypass solution that reduces the volume of heavy trucks and traffic within central Kilmore and Wallan by 2017.

A final decision on a bypass option for the Kilmore-Wallan bypass has not yet been selected. VicRoads is currently undertaking planning work to determine the most appropriate route corridor for a bypass of Kilmore and Wallan. A final decision on a bypass option will be made during the first half of 2014.

In September 2011 a community consultation group was formed to help inform VicRoads about community views and provide members with a forum to voice suggestions during the course of the planning process.

There will be an opportunity for the community to make comment and input during the course of the planning investigations and during the planning approval process. Feedback from the community will assist VicRoads to determine a suitable alignment.

City of Stonnington level crossings

Raised with: Premier

Raised by: Mr Lenders

Raised on: 4 September 2013

REPLY:

I refer to the matter raised regarding city of Stonnington railway crossings.

The former Labor government neglected transport during its 11 years in office. During those 11 years, only three level crossings were removed.

In contrast, the Victorian coalition government is working to address dangerous congestion hot spots at level crossings all over Melbourne through the Metro Level Crossing Blitz. We have already commenced construction to

remove five level crossings. In addition, we have commenced detailed planning and preconstruction works to remove a further seven level crossings.

This government's level crossing removal program is the largest in our state's history and the government has committed \$418.6 million to achieve this aim to date.

There are 172 at-grade rail road level crossings within Melbourne's metropolitan rail network, making it necessary to prioritise which level crossings are selected for removal.

Level crossing removals provide numerous benefits to the community by improving traffic flow for motorists and allowing an increase in train services. They also provide significant safety gains by removing interactions between cars, trains and pedestrians.

The government and VicRoads will continue to assess all level crossings across the state, including those in the city of Stonnington.

Southern Metropolitan Region arts grants

Raised with: Minister for the Arts

Raised by: Mrs Coote

Raised on: 15 October 2013

REPLY:

I thank Mrs Coote both for raising arts organisation funding, and for her ongoing support of the arts and cultural sector.

Eighty-eight arts and cultural organisations across Victoria received multi-year funding through the Victorian coalition government's new Organisations Investment Program.

Multi-year funding means that arts organisations can now better plan for the future, build their business capacity, develop their artistic programming and leverage funds from other sources.

Mrs Coote noted that several southern metropolitan arts organisations received funding, and I acknowledge her specific comments about the Linden Centre for Contemporary Arts, the Australian Tapestry Workshop, and Rawcus.

Feral goat control

Raised with: Minister for Sport and Recreation

Raised by: Mr Lenders

Raised on: 15 October 2013

REPLY:

The matter raised by the question does not fall within my area of portfolio responsibility. A similar question has been asked of the Minister for Environment and Climate Change and will be responded to by him.

Retirement village resident rights

Raised with: Minister for Consumer Affairs

Raised by: Ms Mikakos

Raised on: 16 October 2013

REPLY:

I refer to your contribution to the adjournment debate in the Legislative Council on 16 October 2013 regarding retirees living in developments whose 'retirement village' status under the Retirement Villages Act 1996 (the act) has been eroded by an influx of non-retirees.

I am advised by Consumer Affairs Victoria (CAV) that, from time to time, it receives complaints from retirees in the position you described. Usually, they reside in an apartment block that was originally opened as a retirement village and all the residents were retirees but where, over time — because the operator cannot fill vacancies with other retirees and/or finds the burden of operating a retirement village too much — comes to be dominated by non-retirees.

The act defines a 'retirement village' to mean a community, the majority of which is retired persons who receive accommodation and other services from the operator and where one of them paid an ingoing contribution to enter the village. The definition is framed in this way to ensure that all communities that would normally be regarded as retirement villages come under the act. To amend the definition of 'retirement village' so that it designated a group of dwellings in which the overwhelming majority is comprised of retired persons would significantly reduce the number of communities protected by the act.

Once a community becomes a 'retirement village' it is governed by the act; once a community ceases to be a 'retirement village' — because, for example, the majority of which is no longer retirees — the operator can apply to have the retirement village notice removed from the title/s to the land so that the act does not apply. At that stage, the non-owner retiree residents automatically come under the protection of the Residential Tenancies Act 1997.

Further, the operator must still honour the retirees' contracts, including the provision of contracted services.

The act does not and cannot require operators to maintain a minimum number of retiree-residents or prevent them from taking in more than a maximum number of non-retirees or otherwise require them to maintain their 'retirement villages' as such. To do so may require them to run unprofitable businesses and operate to the disadvantage of retirees in villages that are in financial difficulty, where the only way to prevent the village going into liquidation is to allow non-retirees to fill vacant units.

However, if it were an express or implied term of the contract that the operator would maintain the 'retirement village' as such, or if such a representation was made to a resident, on which they relied to enter the village, they could pursue a remedy by way of damages or injunction through the courts.

For further information, including access to a free dispute-resolution service, residents can contact CAV on 1300 558 181.

Thank you for raising this important issue with me and I trust this clarifies the situation for you.

Asian Cup soccer tournament**Raised with: Minister for Sport and Recreation****Raised by: Ms Tierney****Raised on: 16 October 2013****REPLY:**

The Victorian government recently announced \$100 000 from the Community Facility Funding Program to the Surf Coast Shire for the Banyul Warri Fields Football (Soccer) Pitch-Playing Surface and Facilities project in Torquay. The project includes completion of a natural turf soccer pitch including playing surface, shelters, fencing, goals and nets, safety nets, portable seating and lighting to 300 lux. This funding is in addition to \$2.05 million provided from the Victorian government to upgrade the facility since 2009–10.

In relation to the Ballarat Regional Soccer Facility, the Victorian Government in 2010–11 provided \$3.1 million towards upgrading the Ballarat Regional Soccer Facility. In addition, I understand the City of Ballarat has now received \$2.6 million from the federal government. This along with matching funds from the Council, will now allow Morshead Park to meet the requirement of an Asian Football Confederation's Asian Cup pre-competition training site.

WRITTEN ADJOURNMENT RESPONSES

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

Wednesday, 13 November 2013

Kolora Country Fire Authority brigade

Raised with: Minister for Police and Emergency Services

Raised by: Ms Tierney

Raised on: 21 August 2013

REPLY:

The Country Fire Authority (CFA) has advised that it has reviewed its first aid training needs for the Kolora brigade using a training needs analysis conducted in 2012 and 2013. It indicated the need for three first aiders in addition to the two that were listed at the time of the analysis. Currently there are three first aiders (two externally trained) at the Kolora brigade.

I was also advised that the Kolora brigade was given the opportunity to attend the first aid course held in Macarthur on 16 and 23 June 2013, a travel time of 1 hour 18 minutes. The course held in Macarthur was advertised in the CFA Mortlake Group training calendar to which all members of the Kolora brigade have access. The CFA will again offer such courses in the future.

The government is committed to preserving the great volunteer tradition of the CFA and greatly respects and values the work of volunteers in our communities. Volunteers, including CFA volunteers of the Kolora brigade, play a vital role in protecting the people of Victoria from a range of emergencies. The government recognises the importance of volunteering in building strong communities.

Supreme Court case management system

Raised with: Minister for Technology

Raised by: Mr Somyurek

Raised on: 18 September 2013

REPLY:

The Supreme Court of Victoria was awarded a grant of \$675 000 to develop and pilot the RedCrest electronic case management system in the Commercial Court of the Supreme Court of Victoria.

The amount of funding awarded to this project was made available to media and was reported at the time of announcement in August 2013.

The RedCrest pilot, supported under the Victorian Government ICT Strategy, is an example of a low-cost, staged approach to trialling technology. The pilot will provide evidence to support future ICT decision-making within the court, and is expected to generate higher levels of productivity and improve government service delivery.

The RedCrest pilot leverages an existing RedCrest proof of concept built on the Microsoft SharePoint platform, which has been in limited use within the Commercial Court since late 2011.

WRITTEN ADJOURNMENT RESPONSES

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

Thursday, 14 November 2013

Toyota job losses

Raised with: Minister for Manufacturing

Raised by: Mr Somyurek

Raised on: 15 October 2013

REPLY:

I refer to the matter raised by Mr Adem Somyurek, member for South Eastern Metropolitan, on 15 October 2013 regarding Toyota's announcement of intended job losses at its Altona facility.

My department was first made aware of the job losses at Toyota on the morning of 15 October 2013. Toyota cited that the reduced demand for its Camry vehicle in the Middle East had resulted in less than expected volumes.

Toyota subsequently initiated a voluntary separation program for around 100 of its 2500 production workers.

Toyota has not approached the Victorian government for any form of assistance in relation to this matter.

Victoria Police bands

Raised with: Minister for Police and Emergency Services

Raised by: Ms Pennicuik

Raised on: 17 October 2013

REPLY:

The Victoria Police bands have been greatly enjoyed and appreciated by the Victorian community and I would like to thank all band members for their dedication and efforts over many years.

I note the chief commissioner's decision to reduce the size of the police bands, and am sure this would have been a difficult decision for him to take. In a time of budget restraint, Victoria Police, like all other government agencies, is required to identify and utilise opportunities to maximise the efficiency of its workforce. It is the government's expectation that there will not be any reductions in front-line areas, including police and protective services officers (PSOs).

Although I appreciate your concern that this decision may impact on community engagement activities, the chief commissioner is best placed to determine statewide policing needs and priorities as well as the use and allocation of police resources across Victoria.

The government is making a record investment in front-line policing with its commitment to an additional 1700 police and 940 PSOs by November 2014. I am assured by the chief commissioner that Victoria Police is on target to meet the commitment of additional police and PSOs by November 2014.

I have been advised that affected members of the Victoria Police bands will be provided with the opportunity to move into operational roles or public servant positions within Victoria Police. Members who elect to pursue a career outside of Victoria Police will be provided with a career transition payment to assist with this move.

Thank you for raising this matter with me.