

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

WRITTEN ADJOURNMENT RESPONSES

31 August, 1 and 2 September 2010

(Extract from book 13)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

Standing Committee on Finance and Public Administration — Mr Barber, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips, Mr Tee and Mr Viney.

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

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Rural and Regional Committee — (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*): Mr Nardella and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Burgess, Mr Carli, Mr Jasper and Mr Languiller.

Heads of parliamentary departments

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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-SIXTH PARLIAMENT — FIRST SESSION

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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

¹ Appointed 3 February 2009

² Appointed 9 March 2010

³ Resigned 1 March 2010

⁴ Resigned 9 January 2009

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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, 31 August 2010

Stawell Gift

Raised with: Minister for Sport, Recreation and Youth Affairs

Raised by: Mr Koch

Raised on: 28 July 2009

REPLY:

I refer to the matter raised in the Adjournment Debate of 28 July 2009 in relation the Stawell Gift: Government Support.

Whilst Melbourne is universally renowned as the 'Ultimate Sports City', the staging of regional events throughout the State forms an integral part of the Government's major events strategy.

Regarding the future of the Stawell Gift in Stawell, I am pleased to inform you that on 20 July 2009, representatives from Regional Development Victoria, the Northern Grampians Shire Council and the Stawell Athletics Club met to discuss various options in order to maintain the long term future of the Stawell Gift in Stawell.

Following the consideration of a review of the viability of the Stawell Gift by Deloitte Private, which evaluated options and scenarios for the operation of the Stawell Gift over the next five years, Government announced in September 2009 an event sponsorship of \$210,000 over 3 years to support the retention of the Stawell Gift in the township of Stawell.

In addition, the Premier, John Brumby MP and Minister for Regional and Rural Development, Jacinta Allan MP announced a grant of \$100,000 from the Small Towns Development Fund to relocate the Visitor Information Centre from its prior location on Western Highway to the Hall of Fame Museum in Central Park. The relocation will provide a staff presence at the Hall of Fame Museum allowing the attraction to be open to the public during office hours throughout the week. Volunteers will open the museum on weekends.

The Brumby Government has been supporting this event for a number of years, investing in facilities, the establishment of the Stawell Gift Hall of Fame, and has provided over \$1.2 million in funding related to the event and the facilities at Central Oval in Stawell. The recent funding allocations will assist the Stawell Athletics Club becoming financially viable in the future.

I would like to thank you for your support of the Stawell Gift and welcome your interest in this iconic event.

Consumer affairs: asbestos

Raised with: Minister for Consumer Affairs

Raised by: Ms Pennicuk

Raised on: 16 September 2009

REPLY:

I refer to the matter you raised during the debate of 16 September 2009 concerning the introduction of mandatory disclosure of asbestos at the point of sale and lease of property in Victoria.

In recognition of the significant health risks from exposure to asbestos, the Victorian Government introduced laws in 2007 under the *Occupational Health and Safety Act 2004* and the *Dangerous Goods Act 1985* to regulate the identification, safe handling and removal of asbestos in workplaces. These laws also apply to asbestos in residential properties and recognise the risks that arise when asbestos-containing material is disturbed during home renovations, demolitions and other building works.

To support the legislation and assist home owners, the Victorian Government has taken a number of actions through the Department of Human Services, the Department of Health and the Environment Protection Authority, including:

- preparing information guides such as “Asbestos in the home—health and safety in the home” and “Asbestos—Transport and Disposal”;
- providing information on the Government Health Channel about the health risks from asbestos; and
- publishing details of licensed asbestos removalists and premises licensed to accept asbestos waste.

Some local councils have also distributed kits for the safe removal of asbestos.

I understand that a significant amount of asbestos containing material is still present in the Victorian housing stock and that a public education and information program is needed to alert property owners and tenants to its potential presence in their homes. While I appreciate that your proposal to mandate disclosure at the time of sale or lease is intended to inform people about asbestos in their homes, I do not consider that it is the most effective means of achieving this, in practice. As only a proportion of residential properties are sold or leased each year, it would take a considerable time for point of sale and lease disclosure to inform the market about asbestos. Furthermore, some older houses where asbestos is most likely to be present are infrequently sold or leased.

There are also a number of policy matters that need further consideration, such as the flow on costs and consequences for property owners, industry, and housing and rental affordability.

To ensure that any approach to addressing this issue is timely and robust, I would like to see discussion and assessment of a range of alternative approaches before action is taken. While such approaches could include regulatory responses, consideration should also be given to targeted programs that provide information and assistance to people in situations that place them at risk. This may be because their home is located in a certain area or was built or furnished using materials that are likely to contain asbestos or because they are considering a home improvement. Partnerships between government and the private sector should also be explored to facilitate the dissemination of information.

Given the significance of this issue to the Victorian community, I look forward to continuing discussions on addressing this matter.

Seniors: home and community care

Raised with: Minister for Community Services

Raised by: Mr Finn

Raised on: 23 February 2010

REPLY:

I was very concerned to receive this complaint from the Honourable Member.

The first thing I want to note is that the changes to service provision are in no way associated with funding cuts made by the Government to the City of Hume. The services in question are funded through the Home and Community Care Program, a jointly funded Commonwealth and State Program which provides basic care and assistance to keep frail older people and younger people with disabilities living independently in their homes and communities.

The Victorian Government is committed to continuing to grow these much needed services. The HACC Program budget for 2009-10 is \$537.3m including \$253.9m from the Victorian Government, which is over \$60m more than required to match the Commonwealth's contribution. The HACC Program's expenditure has grown by \$33m since 2008-09.

The City of Hume provided HACC services to over 2445 people in 2008-09 and received close to \$200,000 for additional services in 2009-10, including domestic assistance, personal care and respite, as well as indexation of its base funding at the rate of 3.14% for cost increases. Its current budget for HACC services is in excess of \$4m representing an increase of over 230 per cent or \$3.07m since 1999-2000.

The Council prides itself on being responsive so it has no waiting list for its services and people seeking services are assessed promptly. It has undergone a significant change in the profile of its service delivery: the number of clients it services has increased and its staffing has stabilised over the last two to three years.

The Victorian HACC program assists more clients than any other HACC system in Australia. We will continue to work with local government to further improve this important service.

In the case of the particular person that the Honourable Member drew to my attention, I understand that Council has verified the circumstances he raised and the Council has reinstated her weekly home care assistance as well as help with shopping.

Parliament House: dry-cleaning services

Raised with: Minister for Environment and Climate Change

Raised by: Mrs Coote

Raised on: 25 March 2010

REPLY:

I am advised that the dry-cleaning service used by the Presiding Officers and Parliament's departmental heads is a matter best raised with the Speaker and President.

However, the Victorian Government supports sustainable businesses like 'Bancrofts' through a range of measures and programs. One such program is in partnership with Victorian Employers' Chamber of Commerce and Industry on initiatives like *Carbon Down* and *Grow Me the Money* which are aimed at helping businesses become more sustainable.

Businesses looking to become more sustainable can also find information on the Climate Communities website; (<http://www.climatecommunities.vic.gov.au>). This site is designed to help businesses get the very latest information on climate change and sustainability issues to assist them make changes to their business or workplace today.

Hospitals: beds

Raised with: Minister for Health

Raised by: Mr D. Davis

Raised on: 13 April 2010

REPLY:

Victorian public hospital bed numbers are published annually in *Australian Hospital Statistics*, most recently for 2008-09 on 17 June 2010.

Bendigo: bus depot

Raised with: Minister for Public Transport

Raised by: Ms Lovell

Raised on: 15 April 2010

REPLY:

In 2008, the Government provided \$2 million to improve Bendigo Transit bus services. The funding delivered an additional 692 services a week and contributed to a 20 per cent increase in bus patronage.

The Victorian Government has provided a \$900,000 grant to assist the City of Greater Bendigo to maximise pedestrian space, reduce footpath congestion and maintain traffic flow in and around the bus bays in Mitchell Street. Consultation with stakeholders, including the Bendigo Traders' Association, is being undertaken as part of this process. The timeframe for use of the grant has been extended pending further investigation into a solution.

VicRoads and Council have commissioned a consultancy firm to identify the traffic signal changes, at the Queen/Mitchell Street and Pall Mall/View Street intersections, required to improve traffic flows and reduce traffic congestion. Once the signal changes have been made and their impact evaluated, consideration will be given to the appropriateness of trialling buses stopping in the left lane in Mitchell Street.

Rail: Maryborough line

Raised with: Minister for Public Transport

Raised by: Mr Vogels

Raised on: 15 April 2010

REPLY:

The State Government is demonstrating its commitment under *The Victorian Transport Plan* to providing high-quality public transport in regional Victoria by allocating \$50 million for the historic return of passenger train services to Maryborough.

Rail services returned to Maryborough on 25 July 2010, reconnecting the central Victorian centre of Maryborough and the town of Creswick to the regional passenger train network after the closure of the line in the 1990s. There are now 14 train trips a week between Maryborough and Ballarat with connections to and from Melbourne.

The project included the upgrade of track, associated signalling works, construction of train stabling, works at Maryborough and Creswick Railway Stations, and level crossing improvements.

As part of the Government's *Ready for Tomorrow* regional blueprint, a further \$7 million has been allocated for the restoration of services to Clunes Railway Station, which will be completed during 2011.

The section of track between Ballarat and Maryborough was upgraded in 2009 as part of the \$73 million Mildura Freight Upgrade.

The reinstatement of passenger train services provides opportunities for Maryborough, Creswick and, in due course, Clunes residents, to commute to Ballarat for work, study or leisure. It also provides for day-return travel to Melbourne.

V/Line coach services will continue to serve the residents of Talbot, catering for travel to Maryborough and Ballarat. The Department of Transport will review these services once the Maryborough Rail Upgrade is complete to ensure they are meeting the needs of residents of central Victoria.

Remar Australia: funding

Raised with: Minister for Mental Health

Raised by: Mr Kavanagh

Raised on: 6 May 2010

REPLY:

The efforts of Remar Australia to obtain facilities and resources through grants for their rehabilitation centre for substance abusers outlined by Mr Kavanagh are acknowledged.

Remar Australia and their residents have previously received grants from the Victorian Bushfire Appeal prior to relocating to their current facility in Nyora Gippsland.

The Victorian Government's support to the people and communities impacted by the Bushfires last year is a long term process. Extensive and comprehensive support, advice and financial assistance is being provided to individuals and families, communities, schools and businesses in affected communities as the complex recovery efforts of reconstruction, addressing environmental impacts and stimulating economic recovery continues.

The Victorian Government remains committed to supporting people and communities in their long term recovery efforts.

Rail: Shepparton line

Raised with: Minister for Public Transport

Raised by: Ms Lovell

Raised on: 27 May 2010

REPLY:

There are three trains each weekday and two trains each Saturday and Sunday in each direction between Shepparton and Melbourne. This is consistent with the level of service provided to other long-distance regional centres such as Ararat, Bairnsdale and Warrnambool.

Additional trips for Shepparton are provided by coaches linking to trains at Seymour, providing two additional services in each direction on weekdays and one additional Sunday service in each direction between Shepparton and Melbourne. To further enhance the service provision for Shepparton, a new V/Line coach service from Seymour to Shepparton, with a train connection, was introduced from 7 June 2010. This new service allows people from Melbourne, Seymour, Nagambie and Murchison East to arrive in Shepparton by 10.00 am for shopping, leisure and business.

A constraint on further increasing passenger train services to Shepparton is the availability of rolling stock. All suitable rolling stock is fully committed to other services at present. In the longer term, it is likely that service frequency will increase to match population and patronage increases in regional corridors such as Shepparton. In the meantime, the Department of Transport will continue to monitor services and demand closely.

V/Line schedules special football services to Seymour for AFL games, in line with the general policy to provide additional services to major commuter hubs along each railway corridor. This is consistent with the provision of such services to Geelong, Bendigo, Ballarat and Traralgon.

DOT will continue to closely monitor the requirements of communities in the Shepparton region and will take your feedback into consideration for future planning purposes.

Rail: Frankston line**Raised with: Minister for Public Transport****Raised by: Mr Rich-Phillips****Raised on: 27 May 2010****REPLY:**

The first focus for Metro Trains Melbourne (Metro) is to improve train punctuality and reduce cancellations by introducing a proactive, preventative approach to infrastructure and rolling stock maintenance.

In the first eight years of the franchise, a \$1.8 billion program of maintenance and renewal works will be undertaken, including an additional expenditure by the Government of \$500 million to secure the reliability and longevity of our train network. This additional funding for rail maintenance will create 100 new jobs and will include an escalation in the replacement of timber sleepers with concrete sleepers, reducing the incidence of track buckling in hot weather.

There will also be a significant increase in track renewals including rail grinding and civil works. Improvements will be made to the signalling systems by the upgrade of large amounts of obsolete equipment. Network reliability will also be improved through the adoption of more effective asset management techniques.

The \$38 billion *Victorian Transport Plan*, the largest investment in transport in the State's history, outlines the steps the Government will take towards the operation of a metro-style train system. Timetables will be simplified to allow for more frequent services. The progressive delivery of 38 new X'Trapolis trains is already allowing for the provision of new train services this year.

A new timetable was introduced on 6 June 2010 and is designed to address capacity constraints by simplifying the timetable and removing conflicting train paths on the Frankston, Cranbourne and Pakenham lines. Frankston line passengers have benefitted from 15 new morning peak and 20 new evening peak services every week.

These changes will enable Metro to improve reliability and punctuality for the majority of Frankston line passengers. Additional peak services are now operating to better meet demand for the more than 15,000 passengers who commute on the Frankston line in the morning peak.

Princes Highway, Genoa: Mallacoota signage**Raised with: Minister for Roads and Ports****Raised by: Mr P. Davis****Raised on: 27 May 2010****REPLY:**

The sign being proposed by the Mallacoota and District Business & Tourism Association is designed to promote the natural attractions and tourism potential of Mallacoota. As a promotional sign, it requires a permit from East Gippsland Shire Council, subject to the normal requirements of the Victorian Planning Provisions. VicRoads would have no objection to such a sign, provided it is separate from traffic signs and is placed in a safe location.

Under the Victorian Tourist Signing Guidelines, for road safety reasons, signs providing directions to visitors are not permitted to include pictorial images. To fulfil their primary role in assisting navigation, direction signs must be simple, legible and as uncluttered as possible.

Patterson Lakes: water charges

Raised with: Minister for Finance, WorkCover and the Transport Accident Commission

Raised by: Mrs Peulich

Raised on: 8 June 2010

REPLY:

I am informed as follows:

Although you directed the matter to the Treasurer, the Minister responsible to the Essential Services Commission (ESC) is in fact the Minister for Finance, WorkCover and the Transport Accident Commission.

In 1973 an agreement was signed between the then City of Springvale (now Kingston), Dandenong Valley Authority (DVA) and the developer for the *Patterson Lakes Project*. In 1991 Melbourne Water assumed responsibility for the Lakes when the DVA and Melbourne Water merged. At the same time legislative change was made to enable precept charges to be levied on Patterson Lakes residents to cover maintenance costs. Melbourne Water continues to maintain the lakes to a standard achievable within the available funding from residents and consistent with responsibilities set out when these estates were established in the 1970s.

Melbourne Water manages water quality in these private lakes within the constraints of precept funding. These lakes are for the exclusive use of residents. For this reason, it is not appropriate for Melbourne Water's broader customer base to fund or subsidise works to improve water quality in these private lakes.

The precept charge is designed to maintain the lakes and this includes

- Beach raking;
- Beach weed spraying;
- Inspection of lighting bollards;
- Litter removal;
- Maintenance of grass and lights;
- Operation of bore pump;
- Removal of fish pests; and
- Water quality testing.

The precept charge does not cover the cost of keeping the water at recreational primary contact standard (eg water suitable for swimming, diving and skiing).

Melbourne Water has been able to confirm that the earliest reports of algal blooms date back to 1989, therefore the removal of pipes and pumps that you refer to is not the cause of algal blooms.

Melbourne Water has advised that new pumps have been installed and that all required pumps are operational. To clarify, the Bay Water Pipeline, which was built by the developer to fill the Lakes, was severed in 1982.

It was never used because the Lakes were filled with stormwater and topped up with groundwater.

Melbourne Water is working with the community and maintains information boards around the lakes, provides regular newsletters to residents, liaises with a residents' advisory committee and posts information on its corporate website in regard to the water quality issue.

In reference to the increase in the precept rate, the (ESC) approved the increase on 15 June 2010. The ESC is the independent economic regulator of Victorian water entities (including Melbourne Water), with its powers legislated under the *Essential Services Commission Act 2001* and the *Water Industry Act 1994*, as well as the Water Industry Regulatory Order made under the *Water Industry Act 1994*.

The precept rates need to increase over time to ensure that rate revenue matches the costs incurred. The ESC has assessed that the price increases are in accordance with procedural requirements and agreed pricing principles for special drainage area prices.

For example, Melbourne Water is now replacing the tidal gates that are critical to protecting the Patterson Lakes community from flooding.

The tidal gates on four channels from the Patterson River are reaching the end of their safe service life and the \$18 million replacement program will provide the best possible level of flood protection, accommodating a one-in-one hundred year flood event.

Melbourne Water has developed a communications program to consult with residents on water quality and its potential impact on precept rates, while trialling treatment processes and assessing longer term options. Melbourne Water has informed residents of the options that are under consideration, and the estimated costs, including:

- replacing the lake water more frequently;
- changing the mix of water sources; and
- construction of a wetland to act as a natural filter.

The main water source for the lakes is rainwater, which enters the lakes via stormwater drains.

Melbourne Water recently conducted a ballot of all affected residents to determine their willingness to pay for a number of technical options that may improve the water quality of the lakes. The outcome of the ballot, which closed on 16 July 2010, will be known in August 2010.

Any changes in rates will be subject to further consultation and consideration by Melbourne Water and the ESC.

Energy: Gherang geothermal project

Raised with: Minister for Energy and Resources

Raised by: Mr Kavanagh

Raised on: 10 June 2010

REPLY:

I refer to the matter you raised during the Adjournment Debate in the Legislative Council on 10 June 2010 in relation to the development of geothermal power and greenhouse sequestration, particularly in and around the Gherang area.

Thank you for providing the information on the policy briefing package put together by Mr Briggs and others concerning development of geothermal power and greenhouse gas geological sequestration, and this document has been passed on to the Energy Policy division of the Department of Primary Industries (DPI).

In the meantime I would like to refer you to the Geothermal Energy Resources Act 2005, which creates a framework to facilitate and regulate the exploration and extraction of geothermal resources in Victoria. This Act ensures transparent, fair and efficient land access processes, clarifies land-holder rights and manages environmental and land-use concerns. The Act is available on the Victorian Parliamentary website. (web page <http://www.parliament.vic.gov.au/legislation>)

In addition, land-holders in the Gherang region have been given a copy of the Geothermal Energy in Victoria, landholder information document prepared by DPI. The aim of this booklet is to provide land-holders with information about the legislation, and has information about dealing with obligations of companies who wish to explore for commercial geothermal resources in Victoria. This booklet is available in hard copy and electronically on both the DPI's website and that of the Gherang Community Environment Group.

In addition, there is a formal community consultation process for the project, which is been implemented by Greenearth Energy. Greenearth Energy is in the process of establishing a Community Reference Group (CRG) for ongoing consultation between the Geelong Geothermal Power Project (GGPP), the community and other stakeholders. The aim of the CRG is to provide a transparent, representative and accessible forum to address issues of community interest related to the project and to capture community feedback and suggestions. Residents of the Gherang and Wensleydale regions were invited to nominate for membership, and applications were closed on May 2010. Mr Briggs was posted information on the CRG process.

I would encourage you and Mr Briggs to review the documentation for the CRG on the Greenearth website, and to participate in this process.

VicRoads: Garfield signage

Raised with: Minister for Roads and Ports

Raised by: Mr O'Donohue

Raised on: 22 June 2010

REPLY:

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

The decision to remove this signage was taken by VicRoads in response to the recommendations of a Parliamentary Road Safety Inquiry that was supported by both sides of Parliament. The Government is seeking to implement a common sense approach to roadside signage which balances road safety requirements with the access needs of the community.

VicRoads is currently working to reach an appropriate compromise with the owners of the Garfield Berry Farm and Produce Market, however it is not possible to position the sign in its original location due to the road safety implications of doing so. VicRoads will continue to work in consultation with the owners of the business to reach a solution around its signage location and access.

Hazardous waste: management

Raised with: Minister for Environment and Climate Change

Raised by: Mrs Peulich

Raised on: 22 June 2010

REPLY:

The government expects the EPA to uphold the highest regulatory standards to protect the community and environment. To this end there have been a number of recent reviews of the EPA and there are a number of steps being taken to improve operations.

The Victorian Auditor-General report 'Hazardous waste management' was tabled in Parliament in June 2010. The CEO of the EPA has accepted the findings of the review and has already taken a number of steps to implement each of the recommendations.

The Ombudsman's report, 'Brookland Greens Estate—Investigation into methane gas leaks', carried an extensive list of recommendations for EPA to improve its regulation of landfills to better safeguard the environment and human health. The Victorian Government accepted, and together with EPA, are well on their way to implementing all of these recommendations in full.

The Victorian Government and EPA are committed to the safe and reliable management of solid waste as a serious priority. The recent increases to the general solid waste landfill levies starting from this year, the associated reinvestments, and the ongoing reforms to EPA will bring certainty that waste management in Victoria is safe, reliable, affordable and increasingly sustainable.

Public transport: Western Victoria Region

Raised with: Minister for Public Transport

Raised by: Mr Koch

Raised on: 22 June 2010

REPLY:

The Timboon, Simpson, Cobden and Camperdown trial bus service began in August 2008 and is funded under the State Government's Transport Connections Program (TCP). It comprises an on-demand taxi service between Timboon, Simpson and Cobden, linking with a scheduled bus service between Cobden and Camperdown, providing six return trips a day on Tuesdays, Thursdays and Saturdays.

No reductions have been made to this service.

As with all public transport services, regular reviews have occurred since commencement to ensure the service continues to meet the needs of the community while providing value for money. As part of the standard review process, Department of Transport (DOT) staff attended community meetings in Simpson, Timboon, Cobden and Camperdown to consult with the community about the service. Further consultation has occurred with the service operators and with the regional TCP Coordinator.

DOT is considering how the service may need to be adjusted to ensure it provides value for money while still meeting the important transport needs of these isolated communities. The trial service will continue in its current configuration pending completion of the review. Community feedback will continue to be gathered by DOT as part of the review.

Electricity: high-voltage powerlines

Raised with: Minister for Energy and Resources

Raised by: Mr Finn

Raised on: 22 June 2010

REPLY:

I refer to the matter you raised during the Adjournment Debate in the Legislative Council on Tuesday 22 June 2010 in relation to the installation of a 66 kiloVolt powerline in Sunshine West.

Powercor has advised that the new power line is needed to serve the local community's growing power supply needs, including the Paramount Industrial Park west of the Western Ring Road. The upgrade to the network will also benefit local residents by improving the quality of their electricity supply and reducing the likelihood of power interruptions.

I understand that Powercor has consulted with the local community, road authorities, Brimbank City Council, VicTrack and other local authorities about the new powerline and is working with the Brimbank City Council to complete the project, including beautification works, in a manner that causes as little public inconvenience as possible. Powercor has advised that an overhead powerline is consistent with current power supply arrangements in the area and that the undergrounding of this powerline would be cost prohibitive.

I am advised that Powercor would be pleased to discuss further the concerns about this project with local residents. Concerned residents can contact Mr Karl Harrison, Project Manager, Powercor Australia on telephone 0439 651 118 or Mr Hugo Armstrong, Corporate Affairs Manager, Powercor Australia on 0419 311 928.

Thank you for your interest in this issue and I hope this information has been of assistance.

Kindergartens: federal policy

Raised with: Minister for Children and Early Childhood Development

Raised by: Ms Lovell

Raised on: 23 June 2010

REPLY:

The Treasurer (for the Minister for Children and Early Childhood Development): I am informed as follows:

The Commonwealth Government has committed \$970 million over five years for the implementation of the National Partnership Agreement on Early Childhood Education, including \$210.6 million for Victoria.

The Victorian Government recognises that the achievement of universal access will require major sector transformation in Victoria. To successfully implement 15 hours of kindergarten for all children in the year before school the Victorian Government has undertaken ongoing consultation, communication and engagement with families, kindergarten service providers, early childhood staff, local government and other key stakeholders.

Partnership arrangements have also been established between the State Government and peak bodies, representing local councils, kindergartens, kindergarten cluster managers and the community and private child care services.

Victoria's approach in the first years of implementation focuses on planning, assessment of capacity, and pilots and trials. This approach is intended to:

- Facilitate detailed planning which responds to the unique needs of different local communities, so that challenges and capacity can be understood and assessed before hours are increased; and
- Build an evidence base for implementation to inform the State and Commonwealth Governments, local government, employers, early childhood staff and communities to support the state-wide roll-out of the initiative.

An important part of the planning process is to understand the impact which implementation of the universal access commitment will have on other programs such as activity groups for three year old children, playgroups and other community programs, before hours are increased so that implementation can be managed in a manner which will meet local needs.

Local councils have been funded a total of \$3.1 million since August 2009 for municipal planning to assess the capacity for the implementation of universal access in their municipalities.

The Victorian Government has committed \$238 million in the 2010-11 financial year for kindergarten programs, resources and infrastructure. This represents a 225 per cent increase in funding over the past decade. It was recently announced that 23 services will share \$4.6 million in Renovation and Refurbishment Grants to increase their infrastructure capacity to deliver universal access.

Pilots and innovative approaches which will inform the state-wide roll out of universal access are also being undertaken to help develop strategies on how 15 hours of kindergarten for all children in the year before school can be delivered in a range of settings.

Victoria is currently participating in the review of the National Partnership Early Childhood Education which is underway and will consider the adequacy of funding provided under the agreement to achieve specified outcomes and outputs as well as the implementation timelines of the initiative.

Princes Highway: eastern upgrade

Raised with: Minister for Roads and Ports

Raised by: Mr P. Davis

Raised on: 23 June 2010

REPLY:

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

More than \$20 million has been invested in upgrading the Princes Highway between Bairnsdale and the NSW border since 2004.

Projects completed include:

- Three new overtaking lanes between Bairnsdale and the New South Wales border.
- Safer Road Infrastructure Program ‘run off road’ improvements including shoulder widening and sealing, hazard protection at high risk locations and delineation improvements.
- Safer Road Infrastructure Program intersection improvements.

This year’s State budget provides a \$35 million commitment towards upgrading the Princes Highway between Traralgon and Sale. Combined with Federal funding this is a \$175 million commitment to the corridor.

VicRoads is currently investigating opportunities to further upgrade the Princes Highway east.

Consumer affairs: door-to-door marketing

Raised with: Minister for Consumer Affairs

Raised by: Mr Drum

Raised on: 27 July 2010

REPLY:

Door-to-door sales, or ‘contact sales’ as they are referred to in Victoria, are currently governed by Part 4 of the *Fair Trading Act 1999* (“the FTA”). From 1 January 2011, regulation of such sales will be conducted through the Australian Consumer Law (“the ACL”).

The ACL is the keystone of Australia’s new national consumer policy framework, which was endorsed by the Council of Australian Governments (COAG) in October 2008. The ACL was enacted as a Commonwealth Act on 24 June 2010 as a schedule to the existing *Trade Practices Act 1974* (“the TPA”), which has been renamed the *Competition and Consumer Act 2010*.

As part of COAG’s National Partnership Agreement to Deliver a Seamless National Economy and the ACL Intergovernmental Agreement, State and Territory Governments have committed to applying the ACL as their own

law by the end of 2010. The Victorian Parliament is in the process of considering legislation that implements this commitment.

The ACL is based on the core consumer protection provisions of the TPA and also draws on best practice in State and Territory consumer protection and fair trading laws. One such area of best practice is the inclusion of a single national law covering 'unsolicited sales' practices.

Unsolicited sales represent a new, generic category of conduct, encompassing door-to-door, telephone sales (to the extent not already covered by the *Do Not Call Register Act 2006*) and other forms of direct selling that do not take place in a retail environment.

Under this new approach towards unsolicited sales, door-to-door salespeople will be banned from approaching a person face-to-face after 6:00pm on weekdays. This is a change from current doorknocking hours, which extend until 8:00 pm on weekdays.

The ACL states that these default visiting hours may be varied by State and Territory legislation. However, I wish to emphasise that the Victorian Government fully supports these stringent new visiting hours and will propose their adoption into Victorian law unchanged through the application of the ACL.

The change in calling hours acknowledges the distress and fear that residents may realistically experience when answering a knock on their door in the early evening, particularly during the winter months. A prohibition on doorknocking after dark will improve consumers' sense of safety and privacy, particularly for consumers who are vulnerable or disadvantaged.

Sellers will continue to be prohibited from making physical contact with consumers at any time on a Sunday or a public holiday. If a seller wishes to contact a consumer outside of these times, he or she will need to give the seller (or a person acting on the seller's behalf) permission beforehand. A seller can only ask a consumer for permission during permitted visiting hours.

For the sake of national consistency, permitted calling hours for telemarketers will be governed by the Commonwealth *Do Not Call Register Act 2006*.

I wish to note that, consistent with the existing approach under the FTA, the ACL will continue to require sellers to leave or to cease a visit on the consumer's request. This duty to leave when asked to do so must be disclosed by the seller at the outset of their dealings with a consumer.

Sellers who flout the new unsolicited sales requirements face penalties of up to \$50,000 for a company and \$10,000 for any other person. An infringement notice of up to 60 penalty units for a company and 12 penalty units for any other person may also be issued.

Consumers who have been contacted outside the permitted visiting hours or who have had to deal with a seller who would not leave on request will also have the right to terminate any sale that results from such contact within 3 months of agreeing to the sale. This is in addition to the 10-day cooling-off period that will apply to unsolicited sales and ensures that sellers face the risk of having to provide refunds or reimbursement well after the provision of goods or services has commenced.

A failure to comply may also constitute a criminal offence, which is an offence of strict liability, meaning that it is not necessary to consider the intent of the person committing the offences. The strict liability nature of these offences recognises the potential for widespread detriment that can be caused by a person that breaches these provisions, whether or not they intended to engage in the contravention in the first place.

A range of civil remedies are also available under the ACL. Depending on the remedy, an application may be made by the regulator or by an affected consumer. These remedies include injunctions, damages, compensation, public warning notices and corrective advertising orders.

The forthcoming changes in the law indicate that the current regulatory regime for door-to-door sales has been reconsidered on a national level and that an appropriate, harmonised response to the issue of doorknocking after dark has been collectively developed by all jurisdictions.

Thank you for bringing your concerns to my attention.

Kathleen Syme Centre: future

Raised with: Minister for Health

Raised by: Mr Guy

Raised on: 27 July 2010

REPLY:

The Victorian Government is committed to the disposal of surplus assets at the former Royal Women's Hospital site, which includes the Kathleen Syme Centre.

The future of assets across the former RWH site is being assessed by the Department of Health and the Royal Women's Hospital Board, giving consideration to those which may need to be retained in order to meet the ongoing requirements of health related services remaining on site.

Disposal of surplus Crown assets will be undertaken by the Department of Treasury and Finance, the responsible Government Agency, in accordance with required Government procedures and with the approval of the Director Land Monitoring and the Valuer-General.

Interested parties will have the opportunity to express an interest in these assets where they are not required to meet the needs of any other Government agency.

Small business: retail leases

Raised with: Minister for Small Business

Raised by: Mr Kavanagh

Raised on: 27 July 2010

REPLY:

The framework for retail tenancy regulation in Victoria was a result of a comprehensive policy development process and extensive consultation with key industry participants, leading to the development of the Retail Leases Act 2003 and associated regulations, as well as the Small Business Commissioner Act 2003.

The Retail Leases Act 2003 recognises that the landlord-tenant relationship is unlike other commercial relationships and was specifically developed to help balance inequities that may arise.

I appreciate that section 92 of the Retail Leases Act 2003 provides that each party must bear its own costs before proceeding to the Tribunal. This provision received significant support when the Act was reviewed and was introduced primarily in the interests of small tenants. The prospect of costs being awarded against a small tenant may affect their resort to the Tribunal whether meritorious or otherwise.

The Act, however, does allow for the Tribunal to award costs:

- If proceedings are conducted in a vexatious way that unnecessarily disadvantages the other party; or
- should a party refuse to take part in or withdraw from mediation or other form of alternative dispute resolution.

Mordialloc Creek: dredging

Raised with: Minister for Roads and Ports

Raised by: Mrs Peulich

Raised on: 27 July 2010

REPLY:

This matter does not fall within my portfolio responsibilities.

Local government: election donation returns

Raised with: Minister for Local Government

Raised by: Mr Hall

Raised on: 28 July 2010

REPLY:

It would not be appropriate for me to comment on specific investigations which have been conducted in relation to alleged breaches of the *Local Government Act 1989*.

However, on the general matter of campaign donation returns, a person who-

- fails to give a return that he or she is required to give under section 62 of the Local Government Act; or
- gives a return or provides information for another person's return that the person knows is false or misleading in a material particular,

is guilty of an offence and is liable to a penalty not exceeding 60 penalty units.

In determining whether a prosecution should be instituted for such offences-or any other offence under the Act-regard is always had to whether it is in the public interest to do so taking into account matters such as the seriousness of the offence.

Fishing: conservation priority review

Raised with: Minister for Environment and Climate Change

Raised by: Mrs Coote

Raised on: 28 July 2010

REPLY:

The Brumby Labor Government has ruled out creating more marine parks and will not amend the current marine national parks before the election or during the next term of government.

Victoria's marine national parks were established in 2002 in consultation with all stakeholders to protect marine life in those designated areas. Victoria has a world class system of 13 marine national parks and 11 smaller marine sanctuaries, protecting 5.3 per cent of our coastal waters.

The Victorian Government has committed:

- \$13.5 million for an Enhanced Recreational Fishing Program which includes the target to increase fish stocks by 30 per cent;

- \$1.3 million to build a new native fish hatchery at Snobs Creek;
- \$5 million to buy back licences in the Western Zone Rock Lobster industry to ensure that particular fishery remained sustainable; and
- \$3.2 million to the Go Fishing in Victoria initiative to improve fishing infrastructure around the state and encourage Victorian families to go fishing.

The Victorian Government will continue to work with organisations such as the Futurefish Foundation, the Australian Trout Foundation, Native Fish Australia and the Victorian Recreational Fishing roundtable to grow participation in recreational fishing and deliver enhanced recreational fishing opportunities.

Lake Wendouree: restoration

Raised with: Minister for Water

Raised by: Mr Vogels

Raised on: 29 July 2010

REPLY:

The Lake Wendouree groundwater supply project, announced on 7 June 2010, will provide a further 1,700 million litres of groundwater sourced from Central Highlands Water's Ballarat West groundwater bores to accelerate the refilling of the iconic Lake Wendouree.

Central Highlands Water's procurement policy states that contracts greater than \$200,000 should go to open tender, however, the Managing Director can provide an exemption and a contractor can be selected from Central Highlands Water's preferred contractor register.

All contractors on Central Highlands Water's preferred contractor register have undergone a rigorous assessment process and must have the required insurance, quality and occupational, health and safety systems and a good track record of delivery of materials and construction projects. The contractor chosen for this project has satisfactorily completed previous work for Central Highlands Water including work on the Ballarat West bores and on Lake related projects for the City of Ballarat and Central Highlands Water.

St Albans: Anglican church emergency relief centre

Raised with: Minister for Community Services

Raised by: Mr Finn

Raised on: 29 July 2010

REPLY:

The emergency relief being provided by the St Albans Anglican church volunteers is to be commended.

The Community Support Fund which is administered by the Department of Planning and Community Services (DPCD) provides a range of grants to community organisations to undertake their valuable work.

I have referred your request to my colleague Lily D'Ambrosio, Minister for Community Development for further action.

Roads: school pedestrian crossings

Raised with: Minister for Roads and Ports

Raised by: Ms Pennicuik

Raised on: 29 July 2010

REPLY:

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

Pedestrian Operated Signals, Bay Road, Sandringham:

VicRoads has been working with the Bayside City Council to improve safety at this site. Early this year, Council relocated the flagged crossing in response to requests from the school. Unfortunately, the new location has presented some difficulties with the visibility of the crossing supervisor for motorists, resulting in some cars failing to stop when required to do so.

As such, VicRoads and Council have made a number of improvements to signage in this area to enhance motorists' awareness of the crossing and have also notified Victoria Police of the driver behaviour issues on Bay Road.

VicRoads and Council are now working on the design of a kerb outstand for the north side of Bay Road that will reduce the road to one lane in each direction through the crossing. It is anticipated that this measure will improve the compliance of eastbound drivers with the directions of the crossing supervisor, as the current two-lane configuration obscures the visibility of the supervisor for some drivers. These works are expected to be completed in late 2010.

At this stage, it is considered that the improved flagged school crossing, combined with the existing 40km/h school speed zone on Bay Road, will provide a safe facility for pedestrians at this location.

As you mentioned in Parliament, the numbers of children crossing at this location are relatively low. VicRoads will continue to monitor the numbers of pedestrians using this site, as well as the safety of the crossing, to determine the need for any future improvements. Proposals for improvement projects must be considered on a statewide basis. Any further improvements to this site will be considered in this context.

School Speed Zone, Toorak Road, Glen Iris:

The current school speed zone program in Victoria involves reduced speed limits on roads that border primary and secondary schools and have an access point to the school. These are locations that could be expected to be of higher risk because of the number and diversity of activities by school children and their parents.

The current policy does not include school speed zones at remote crossing locations and for this reason the existing speed limit on Toorak Road, Glen Iris, is considered appropriate.

I understand that in response to the community concern regarding pedestrian safety at this location, in late 2009 the pedestrian crossing was made Disability Discrimination Act-compliant and the existing 'children crossing' warning signs were replaced with fluorescent yellow-green signs to improve motorists' awareness of the crossing.

Transport Accident Commission: claims management

Raised with: Minister for Finance, WorkCover and the Transport Accident Commission

Raised by: Mr Rich-Phillips

Raised on: 10 August 2010

REPLY:

I am informed as follows:

I am advised the TAC wrote to Mr La Fontaine on 11 August 2010 to apologise for the delay in the reimbursement of his pharmacy expenses. Mr La Fontaine's TAC Rehabilitation Coordinator has also contacted Mr La Fontaine to advise that the TAC has agreed to reimburse him all of his outstanding pharmacy accounts.

Mr La Fontaine's Rehabilitation Coordinator will continue to work closely with him in the management of his claim and Mr La Fontaine has been directed to contact her if he wishes to discuss any new issues.

The TAC successfully processes over 600,000 invoices annually. However, as part of their commitment to maintaining the highest service standards, the TAC and WorkSafe have commenced a three year collaborative program aimed at improving electronic capability and services for the processing and payment of accounts. The program is initially working with business and provider groups to develop the requirements to improve the efficiency of services for both organisations.

WRITTEN ADJOURNMENT RESPONSES

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

Wednesday, 1 September 2010

Wind farms: health effects

Raised with: Minister for Planning

Raised by: Mr Kavanagh

Raised on: 8 December 2009

REPLY:

An independent and authoritative view on the health impacts of wind turbines has been sought from the National Health and Medical Research Council (NHMRC), Australia's premier agency for health and medical research.

The NHMRC has released a *Public Statement-Wind Turbines and Health, July 2010*, which concluded that there is currently no published scientific evidence to positively link wind turbines with adverse health effects.

The NHMRC found that noise levels for a ten turbine wind farm were comparable to other everyday situations such as background noise in a rural area at night.

I am satisfied that a moratorium on wind farm decisions is not necessary in light of the NHMRC's public statement on this matter.

Bay Street, Port Melbourne: car parking

Raised with: Minister for Planning

Raised by: Mrs Coote

Raised on: 22 June 2010

REPLY:

I understand that a planning permit for a rooming house was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 20 October 2009.

The permit allows for the use and development of a four storey building comprising of 31 units for the purpose of accommodation (rooming house) over an existing public car park and waiver of the car parking requirements under Clause 52.06 of the Port Phillip Planning Scheme.

It is understood that prior to the VCAT proceedings, all interested parties including objectors to the planning permit application, were given the opportunity to present their concerns to an independent panel established by Port Phillip Council.

Both Port Phillip Council and the Tribunal assessed the merits of the application based on compliance with the *Planning and Environment Act 1987*, zoning and overlay controls and State and Local Planning Policies contained in the Port Phillip Planning Scheme.

In relation to car parking, the Tribunal considered that adequate public car parking spaces existed and that the car park in question will continue to operate effectively as a public car park following completion of the development.

It is understood that 22 car parking spaces will remain available to the public in the public car park and that council will remain the owner of the car park beneath the development.

Bushfires: neighbourhood safer places

Raised with: Treasurer

Raised by: Mrs Petrovich

Raised on: 24 June 2010

REPLY:

Neighbourhood Safer Places-Places of Last Resort (NSPs) are identified buildings or spaces within the community that may afford some protection from radiant heat, the biggest killer during bushfire. However, they are a place of last resort in emergencies only and are not an alternative to a personal bushfire survival plan.

It is critical that NSPs comply with the Country Fire Authority's (CFA) guidelines. Under section 50 of the *Country Fire Authority Act 1958*, councils are responsible for identifying and designating suitable places as NSPs and for maintaining those places.

I am advised that as at 21 June 2010, a total of 82 NSPs had been designated by councils. 40 of those are within the 52 nominated high-risk areas in Victoria which are covered by Township Protection Plans. Additional NSPs are being progressively designated, as suitable locations are identified by councils and the CFA completes its assessments.

Since 2009, the State Government has provided \$1.0 million through the Municipal Association of Victoria to help councils prepare Township Protection Plans and identify NSPs.

In addition, funding of \$2.7 million was provided to the CFA in 2009-10 to assist local councils and major landowners with vegetation management and to identify and establish NSPs in high bushfire risk areas.

The 2010-11 State Budget provided a \$136.6 million boost for fire preparation and emergency response which includes an additional \$9.2 million over four years to continue and expand CFA initiatives to support and advise private land owners and local councils on vegetation management.

City of Banyule: street lighting

Raised with: Minister for Local Government

Raised by: Mrs Kronberg

Raised on: 27 July 2010

REPLY:

During the adjournment debate in the Legislative Council on 27 July 2010, the Member for Eastern Metropolitan, Mrs Jan Kronberg MLC raised the matter of the Banyule City Council's proposal to undertake a bulk changeover of some 3,300 mercury vapour public street lighting bulbs to energy efficient T5 bulbs.

The Member for Eastern Metropolitan suggested that the Banyule City Council is proposing to replace some 3,300 mercury vapour street lighting bulbs with T5 fluorescent lighting bulbs in minor streets within the municipality at a total cost \$1.09 million. The Member for Eastern Metropolitan has also suggested that Banyule has requested the State Government consider either:

- providing an interest free loan of \$0.5 million which will be repaid over time from the savings in street lighting over the period, or

– a grant of \$0.5 million.

The Member for Eastern Metropolitan requested that I, as Minister for Local Government examine closely the funding model that the Banyule City Council had proposed with a view to ensuring that the Council is able to effectively and efficiently participate in the upcoming cycle of renewal.

I am aware that that many councils are either considering or currently undertaking a bulk changeover from the existing mercury vapour street lighting bulbs to energy efficient ones on the basis that the reduced energy consumption will go some way to reducing the impact of climate change. Given the primary reason for this bulk changeover is related to climate change, I am referring the Member for Eastern Metropolitan's question to you as the Minister for Environment and Climate Change for consideration and direct response.

I have advised the Member for Eastern Metropolitan of this referral.

WRITTEN ADJOURNMENT RESPONSES

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

Thursday, 2 September 2010

Bayswater Football Club: facilities

Raised with: Minister for Sport, Recreation and Youth Affairs

Raised by: Mr Leane

Raised on: 27 July 2010

REPLY:

I have requested that my staff liaise with the Eastern Football League regarding the proposed redevelopment of the Bayswater Park Oval.

Representatives from Sport and Recreation Victoria recently met with Mr Rob Sharpe, Chief Executive Officer of the Eastern Football League to discuss their proposal.

Sport and Recreation Victoria have provided advice to the Eastern Football League on the funding options available for the League to upgrade Bayswater Park Oval so that it can better host a range of elite and community sport and recreation events.

I look forward to receiving further advice from the League on this project.

Geelong Ring Road: section 4C route

Raised with: Minister for Roads and Ports

Raised by: Mr Kavanagh

Raised on: 29 July 2010

REPLY:

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

Geelong Ring Road Section 4C is an integral component of the Armstrong Creek Urban Growth Area which is expected to accommodate a population of approximately 55,000 people and provide approximately 22,000 jobs over the next 20 to 30 years. It will provide the major east west arterial road servicing the Armstrong Creek Urban Growth Area and the main access to a future new Armstrong Creek Railway Station at Waurn Ponds.

VicRoads consulted widely with stakeholders and the community on the route for Section 4C, which has not changed as stated. The route is situated immediately to the south of the Geelong-Warrnambool railway to provide a buffer to residents and be consistent with the Armstrong Creek Urban Growth Framework Plan. This plan was developed by the City of Greater Geelong following consultation in late-2007 and land use in the area has developed accordingly.

Moving the alignment further south along Boundary Road would require significant changes to the Armstrong Creek urban Growth Framework and provide uncertainty to several residential developments underway, including one precinct already selling allotments as well as public utility providers implementing infrastructure works. The

current route provides extensive opportunities to design and develop the project to mitigate against any social or environmental impacts.

Grand Ridge Road, Gippsland: signage

Raised with: Minister for Roads and Ports

Raised by: Mr P. Davis

Raised on: 10 August 2010

REPLY:

The Brumby Government is committed to building better, safer roads across the State, having invested more than \$3.2 billion into upgrading and maintaining roads in regional Victoria. We have completed 59 major projects totalling more than \$2 billion and are building or preparing for a further 18 road projects worth almost \$1.9 billion.

I am advised that VicRoads has met with Mrs Margaret Pellew, Secretary of the Tarra Valley Eco Tourism Association and will undertake inspections to consider if any signage improvements can be undertaken.

It should be noted that the section of Grand Ridge Road for which VicRoads is responsible between Balook and Wilung is regularly inspected and maintained in accordance with the VicRoads Roads Management Plan. Regular maintenance works are programmed throughout the year to keep the road in a trafficable condition. VicRoads will continue to monitor the performance of Grand Ridge Road and consider proposals for improvement in a statewide context.