

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Melbourne — 31 January 2008

Members

Mr D. Davis

Mr P. Hall

Mr P. Kavanagh

Mr E. O'Donohue

Ms S. Pennicuik

Mr B. Tee

Mr E. Thornley

Chair: Mr D. Davis

Deputy Chair: Mr B. Tee

Staff

Secretary: Mr R. Willis

Research Officer: Ms C. Williams

Witness

Mr G. Holt, chief executive officer, VicTrack.

The CHAIR — I welcome Mr Greg Holt, the chief executive officer of VicTrack, to the hearing today. If you would like to proceed with any comments you want to make, then we will ask some questions.

Mr HOLT — Yes, Chair. It is my intention to read from a witness statement, copies of which are being distributed now, and take questions at the end of that, if that is permissible.

I am the chief executive of Victorian Rail Tack (VicTrack), level 8, 1010 La Trobe Street, Docklands. I commenced in that position in September 2007. I attend before the select committee on behalf of VicTrack. VicTrack is a statutory corporation established under and governed by the Rail Corporations Act 1996 and is subject to joint directions of the Minister for Public Transport and of the Treasurer. VicTrack reports to the Minister for Public Transport and the Treasurer through an independent board.

I have received a letter from the Minister for Public Transport, dated 29 January 2008, which attached a letter from the Attorney-General to the minister of the same date. The Attorney-General's letter enclosed correspondence with the select committee regarding the executive government's position on the scope of the terms of reference of the select committee. Having informed me of the view taken by the government in relation to the scope of the terms of reference, the minister has asked me to have regard to that view in giving my evidence. In these circumstances I will give evidence to the committee in a manner consistent with the definitions used in the ministerial arrangement which supports administrative arrangements order no. 58 of 1988.

I have been provided with, and have reviewed: the Guidelines for Appearing before State Parliamentary Committees, as issued by the Department of Premier and Cabinet in October 2002; the Victorian Public Service code of conduct; the Legislative Council select committees and legislative committees Guidelines for the Protection of Witnesses. I appreciate the opportunity to present evidence to the committee. This statement sets out in general terms VicTrack's approach to its property portfolio.

VicTrack's landholdings: VicTrack owns and manages land and assets across the state and leases assets to the director of public transport, who then subleases them to rail and tram operators. The majority of VicTrack's assets are leased to these operators: Connex, Yarra Trams, V/Line and the Australian Rail Track Corporation. Almost all VicTrack's landholdings are in Victoria's rail corridors, which comprise 6700 kilometres of operating and closed lines as shown in the diagrams set out in attachment A. These corridors exist to facilitate freight and passenger movement and can hold significant community, heritage, landscape, environmental and commercial value. VicTrack also owns relatively small land parcels outside the rail corridors.

VicTrack's functions: VicTrack has a strategic role in ensuring that its key landholdings remain relevant to the provision of public transport and has corporate objectives that cover commercial development and leasing, project management, environment, telecommunications and social issues including maintaining a significant rail heritage program.

VicTrack's specific functions are set out in section 11 of the act, and a key statutory obligation is to improve the value of land and assets under our control. In this regard paragraph 11(1)(bb) of the act provides that one of VicTrack's functions is to 'develop, and promote the development of, land vested in it'.

One of VicTrack's key functions therefore is commercial development. Our aim in that area is to identify possible commercial development sites and seek the participation of developers in the construction of commercial development of land-air space owned by VicTrack, which provides financial or other benefits to us, the director of public transport, the transport franchisee and the broader community. In addition, in accordance with our statutory role, VicTrack leases land not required for transport purposes, both for a commercial return and to provide a strong community benefit. These lease terms range from monthly to in excess of 20 years.

VicTrack leases land under a range of leases, which in order of quantity are: 862 business leases, which are based on commercial returns; 400 community leases to councils, community groups and clubs generally for a lease payment of \$104 per annum — the range of groups whose activities we support through these leases is extremely broad, ranging from scout halls to rifle clubs; 361 cultivation and grazing leases to farmers of landholdings across country Victoria not currently required for rail purposes; 155 private leases to adjoining residential owners or occupiers for backyard or access purposes; and 50 telecoms leases to telecommunication providers of land for the location of mobile phone towers and other telecommunications facilities. VicTrack also hold some 2000 hectares of vacant land that is not leased because it is inaccessible or has no leasing potential.

Strategic planning approach: VicTrack takes a strategic planning approach to managing our landholdings, municipality by municipality. Our aim in taking a strategic approach is to identify a long-term vision for VicTrack landholdings based on VicTrack's commitment to achieving a balance of commercially viable development, environmental sustainability and community need. Our objectives in developing these municipal plans are: to assist us to manage our landholdings in terms of leasing, sales and development initiatives; to allow other agencies and stakeholders to use them as a reference point in understanding the future use and opportunities VicTrack landholdings may provide; to produce plans that are transparent to all parties; and consolidate professional expertise within VicTrack and other agencies to develop a vision that is supported by all parties.

The municipal planning process: the main parameters for municipal plans include transport; commercial development; environment; community amenity; leasing restructures where boundaries require realigning or combining multiple small leases into a single lease to be more commercially effective; sales; and affordable housing. The municipal plan development process can take approximately six months, depending on the municipality and the range and complexity of the land issues involved. Key elements of the process to develop municipal plans include establishment at an early stage of a project control group including a senior officer from the relevant council and representatives of the Department of Infrastructure to facilitate information exchange and to guide decision making. The involvement of DOI is crucial because, amongst other valuable contributions, DOI decides whether land is needed for transport purposes.

The process provides for participation of other agencies such as the Department of Innovation, Industry and Regional Development, the Department of Planning and Community Development and the Growth Areas Authority as required. This leads to the development by specialist planning consultants of a draft municipal plan upon which DOI, other departments and agencies and councils are invited to comment. After consideration of comments, a final VicTrack-approved municipal plan is prepared.

Key outputs from a municipal plan may include preferred change to rail franchise boundaries; development opportunities; suggested changes to the mix of land use types such as retail, industrial, residential and community; a risk assessment; and an implementation plan. Benefits from this process include: public transport and freight benefits such as the identification of sites for public transport improvements including car parking, and freight improvements, such as the potential for intermodal terminal sites; community benefits, including the identification of potential community public open space, pedestrian and cycle links, community facilities such as the Upfield bike path in the city of Moreland and the Urban Arts Square, Richmond, and land sales to councils; environmental benefits, including sites for vegetation clearing offsets where VicTrack land is made available to third parties for plantings as a trade-off for vegetation removed elsewhere, carbon trading benefits and best practice land management; commercial development opportunities resulting in the maximum value being derived from underutilised land, with value being understood in its broadest sense; and other benefits such as the identification of affordable housing sites and projects, leasing restructures and reviews both to provide better value to tenants and returns to VicTrack, and land rezonings.

VicTrack has completed five plans — for Brimbank, Moira, Moreland, Wyndham and Yarra Ranges — and we aim to complete 10 more by 30 June 2008. A further 10 will be completed each financial year after that. The order in which plans are being done reflects the level of intensity of land issues within municipalities. The present focus is on metropolitan councils, but regional councils will feature more strongly in the future.

Sale of government land: in discharging its statutory functions VicTrack sells government land. The drivers for the sale of government land held by VicTrack include its obligation to maximise returns to the government and communities in line with its statutory mandate, and the requirement to support state government policy objectives for public transport, planning, housing and other policy areas.

Prior to the sale of government land, there must be an internal recommendation based on a thorough review taking into account government policy objectives, demand for the site and other factors. Sales are based on comprehensive specialist property, planning, heritage and environmental advice. This process is also followed for sites in country Victoria which may have a comparatively lower commercial value. The recommended land for sale is formally cleared by the Department of Infrastructure as surplus to transport needs. Thereafter the sale follows the process for government land sales as laid down by the government land monitor policy and instructions for the purchase, compulsory acquisition and sale of land. In particular, land cannot be sold at less than the valuer-general's valuation. For high-value sites worth \$250 000 or more approval of the land monitor is sought, and for all sales final approval is sought from the Minister for Public Transport.

Heritage and environmental issues: VicTrack provides in excess of \$1 million annually for restoration of the state's heritage rail assets, with projects guided by an expert heritage panel. Heritage works undertaken over recent years include major works to Maryborough, Ballarat, Mildura and Little River stations.

VicTrack pays special care to preserve nationally significant environmental sites by developing and implementing suitable land management and protection measures in collaboration with other key stakeholders and interest groups. VicTrack's environmental work includes chairing a project involving Victoria's rail operators and other parties to develop a best-practice guide for managing vegetation on rail corridors — dealing with matters such as guidance for work crews with respect to maintenance works, conservation of threatened species and weed and fire control; the guide is in its final stages of publication and is envisaged to be released in the coming months — and also forming a partnership with Landcare Australia to fund projects to replant and better manage grasslands throughout the state, both on public and private land. So far VicTrack has allocated \$160 000 to 38 projects nominated by groups and individuals.

Conclusion: VicTrack's way forward for management of our land and other assets is to roll out the development of strategic plans for the remaining municipalities, monitor the implementation of the strategic plans with our state and local government partners, continue to provide financial support to our Landcare sponsorship and our program of heritage works and continue to work with councils and other stakeholders on a wide range of portfolio issues.

Thank you for the opportunity to provide evidence to the committee. I am now pleased to answer any questions.

The CHAIR — Mr Holt, I am thankful for the evidence you have provided and for your appearance here today. I have a number of questions, but I guess I want to start with a very central one to your activities. You obviously manage those assets across the state in a number of ways. It seems to me you are attempting in many cases, through the development of strategic municipal plans, to work with communities to achieve plans that bring their activities or your activities into line with what local communities want.

In that context, there are a number of sites around the state that I am aware where VicTrack is pushing forward with significant development proposals on VicTrack land, and doing that in the teeth of strong community and council opposition. I am thinking particularly of somewhere like Camberwell railway station, where the proposal is for a significant density development on that site — an important heritage site, according to many — and particularly a site where local council and community opposition has been great. How do you take into account that clear community opposition at the same time you appear to be pushing forward against that?

Mr HOLT — Mr Chair, I have been advised that questions to do with specific sites that contain government land, that I am unable to answer questions about those specific sites. In the witness statement I have outlined a process under our municipal strategic planning where we would be very much seeking the input of councils into the master plan for our land corridors in a municipality, and that is very much the policy and the approach that we will be taking going forward.

The CHAIR — Can I just say I am disappointed you are not going to talk about specific sites. It seems to me that is an important purpose of you being here today. I am very disappointed that you are going to obstruct the committee's work in that way.

To the broader question of how you manage that issue of community opposition, it appears to me in a number of sites you are pushing forward with a proposal for development that is deeply unpopular in a community. Now, it seems to me that is at odds with your attempt — stated — to work within parameters that fit the community.

Mr HOLT — Certainly our intention is to involve the community at the earliest stage of our strategic planning process through representatives in councils, and that is the approach that we are now taking.

The CHAIR — In the case of Camberwell railway station, as someone whose electorate covers that area and has been very familiar with the process, I think VicTrack has pushed forward and tried to ride roughshod over local community interests and certainly the expressed wish of thousands of people and the local municipal council. In that sense I see actions that are divergent from the way you have described the process here in your statement. I certainly express great concern in that.

Perhaps I can ask in another way. You clearly have documents — correspondence between other government agencies and VicTrack — relating to Camberwell railway station. I wonder if you might make those communications available to the committee?

Mr HOLT — Well, I have to say, Mr Chair, the advice I have is that questions from the committee on specific sites I am unable to answer.

The CHAIR — I am asking for documents here.

Mr HOLT — I think in respect to questions regarding specific documents I would like to take that question on notice and seek advice on whether that is possible.

Mr TEE — I would like to commence by commending you for providing your answers in a way which is consistent with the Rail Corporations Act, which provides that VicTrack — and therefore you — are subject to the directions of the relevant minister. I understand that it is on that basis that you appear, and I am not disappointed that you are doing anything other than giving answers in accordance with the statutory framework under which you operate. That is the only comment I have at this stage.

Ms PENNICUIK — I will begin by saying what I usually say when witnesses begin their statements, as you have. I feel you are in a difficult position. You have been put in a difficult position by the actions of the government in trying to redefine the commonly understood definition of ‘public land’. Public land, as we understand it, is land that is not private land. It is land that is held by the public. You have been put in a difficult position.

I turn to your statement to get some clarification on some of the statements you have made: at paragraphs 7 and 8 you talk about the rail corridors and that they can hold significant community, landscape, environmental and heritage value as well as commercial value. Could you clarify or expand on how much work has been done by VicTrack in terms of identifying the environmental values of the rail corridors and what specific environmental values you have identified and are working towards preserving?

Mr HOLT — Certainly. The first thing I would say in response to that is that we employ a senior, dedicated, experienced environmental manager to oversee that program. There is a very substantial budget in VicTrack’s annual budget allocated to that activity. It has a number of aspects to it.

In terms of the rail corridor specifically and the land, I think I have indicated elsewhere in the statement that there is a lot of work being done with Landcare, particularly in identifying threatened species of grasslands that are pretty prevalent on the rail corridors. I cannot explain to you in great detail the nature of those programs, but it is a strong emphasis in our current program, and certainly for our corporate planning and budgeting for future years it will figure even more prominently than it does at the moment.

Ms PENNICUIK — Just by way of background, I live in the city of Port Phillip and I have been involved in weeding and planting on the Sandringham rail line. In that context I am sure many rail passengers would gaze out of their trains and think, ‘This could look a bit better than it does, this rail corridor that I am travelling through’. How much attention is VicTrack paying to that particular issue — and I am looking at paragraph 11, which says ‘improve the value of the land and assets’ — in terms of not necessarily improving the commercial value of the land but improving the land in terms of its amenity to the community?

Mr HOLT — I think the vast majority of our land corridors are leased to the director of public transport, who then leases them to the transport franchisees. The nature of those leases generally places a responsibility for the issues you have raised there on the franchisee. In answer to your question, I would say that we try to play a role in the general beautification of the corridors; the primary responsibility for that activity does lie with the operator.

Ms PENNICUIK — Obviously they are falling down in that respect in many areas. I say this just by gazing out of the window. As I said, I know that in some areas work is being done by the community and in other areas it is not necessarily. I may have some other questions, Chair.

Mr HALL — Thank you for coming in here today, Mr Holt. In paragraph 14 you mention the nature of the leases that VicTrack has engaged in with a number of different organisations. Is the converse the situation, too, that VicTrack does lease facilities for its own operational purposes from other entities?

Mr HOLT — We lease the offices that we occupy at the address of the head of the statement, if that is what you mean?

Mr HALL — Any railway stations et cetera?

Mr HOLT — That VicTrack leases from other people?

Mr HALL — Yes?

Mr HOLT — I would have to take that question on notice. I am not aware of any, but there may be some.

Mr HALL — I am interested in, for example, the Traralgon railway station where there has been a commercial development incorporating a new station facility. It is probably 15 years old now, but it is still part of the commercial facility. Does VicTrack have any involvement with that or is that purely V/Line? I appreciate that you may need to take it on notice.

Mr HOLT — I think I would, if that is okay. I am sorry; I cannot answer the specifics of that.

Mr HALL — I have a further question regarding paragraph 30 of your statement, where it says that any recommended land for sale has to be formally cleared by the Department of Infrastructure. I presume the process is that your organisation, VicTrack, identifies land surplus to your requirement, then it submits it to the Department of Infrastructure as being surplus to requirement, and then the department has to clear it? What do you mean by 'clear' it? Does it have the ability to veto the sale of that land?

Mr HOLT — Yes, we cannot proceed with any sale of government land without it being cleared by the Department of Infrastructure as not being required for future public transport use.

Mr HALL — Thank you.

Mr THORNLEY — I just want to follow up: Ms Pennicuik asked a question about looking after the aesthetics of the lines when they are under leasehold and so forth. I wonder who bears the responsibility, particularly on country rail lines under these leasehold agreements and other alienations, on some of the other issues, like the prevention of noxious vegetation — serrated tussock and other forms of vegetation — that particularly could be carried by the rail lines to other land-holders and cause diminution to the value of their land? Does that fall through the cracks, or who would have responsibility for that type of preventive vegetational maintenance?

Mr HOLT — In a strictly legal sense I do not know the answer to your question. I would have to look into that. All I can say on the question is that we recognise through our Landcare involvement and other programs that we have a role to play, but in terms of a legal responsibility, I am sorry, I am not aware of that off the cuff.

Mr KAVANAGH — I have no questions, thank you.

Mr O'DONOHUE — I follow on from what Mr Thornley and Ms Pennicuik said with more of a comment. On Tuesday of this week I was with some constituents at the Bunyip railway station, which is on the Gippsland railway line, and the proliferation of blackberries and other noxious weeds is absolutely disgusting; they have overtaken huge tracts of land. From my observation that is far from unique; it is a situation that exists on large tracts of rail land.

It is not good enough because it affects adjoining land-holders, it reduces the visual amenity of the land and it attracts vandalism and other antisocial behaviour because the land appears degraded and not cared for. I make that as an observation. I note your comment that you are not sure who is responsible for those issues. Perhaps the fact that you are not aware of who is responsible is a reflection of the fact that no-one seems to be attending to these issues.

Mr HOLT — I think my response to the previous question was specifically in regard to noxious weeds and related issues. I think in terms of responsibility for rail corridors that are leased by the director of public transport to franchise operators, in this case V/Line Passenger, the primary responsibility for upkeep of the corridor lies with the operator.

Mr O'DONOHUE — What incentives does the operator have to maintain those corridors?

Mr HOLT — I am not in a position to answer that here. I would have to look into that.

Mr O'DONOHUE — What penalties does the operator have, as part of the lease arrangements, if it does not maintain those corridors?

Mr HOLT — The lease that a transport operator has is a sublease from the director of public transport.

Mr O'DONOHUE — I suppose what I am asking or what I am interested in knowing is: is there a deficiency in that lease arrangement or is the lease tight enough to have enforcement provisions but those enforcement provisions are not indeed being enforced?

Mr HOLT — Could I take that question on notice? I do not know the answer to that.

Mr O'DONOHUE — Yes, please. I would be interested in the response. Thank you.

Mr TEE — Is the lease arrangement something that VicTrack has control over? Is the lease arrangement an arrangement that you enter into?

Mr HOLT — We lease the corridors to the director of public transport and the director of public transport then subleases parts of that to the relevant operators.

The CHAIR — You are the head lessee, in a sense?

Mr HOLT — Yes, that is correct.

Mr O'DONOHUE — I assume that part of your head lease would have as a condition of it that any sublease or assignment of lease would require your consent?

Mr HOLT — I would have to check that. I think that may be a fair assumption, but I do not know the answer to that definitely.

Mr O'DONOHUE — Assuming that is a fair assumption — and we will await your response — you would be aware of all conditions and indeed have a right of veto over all conditions in any subsequent assignment of lease, just to tie up the point made by Mr Tee? Again, we will await your response to that question.

Mr HOLT — Thank you.

The CHAIR — I just draw your attention to point 14, which is your list of various leases. I wonder if you would provide the committee with the list of those leases and when they were entered into?

Mr TEE — Just generally or insofar as — —

The CHAIR — No, the ones that are specifically in points 14.1 through to 14.5. Or are they publicly available somewhere now, the lists of those leases?

Mr HOLT — I do not know if they are publicly available, and I would have to take advice as to whether I would be able to provide that information to the committee.

The CHAIR — But you have no objection to providing it, from VicTrack's perspective?

Mr HOLT — I think I would have to take advice from the relevant people to determine if that was something I was able to do.

The CHAIR — You could technically do it. It would be quite simple, wouldn't it?

Mr HOLT — Well, we have lists of all our leases, yes.

The CHAIR — Yes, so you could quite easily comply with that request, and I would certainly seek that you do that. The other point I ask you about is sale of land over the recent period. Is there a list of land that you as an organisation have sold, say, over the last four or five years? Is there a database that could be interrogated?

Mr HOLT — I think, Chair, that the advice that I have about the sale of land by VicTrack is that land that has been sold by VicTrack is government land and that I would be unable to answer questions about the sale of land that is outside the terms of reference of the committee.

The CHAIR — You could answer questions, but you have been directed not to.

Mr HOLT — I am operating with the guidance and instructions that I have.

The CHAIR — Technically it would be very easy to answer, though? There is no impediment; that list exists?

Mr HOLT — I don't know.

Mr TEE — There is a legislative impediment.

The CHAIR — No, there's not.

Mr HOLT — The advice that I have, Chair, is that matters to do with the sale of government land, questions that are asked on that, I am unable to answer.

The CHAIR — You are choosing not to answer, on request. You could answer them.

Mr HOLT — I can only repeat the answer I gave to your previous comment.

Mr THORNLEY — You can do it 100 times, if you want; we are going to get the same answer.

The CHAIR — It's disappointing.

Ms PENNICUIK — Mr Holt, I was very pleased to read peppered throughout your statement that VicTrack looks at environmental sustainability and improving the environment. It is obviously well understood — and you mentioned yourself — that there are pockets of remnant grasslands and other vegetation that are threatened elsewhere but are held on railway reserves and in fact railway reserves are some of the only places where you will find these remnants.

My question and Mr O'Donohue's question is that there could be a crack through which some of the rail corridors et cetera are being maintained and we may be losing some of these environmental assets. So I would urge you to come back to us with what the contracts say in regard to maintaining or looking after those assets, which are public assets and are being managed by them perhaps on behalf of the public.

In paragraph 15 you talk about:

... 2000 hectares of vacant land that is not leased because it is inaccessible or has no leasing potential.

What is happening with that land, then?

Mr HOLT — I think we are talking about land there that is too steep or rocky or is adjacent to a rail cutting. I think they would be examples of the type of land we are referring to there.

Ms PENNICUIK — Which could have environmental values, even so?

Mr HOLT — Absolutely and which would be covered in programs that we would undertake.

Ms PENNICUIK — I was interested, too, in your municipal planning process. I understand that you are not very far into it. Obviously we have 79 local government areas, so it is going to take you a while to get through them all. I have just two questions about that. One is that you say in one of these paragraphs, which I was frantically trying to find, that there is a council officer on the steering groups, or whatever.

I am wondering if there is any more sort of extensive community involvement in terms of when you are working in a particular municipality, whether you have an open public forum, because people in the community may have valuable information to give you about their perspective on VicTrack land in their local area?

Mr HOLT — I think you may be referring to paragraph 20?

Ms PENNICUIK — You would know your statement better than me.

Mr HOLT — What we are describing for the committee here is the procedure or the process that we are now going to undertake for every municipality. It creates a strategic plan that covers the whole municipality. There are a range of outcomes in one plan. Our understanding, and the council feedback that we have had from the ones we have completed already accords with this, is that in each specific case or determination that comes out of that plan there would be a separate process, whatever than process might be. It is not really possible to provide you with a blanket answer to the question you are asking. The process that is being described here is a blueprint for the municipality, and there are a number of different outcomes to do with leases or potential sales or transfers to different agencies, sales to the council and a range of different outcomes that can come from that all of which would have a different process, potentially, for involvement by the relevant stakeholders.

Ms PENNICUIK — I suppose I am just seeing this as a great opportunity for VicTrack to obtain community feedback on its land.

Mr HOLT — I think we have attempted to do that through the formation of this project control group and with council involvement from the earliest possible stage in the development of the plan itself.

Ms PENNICUIK — But council involvement may not necessarily give you all the community's points of view that you could get by a wider community consultation process. That is all I am getting at. It is a good opportunity. I am just wondering too how you tie it all together. If you go municipality by municipality, they all adjoin each other as — —

Mr HOLT — Clearly in the planning process councils are absolutely fundamental to progressing land use proposals or outcomes of any kind. Our strategy, which was commenced before I arrived at VicTrack but which I very strongly endorse, is to construct these plans municipality by municipality so that we get the highest level of involvement from that key stakeholder at the earliest possible stage.

Ms PENNICUIK — My question was about linking adjoining municipalities too. Obviously because VicTrack has corridors going through several municipalities you are not only going to need those separate ones but you need a corridor view as well.

Mr HOLT — At the end of the strategic municipal planning process we would have a very comprehensive view of the state of Victoria.

Ms PENNICUIK — I look forward to following it. Thank you.

Mr HALL — As owner and manager of rail assets across the state, is VicTrack responsible for the maintenance and upgrade of tracks?

Mr HOLT — No.

Mr HALL — That is undertaken by the state government through the department of transport?

Mr HOLT — It is undertaken by the franchisee, so in the metropolitan area Connex has that responsibility. In regional areas V/Line Passenger now has that responsibility following the buyback of the track last year.

Mr HALL — Where did the regional fast rail upgrade fit in then? Was that not undertaken by state government?

Mr HOLT — I believe that was a capital project managed by the state government, but that was well before my time.

Mr HALL — VicTrack had no involvement in that, to your knowledge?

Mr HOLT — I cannot answer that; I do not know.

Mr THORNLEY — Thank you, Mr Holt. As Mr Tee said, I appreciate your willingness to present to the committee, and I appreciate the professionalism with which you have responded given your obligations as a public

servant. I just want to clarify — and it is a question we have asked every witness that we have gone through this saga of public land definition with, and I am sure that your answer will be the same as every other — if the upper house chose to amend the terms of reference to change the definition to include all forms of government land and other things, I presume in that situation you would be happy to answer the questions you are unable to answer given the current terms of reference?

Mr HOLT — Yes.

Mr KAVANAGH — Following on from Mr Thornley's question, if the terms of reference were changed to include government land and the Attorney-General told you that it still did not include government land, would you answer the questions?

Mr HOLT — I would answer questions put to me to the best of my ability with the guidance that I had been given.

Mr KAVANAGH — That means you would not answer the questions; is that right?

Mr HOLT — I do not think I can add to my previous answer.

Mr KAVANAGH — Your question was hypothetical too.

Mr THORNLEY — Yes.

The CHAIR — Did you — —

Mr KAVANAGH — I think the answer is clear, thank you.

Mr O'DONOHUE — Just to follow on from Ms Pennicuik's question, at the current rate the municipal planning process will probably take another six years to complete. Is it a concern to you that it is going to take such a long time to complete, and does that create a vacuum in which decisions can be made in the interim?

Mr HOLT — As you may have noted I am new to the organisation. That is the current plan. There is a cost attached in internal resources and in the use of planning consultants to the pace at which this program is rolled out. I think that is a corporate planning process, and we will consider in each cycle whether we are able to progress this program differently. But what I am stating to you in my witness statement is the current plan.

Mr O'DONOHUE — This might not be a question you can answer. Before a decision was made in the 1980s VicTrack or its predecessor as landowner was required to pay half the cost of any fencing requirement as a normal landowner. That was changed by legislation in the 1980s. Do you have an understanding of how much that saves VicTrack or the government in fencing costs per year?

Mr HOLT — No. I have no understanding of that.

The CHAIR — What is the fencing cost per year?

Mr HOLT — I can only answer that by saying that the act which incorporated VicTrack specifically precludes responsibility for fencing, so it is not a question we concern ourselves with.

Mr O'DONOHUE — So the adjoining owner has to pay 100 per cent?

Mr HOLT — Yes.

The CHAIR — There is another point I would like to ask you, and that is would VicTrack be prepared to provide a briefing to the committee on its plans for the Camberwell railway station?

Mr HOLT — I think with the current guidance and advice I have I would be unable to answer any questions on specific sites which are involved in the sale of government land.

The CHAIR — Or maybe not the sale; maybe the alienation?

Mr HOLT — I do not think I can add to my previous answer.

The CHAIR — So the answer is that you would not be prepared to provide a briefing — formal or informal?

Mr HOLT — My understanding is that a specific site involving government land is outside the committee's terms of reference, and I am unable to answer questions on it.

The CHAIR — So the answer is no.

Mr HOLT — I am unable to add to my previous answer.

The CHAIR — Do we have more questions?

Mr TEE — I want to again thank you for taking the time to give evidence and apologise for the difficult position that you are in — a position that has been created by — —

Ms PENNICUIK — Government.

Mr TEE — The inability of the committee to get clarification in the house in terms of the terms of reference.

The CHAIR — It is nothing to do with that. It is simply a matter that the government is directing its witnesses and — —

Mr THORNLEY — It is fair to say that this is due to political squabbling that is not of your account.

The CHAIR — In any event I thank you for appearing today, but do express my disappointment that you have not been able to be direct and complete with your answers.

Committee adjourned.