

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

QUESTIONS ON NOTICE

Tuesday, 19 August 2014

(Extract from book 11)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

Premier, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
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Minister for Local Government and Minister for Aboriginal Affairs.	The Hon. T. O. Bull, MP
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Minister for Education	The Hon. M. F. Dixon, MP
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. D. K. Drum, MLC
Minister for Planning, and Minister for Multicultural Affairs and Citizenship	The Hon. M. J. Guy, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing	The Hon. D. J. Hodgett, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Energy and Resources, and Minister for Small Business.	The Hon. R. J. Northe, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs.	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs	The Hon. H. Victoria, MP
Minister for Higher Education and Skills	The Hon. N. Wakeling, MP
Minister for Agriculture and Food Security, and Minister for Water.	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mrs I. Peulich, MLC

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Ms Lovell, Ms Pennicuik, Mrs Peulich and Mr Scheffer.

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

Participating member

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford, Mr Ramsay and #Mr Scheffer.

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

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

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

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

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

Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr D. R. J. O'Brien and Mr Ronalds. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Drum, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Council*): Mr Eideh, Mrs Millar and Mr Ronalds. (*Assembly*): Mr Burgess and Mr McGuire.

Education and Training Committee — (*Council*): Mr Elasmr, Mrs Kronberg and Mrs Millar. (*Assembly*): Mr Brooks and Mr Crisp.

Electoral Matters Committee — (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis. (*Assembly*): Mr Delahunty.

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

Family and Community Development Committee — (*Council*): Mrs Coote. (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall.

House Committee — (*Council*): The President (*ex officio*) Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Ms Campbell, Ms Thomson, Mr Wakeling and Mr Weller.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Viney. (*Assembly*): Ms Kanis, Mr Kotsiras, Mr McIntosh and Mr Weller.

Law Reform, Drugs and Crime Prevention Committee — (*Council*): Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick.

Public Accounts and Estimates Committee — (*Council*): Mr D. R. J. O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Garrett, Mr Morris, Mr Pakula and Mr Scott.

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

Rural and Regional Committee — (*Council*): Mr D. R. J. O'Brien. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt.

Heads of parliamentary departments

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

Council — Acting Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmr, Mr Finn, Mr Melhem, Mr D. R. J. O'Brien, Mr Ondarchie, Ms Pennicuik,
Mr Ramsay, Mr Tarlamis

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The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. D. K. DRUM (from 17 March 2013)

The Hon. P. R. HALL (to 17 March 2013)

Deputy Leader of The Nationals:

Mr D. R. J. O'BRIEN (from 17 March 2013)

Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Melhem, Mr Cesar ²	Western Metropolitan	LP
Broad, Ms Candy Celeste ⁹	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise ⁴	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David ⁸	Eastern Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers ⁵	Eastern Victoria	LP	Pakula, Hon. Martin Philip ¹	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Elasmr, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald ⁷	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark ⁶	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lenders, Mr John	Southern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Lewis, Ms Margaret ¹⁰	Northern Victoria	ALP			

¹ Resigned 26 March 2013

² Appointed 8 May 2013

³ Resigned 1 July 2013

⁴ Appointed 21 August 2013

⁵ Resigned 3 February 2014

⁶ Appointed 5 February 2014

⁷ Resigned 17 March 2014

⁸ Appointed 26 March 2014

⁹ Resigned 9 May 2014

¹⁰ Appointed 11 June 2014

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QUESTIONS ON NOTICE

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QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 19 August 2014

Assistant Treasurer: coronial recommendations

10 455. MS PENNICUIK — To ask the Assistant Treasurer: In relation to his responsibility as minister for WorkSafe, what action has been taken by WorkSafe Victoria to implement the recommendations of the State Coroner in the following inquests:

- (1) No. 486407 — Recommendation 1;
- (2) No. 141609 — Recommendations 1 and 3;
- (3) No. 533508 — Recommendation 3;
- (4) No. 379606 — Recommendation 1; and
- (5) No. 391407 — Recommendation 7.

ANSWER:

I am informed that in relation to Ms Pennicuik's question, the VWA has taken the following steps to implement the State Coroner's recommendations:

(1) Coronial Inquest No. 486407 (Japanese Screens and Interiors) — Recommendation 1

That the VWA, Country Fire Authority (CFA) and Metropolitan Fire Brigade (MFB) formally adopt and implement a Safety Management Plan to establish a comprehensive multi-agency approach to preventing similar fires and protecting the safety of emergency services personnel, workers and the community.

In February 2011 the VWA participated in the development of a Safety Management Plan (the Plan) for the management and handling of nitrocellulose. The VWA has undertaken the following activities to implement the Plan:

- Establishment of a register of nitrocellulose product purchasers and end users, that was distributed to the MFB and CFA to help inform each agency's operational planning, responses and site inspections.
- Inspections of workplaces listed in the register to verify that nitrocellulose products were being safely used and stored and audit information provided to purchasers of nitrocellulose products.
- Publication of a Safety Alert on 24 February 2011 titled 'Nitrocellulose in spray booths'.
- Presentation at the annual HAZMAT conference 2011 and participation in multi-agency seminars involving the MFB and CFA to inform stakeholders about the Plan.

(2) Coronial Inquest No. 141609 (Keith Phillip Dickman) — Recommendations 1

That the VWA immediately advise building and construction contractors to cease using 'A' frame ladders for the installation of air conditioning and utilise methods of installation which provide for a stable work platform from which the work may be performed. That the VWA publish a Safety Alert to this effect.

The VWA consulted with industry on this safety issue. On 13 June 2013 it published a Guidance Note titled 'Prevention of falls in construction — Selection and safe use of portable ladders'. The Alert highlights the risks of working on ladders, including the limitations of 'A' frame ladders, and provides advice about determining the appropriateness of safer alternatives.

The Note did not recommend that employers cease using ‘A’ frame ladders entirely as the VWA determined that such advice would have significant impact on building and construction contractors and other industries. In the course of installing air conditioning ducting it may not always be reasonably practicable to use an elevated work or step platform instead of a ladder. This alternative proposal was submitted to the Coroner prior to the publication of the Note.

Recommendation 3

That the VWA restate in its publications the risk of death and serious injury from falls from any height and that working from ladders is a particular risk.

On 22 March 2012 the VWA published a Safety Alert in the *Herald Sun* titled *‘Fall-protection is non-negotiable’*, highlighting the number of incidents relating to workers falling from heights and outlining the importance of proper supervision, planning and fall-protection.

(3) Coronial Inquest No. 533508 (TS — name redacted) — Recommendation 3

That the VWA conduct an education campaign targeting employers to ensure their workers obtain training in the operation of mobile Elevated Work Platforms for plant such as scissor lifts, which do not currently require a high risk work license. The Yellow Card training program for example is one such avenue available to acquire training.

The VWA continues to actively enforce the requirement for operators of elevating work platforms across all sectors of industry to have appropriate and adequate training. In consultation with key stakeholders the VWA has included in its forward planning the delivery of an education campaign directed at construction, maintenance and service industries that highlights the risks associated with elevating work platforms and the need for employees to receive adequate training, instruction and supervision in their safe operation. The campaign, which is expected to be delivered in 2015, will encourage employers to adopt the Yellow Card training program or an equivalent competency. The Yellow Card training program is an industry-led initiative to provide training to users of elevated work platforms. The VWA also continues to work closely with the Elevating Work Platform Association of Australia to support participation in the Yellow Card training program or an equivalent competency.

(4) Coronial Inquest No. 379606 (Lydia Denise Carter) — Recommendation 1

That the VWA develops guidance material to support concessional go-kart venue operators in meeting their occupational health and safety duties, as per their previous intention. This material could also be used as an instrument to further publicise Australian Standard AS 3533.4.4 and industry association contact details.

On 24 April 2014 the VWA published a Guidance Note titled *‘Concession go kart tracks—Risk control’*, providing advice for concessional go-kart venue operators about track barrier safety and seatbelt selection and use. The Alert publicises Australian Standard AS 3533.4.4 — *Amusement rides and devices*.

(5) No. 391407 (Graeme Andrew Dunn) — Recommendation 7

That the VWA distribute an Industry Alert to heavy vehicle operators, using Mr Dunn’s death as an example, to promote industry awareness about the long-term consequences of performing inappropriate repairs on heavy vehicles and inadequately maintaining fleets.

On 1 April 2014 the VWA published a Safety Alert titled *‘Poorly maintained axles on trucks can lead to deadly outcomes’*, that features control measures for transport operators in relation to axle safety. The Alert is currently being distributed as part of the VWA’s heavy-vehicle maintenance systems project which provides advice about axle safety and vehicle maintenance to industry.

Liquor and Gaming Regulation: electronic gaming machine entitlements

10 485. MS PULFORD — To ask the Minister for Liquor and Gaming Regulation: In relation to the minister’s announcement on 13 June 2014 of a review into the term of Electronic Gaming Machine (EGM) entitlements eight years before the expiration of the entitlements:

- (1) Why has industry been given only two weeks to respond.
- (2) Why will the review be concluded within three months.
- (3) Will any proposal to extend EGM entitlements be put before the Victorian people at the November 2014 state election.

ANSWER:

I am advised that:

1. Key stakeholders, including industry peak bodies will be consulted throughout the review, providing further opportunity for input into the matters to be considered.
2. The coalition government has undertaken to consider this matter promptly to provide certainty for the industry.
3. The coalition government will determine its policy response following consideration of the review's final report in the second half of 2014.

Liquor and Gaming Regulation: electronic gaming machine entitlements

10 486. MS PULFORD — To ask the Minister for Liquor and Gaming Regulation: In relation to the proposed extension of Electronic Gaming Machine (EGM) entitlements:

- (1) Will the government use the methodology described in the June 2011 Auditor-General's report into the *Allocation of Electronic Gaming Machine Entitlements* to determine the value of entitlement extensions.
- (2) Does the government expect the value of the entitlement extensions to taxpayers will be greater or less than \$410 million per year of extension.

ANSWER:

It is not appropriate to pre-empt the review's findings on the value of entitlements at this stage. The importance of achieving value for money for the Victorian community is a paramount objective of the review.

The coalition government has a responsibility to ensure that probity and value for money considerations are a priority, especially given the former Labor government's disastrous pokies auction in 2010.