

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

QUESTIONS ON NOTICE

Tuesday, 8 June 2010

(Extract from book 8)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Energy and Resources, and Minister for the Arts	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
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Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation.	The Hon. G. W. Jennings, MLC
Minister for Planning and Minister for the Respect Agenda.	The Hon. J. M. Madden, MLC
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Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Public Transport and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education and Minister for Skills and Workforce Participation	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris. (*Council*): Mrs Coote, Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee.

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmarr and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mr Murphy and Mrs Petrovich.

Family and Community Development Committee — (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey. (*Council*): Mr Finn and Mr Scheffer.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria. (*Council*): Mrs Kronberg and Mr Scheffer.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Graley, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips.

Road Safety Committee — (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:

The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Asher, Ms Louise	Brighton	LP	Lobato, Ms Tamara Louise	Gembrook	ALP
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Barker, Ms Ann Patricia	Oakleigh	ALP	McIntosh, Mr Andrew John	Kew	LP
Batchelor, Mr Peter John	Thomastown	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bracks, Mr Stephen Phillip ¹	Williamstown	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Burgess, Mr Neale Ronald	Hastings	LP	Munt, Ms Janice Ruth	Mordialloc	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew ⁷	Williamstown	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Northe, Mr Russell John	Morwell	Nats
Crutchfield, Mr Michael Paul	South Barwon	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Perera, Mr Jude	Cranbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Eren, Mr John Hamdi	Lara	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Foley, Martin Peter ²	Albert Park	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Graley, Ms Judith Ann	Narre Warren South	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Scott, Mr Robin David	Preston	ALP
Haermeyer, Mr André ³	Kororoit	ALP	Seitz, Mr George	Keilor	ALP
Hardman, Mr Benedict Paul	Seymour	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Helper, Mr Jochen	Ripon	ALP	Smith, Mr Ryan	Warrandyte	LP
Hennessy, Ms Jill ⁴	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William ⁸	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene ⁵	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice ⁶	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 13 February 2010

⁵ Elected 28 June 2008

⁶ Resigned 18 January 2010

⁷ Elected 15 September 2007

⁸ Resigned 6 August 2007

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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, 8 June 2010

Industry and trade: hold harmless clause

2767(v). **Mr WAKELING** to ask the Minister for Industry and Trade with reference to the inclusion of ‘hold harmless clauses’, which provide full indemnity for the Government or its departments for all loss and damage, regardless of whether the Government or department has contributed to the loss or damage, in temporary employment service procurement contracts:

- (1) Do any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses; if so, which departments or agencies.
- (2) If any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses, what is the policy that supports this inclusion.

ANSWER:

I am informed as follows:

The Department of Innovation, Industry and Regional Development, and its associated agencies, including agencies within my particular portfolios of Industry and Trade, and Rural and Regional Development, do not require or recommend the inclusion of “hold harmless” or indemnity clauses in temporary employment service procurement contracts.

For temporary employees engaged by the Department using employment panel agencies, the whole of Government contract terms and conditions apply.

There is no requirement or recommendation for the inclusion of “hold harmless” or indemnity clauses in the temporary employment service procurement contracts of the Department or its agencies.

Where companies or individuals are engaged by the State, under standard professional services contracts (i.e. not as employees), an indemnification to the State is a standard requirement in those circumstances, as is usual commercial practice.

Major projects: hold harmless clause

2767(x). **Mr WAKELING** to ask the Minister for Major Projects with reference to the inclusion of ‘hold harmless clauses’, which provide full indemnity for the Government or its departments for all loss and damage, regardless of whether the Government or department has contributed to the loss or damage, in temporary employment service procurement contracts:

- (1) Do any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses; if so, which departments or agencies.
- (2) If any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses, what is the policy that supports this inclusion.

ANSWER:

I am informed as follows:

The Department of Innovation, Industry and Regional Development, and its associated agencies, do not require or recommend the inclusion of “hold harmless” or indemnity clauses in temporary employment service procurement contracts.

For temporary employees engaged by the Department using employment panel agencies, the whole of Government contract terms and conditions apply.

There is no requirement or recommendation for the inclusion of “hold harmless” or indemnity clauses in the temporary employment service procurement contracts of the Department or its agencies.

Where companies or individuals are engaged by the State, under standard professional services contracts (i.e. not as employees), an indemnification to the State is a standard requirement in those circumstances, as is usual commercial practice.

Regional and rural development: hold harmless clause

2767(ac). **Mr WAKELING** to ask the Minister for Regional and Rural Development with reference to the inclusion of ‘hold harmless clauses’, which provide full indemnity for the Government or its departments for all loss and damage, regardless of whether the Government or department has contributed to the loss or damage, in temporary employment service procurement contracts:

- (1) Do any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses; if so, which departments or agencies.
- (2) If any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses, what is the policy that supports this inclusion.

ANSWER:

I am informed as follows:

The Department of Innovation, Industry and Regional Development, and its associated agencies, including agencies within my particular portfolios of Industry and Trade, and Rural and Regional Development, do not require or recommend the inclusion of “hold harmless” or indemnity clauses in temporary employment service procurement contracts.

For temporary employees engaged by the Department using employment panel agencies, the whole of Government contract terms and conditions apply.

There is no requirement or recommendation for the inclusion of “hold harmless” or indemnity clauses in the temporary employment service procurement contracts of the Department or its agencies.

Where companies or individuals are engaged by the State, under standard professional services contracts (i.e. not as employees), an indemnification to the State is a standard requirement in those circumstances, as is usual commercial practice.

Tourism and major events: hold harmless clause

2767(al). **Mr WAKELING** to ask the Minister for Tourism and Major Events with reference to the inclusion of ‘hold harmless clauses’, which provide full indemnity for the Government or its departments for all loss and damage, regardless of whether the Government or department has contributed to the loss or damage, in temporary employment service procurement contracts:

- (1) Do any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses; if so, which departments or agencies.
- (2) If any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses, what is the policy that supports this inclusion.

ANSWER:

I am informed as follows:

No.

Veterans' affairs: hold harmless clause

2767(am). Mr WAKELING to ask the Minister for Veterans' Affairs with reference to the inclusion of 'hold harmless clauses', which provide full indemnity for the Government or its departments for all loss and damage, regardless of whether the Government or department has contributed to the loss or damage, in temporary employment service procurement contracts:

- (1) Do any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses; if so, which departments or agencies.
- (2) If any departments or agencies under the jurisdiction of the Minister require or recommend the inclusion of such clauses, what is the policy that supports this inclusion.

ANSWER:

I am informed that:

As the Minister for Veterans' Affairs I am supported by the Department of Planning and Community Development. I direct you to the response of the lead Minister, the Hon Justin Madden, for LA 2767u.

[*Hansard reference: Legislative Assembly, 25 May 2010, page 2046*]

Roads and ports: Mornington-Tyabb Road, Mornington

2782. Mr MORRIS to ask the Minister for Roads and Ports — are there any plans to duplicate the Mornington to Tyabb Road from Main Street to Dunns Road and/or from Main Street to Racecourse Road; if so, when will it commence; if not, when will the Government investigate a duplication.

ANSWER:

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

Proposals for improvement projects must be considered and prioritised on a region wide and state wide basis. Any improvement works to the Mornington to Tyabb Road will be considered in this context.