



Appendix 11

ADJUNCT TO 7.1 – PUBLIC QUESTIONS STATUS UPDATE

*Response to public question taken on notice at the
Ordinary Meeting of Council on 24 August 2022*

Ordinary Meeting of Council

Wednesday 28 September 2022 at 7:00pm

Queenscliff Town Hall



7 September 2022

mg:jf

Queenscliff Community Association (QCA)

[REDACTED], President

Via email: [REDACTED]

Dear [REDACTED]

PUBLIC QUESTION TAKEN ON NOTICE

I am writing in response to the public question that was taken on notice at the Ordinary Meeting of Council held on Wednesday 24 August 2022.

The public question reads as follows:

The Agenda notes that the CEO (without Mayor & Councillors) had a meeting with DELWP and WorkSafe on August 16.

Can the contents and Minutes of that meeting (and any associated or related correspondence) be tabled tonight with an explanation of why Council did not consider such a meeting to be of Strategic Policy importance to warrant councillor attendance, particularly given;

- Council's new Victoria Park Policy,
- Council's 23rd March recommendation,
- Plans for the future use directions and plantings of Victoria Park,
- Widespread community concern and outrage over the unprecedented damage and destruction of Victoria Park?

In response to the question, I provide the following advice:

There were no minutes taken at the meeting, however there was an agreed action.

In the meeting, Worksafe confirmed the following in response to questions from DELWP and Council officers:

- WorkSafe does not consider or defer to any other legislation, including environmental legislation, when assessing risk or making determinations
- WorkSafe do not dictate mitigation actions but need to be satisfied that the mitigation action is adequate and will enforce their requirement to mitigate if they are not satisfied with the action taken by the responsible party
- Worksafe relied upon Council's arborist report and were particularly concerned that Council had not undertaken the works recommended in the January 2022 Arborist report.

- Worksafe viewed a caravan park as a different situation to a National or State Park, emphasising that they considered a caravan park to be a worksite and that the responsibility to ensure safety increased because of this definition

DELWP advised WorkSafe and Council that they were seeking advice on the matter from the Office of the Conservation Regulator (OCR).

There were two questions that DELWP was seeking advice on:

- Should WorkSafe recognise the environmental legislation and work with the relevant land manager to resolve conflicting legislative outcomes prior to enforcement?
- Did Council have an alternative pathway that included permit approvals processes?

Once again WorkSafe were very clear that the only matter that they consider are the requirements of the OHS legislation and that the only mechanism to have this conversation would be through an internal review process or at VCAT.

DELWP put to both WorkSafe and Council that once they have received advice from the OCR they would like to have further conversations with both parties.

Council agreed to be part of this discussion. WorkSafe indicated that they were prepared to consider being part of the discussion once they had received a proposal from DELWP and reviewed it, but conceded it would probably need to involve other parts of WorkSafe. This was the agreed action.

Councillors did ask to attend the meeting. However, the meeting was set up for senior operational officers from the respective organisations to discuss relevant regulatory frameworks and the operation of legislation. WorkSafe officers do not deal directly with elected representatives.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Martin Gill', with a long, sweeping underline that extends to the right.

Martin Gill
CHIEF EXECUTIVE OFFICER