

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL  
FIFTY-FIFTH PARLIAMENT  
FIRST SESSION**

**Wednesday, 29 March 2006**

**(Extract from book 3)**

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**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

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Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy <sup>1</sup>	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

<sup>1</sup> Ind from 17 September 2004  
ALP from 10 November 2005

<sup>2</sup> Ind from 7 April 2005

<sup>3</sup> Ind Lib from 30 November 2005



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**Wednesday, 29 March 2006**

The **PRESIDENT** (Hon. M. M. Gould) took the chair at 9.33 a.m. and read the prayer.

## INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of **Hon. J. M. MADDEN** (Minister for Sport and Recreation).

## PETITIONS

### Schools: public education

**Mr SCHEFFER** (Monash) presented petition from certain citizens of Victoria requesting that any new legislation dealing with the state public education and training system — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers' money (426 signatures).

Laid on table.

### Racial and religious tolerance: legislation

**Hon. J. G. HILTON** (Western Port) presented petition from certain citizens of Victoria requesting that the Racial and Religious Tolerance Act 2001 be repealed (19 signatures).

Laid on table.

## STATEMENTS ON REPORTS AND PAPERS

### Notices

Notices given.

**Ms CARBINES** having given notice:

The **PRESIDENT** — Order! The honourable member already has a notice of intent to make a statement on the notice paper. She will need to either withdraw that notice or withdraw the current notice.

**Ms CARBINES** — I will withdraw this notice.

Further notices given.

## MEMBERS STATEMENTS

### Commonwealth Games: achievements

**Hon. PHILIP DAVIS** (Gippsland) — I rise to congratulate especially the chairman of Melbourne 2006, Ron Walker, on the success of the Commonwealth Games and on his efforts. I particularly recognise the Lord Mayor of the City of Melbourne, John So.

*Honourable members interjecting.*

**Hon. PHILIP DAVIS** — I particularly acknowledge the effort of the federal government in ensuring the games were a success. I acknowledge the government of Victoria for securing the games, especially the Honourable Jeff Kennett, former Premier, who was responsible for the success of the Commonwealth Games 2006 simply because he made the commitment that Victoria would leave no stone unturned to secure the games. Then he engaged in partnership with Ron Walker to advocate strongly for the games being held in Melbourne. He ensured, in so doing, that Victoria had a very well-based bid which was eminently and effectively implemented by Ron Walker within the parameters given to him by successive governments.

The games have been well received by the Victorian community, and all the volunteers who participated in them should be congratulated.

### Commonwealth Games: achievements

**Ms CARBINES** (Geelong) — I am delighted to congratulate the Premier, the Minister for Commonwealth Games and the Minister for the Arts in another place for their organisation of simply the best Commonwealth Games ever held over the last two weeks in Melbourne.

My family and I had the pleasure of attending the opening ceremony, athletics at the Melbourne Cricket Ground and the basketball in Geelong, and were so impressed by the sporting and cultural displays on offer to everyone. It was wonderful to see Melbourne come alive and demonstrate to the world why it is 'such a vibrant and livable city. We really enjoyed joining tens of thousands of Victorians and visitors cheering on great sporting achievements, which were truly inspirational. I acknowledge and thank the

4500 athletes from across our commonwealth for bringing such pleasure to us all.

Festival Melbourne 2006 was the icing on the cake — so accessible, diverse and entertaining, and it ensured that everyone could soak up the atmosphere and immerse themselves in our arts at its best.

All involved in the organisation behind the events, public transport and ensuring public safety deserve high commendation indeed. But who will ever forget our 15 000 volunteers in their aqua and orange ensuring the smooth running of all events in such a cheerful and enthusiastic manner. They served all of us extremely well and will leave a lasting impression of all that is good about our community.

Victorians truly were united by the moment during the Commonwealth Games. Their success will leave a lasting legacy of sporting achievement, cultural diversity, physical infrastructure and a high benchmark for what we as a state can achieve.

### **Tourism Victoria: mountain cattlemen**

**Hon. E. G. STONEY** (Central Highlands) — I would like to quote from the *Herald Sun* of 22 March 2006 regarding the Eye segment headed 'Go tell it on the mountain', which states:

More delights to behold at the media centre's Tourism Victoria booth, this time the giant pictures of the state's most beautiful vistas covering the walls.

Unfortunately, one particular image caught our attention — the one of the high country, complete with the very same mountain cattlemen the government kicked off the land last year.

This charming trip down memory lane encourages visitors with the slogan 'Victoria's high country is renowned for its legendary mountains, cattlemen, wines and fresh alpine air'.

To paraphrase Meatloaf, three out of four ain't bad.

The hypocrisy of this government knows no bounds. The government has destroyed the cattlemen by taking the high country from them. That land is synonymous with the cattlemen and their legends, not to mention their traditions and connection with the land. Now the government is pretending the cattlemen are still there to encourage tourism. It is no wonder the cattlemen are angry and intend to keep protesting at their poor treatment which is continuing to be handed out by the government. I support the cattlemen.

### **Commonwealth Games: benefits**

**Hon. J. H. EREN** (Geelong) — I too would like to congratulate the Minister for Commonwealth Games. I

do not think I am the only one here today to applaud the wonderful achievement that was the Commonwealth Games. As was put by the head of the games, Mr Fennell, it was simply the best!

Thanks to the great work of this government, Victorians will have more than wonderful lasting memories of sporting moments because the Commonwealth Games has given a great boost to local sport. In my electorate in particular you can see that these big sporting events do indeed help local sporting bodies — for example, Geelong's arena. I was fortunate enough to attend the Commonwealth Games basketball event held in my electorate. I say 'fortunate', because if it were not for this Labor government, this event would not have occurred in Geelong, because it was this government that saved the arena from being sold off. The \$1 million-plus funding from the Bracks Labor government towards the arena has not only improved this local facility but has also ensured that it stays in public hands. For many years to come local Geelong basketballers and netballers will be able to use a first-class facility, and they can thank both the Bracks Labor government and the Commonwealth Games.

Again, congratulations to one and all for a successful Commonwealth Games, which was a great sporting event in a great state with a great future.

### **Gunnamatta: sewage outfall**

**Hon. D. McL. DAVIS** (East Yarra) — I draw to the attention of the house the environmental issues that arise from the sewage outfall at Gunnamatta, and I know Mr Bowden is aware of this issue. I have visited the site a number of times, most recently in the last couple of weeks. I know Mr Hilton is equally concerned about this, but I urge him to put pressure on the Minister for Environment in the other place to resolve this issue. The government has been in power for six and a half years now but has done nothing to resolve the issue other than put any decision on hold for another two years, which will take it out past the coming state election. It is refusing to upgrade the eastern treatment plant and continuing to pump millions of litres of near raw sewage straight into the ocean.

I congratulate the Clean Ocean Foundation on the work it has done in highlighting this issue. I particularly congratulate it on its scientific approach to the measurement of this problem. Its evidence, gained by measuring clostridium concentrations at the ocean outfall at Gunnamatta, shows that a particular diatom was responsible for the recent plume and that the plume was directly related to the outfall. Further, it was able to trace closely the track of the sewage and its disgraceful

impact on our environment. Premier Bracks should act finally on this — —

**The PRESIDENT** — Order! The member's time has expired.

### **Moreland: 10th anniversary**

**Ms ROMANES** (Melbourne) — On Monday evening I was among a gathering of past and current mayors, councillors, staff and residents of the City of Moreland at the Coburg town hall to celebrate 10 years of local democracy. It is 10 years since the first democratically elected Moreland council took office, following 2 years of administration by three commissioners who had been appointed by and were accountable to the Kennett government. While various parties had been advocating council amalgamations before 1994, the Kennett government's sacking of councils and its municipal restructure and amalgamations were clearly driven by a desire to open council services to the private sector and featured a total disregard for local democracy and the will of communities.

The first mayor of Moreland council, Mike Hill, made these salient remarks at the 10-year celebration on Monday:

I think of those 'early' Moreland days as the time when we banned the term 'customer', subdued the dominance of the market approach, replaced 'competition' with 'collaboration', applied the blowtorch to 'commercial in confidence' and 'compulsory competitive tendering' and restored citizens, citizenry, civic activity and gave new meaning to the term 'good governance'.

In this sense the new Moreland council consciously set out to make sure the amalgamations and the 'reforms' would work to the benefit of the Moreland community.

### **Roads: South Eastern Province**

**Hon. R. H. BOWDEN** (South Eastern) — I would like to resume a theme of the past and express my concern about the lack of infrastructure investment by the state government in the road system in the south-eastern part of the city, particularly in South Eastern Province, the electorate I serve.

The Monash Freeway is a disgrace. There has been no real substantial investment in and I am not aware of any plans to improve the capacity of the Monash. It is a slow-moving car park in the morning and afternoon peak times. Compounding that difficulty for thousands of my constituents each day is the continuation of the build-up of incursions onto the Western Port Highway. This is a real concern as many of my constituents come

up to Melbourne from the southern end of the Western Port Highway using the Monash.

The intersection of Thompsons Road and the Western Port Highway at Lyndhurst has to be seen to be believed. The congestion there is dangerous and of great concern, and an overpass is needed. Even VicRoads understands consideration must be given to building an overpass. A fatality is waiting to happen at the traffic lights on Moreton Bay Drive at Lyndhurst. The police at Frankston and Dandenong have told me directly that those lights concern them and should be removed. I want them removed, and I have asked before for them to be removed. The congestion on the Western Port Highway and the Monash Freeway is a disgrace. We need more investment.

### **Commonwealth Games: achievements**

**Hon. C. D. HIRSH** (Silvan) — I also want to speak today about the wonderful Commonwealth Games. I did not have a ticket for the athletics, and the minister had said, 'Go on the first Sunday'. The accessibility of these games was extraordinary. I bought a \$30 ticket online at 10 o'clock the night before, went along to the first day of the athletics and found it one of the most fantastic experiences I had ever had. Seeing Kerryn McCann, a 38-year-old mother, come in and win that marathon was absolutely magic. It reminded me of 1956, when Vladimir Kutz won the 10 000 metre race and the whole stadium stood up and cheered his effort. It was a fantastic Sunday. I enjoyed it thoroughly. and I want to pay credit to the organising committee, to the minister in particular for pulling together such an amazing event and to the athletes who gave everything they had to the games.

I saw the opening ceremony on television and I thought having Michael Leunig's duck in it was one of the very nicest things that could have happened. I absolutely love Michael Leunig's duck and everything it represents — seeing that duck was great!

### **Auditor-General: appointment**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — Victorians should be concerned by a press release issued by the Premier on Thursday under cover of the Commonwealth Games. It is entitled 'Auditor-General wins praise for seven-year term'. The press release praises Wayne Cameron for his term as Auditor-General and includes self-congratulation to the government for enshrining the Auditor-General in the constitution. It then notes:

The new Auditor-General will be appointed on the recommendation of PAEC, in agreement with the Premier and Governor in Council.

It is clear from the statement that the government is seeking to hijack the appointment of a new Auditor-General for its own political purposes.

The Constitution Act could not be clearer. Section 94A states:

- (1) There is to be an Auditor-General for the State of Victoria.
- (2) The Auditor-General is to be appointed by the Governor in Council on the recommendation of the Parliamentary Committee.

That committee is the Public Accounts and Estimates Committee. In its report on independent officers of Parliament the PAEC noted that appointments should be made midway between elections and for eight-year terms. The government's discomfort with some of Wayne Cameron's findings drove its decision not to reappoint him and now the government's flawed decision to enshrine the Auditor-General in the constitution means that the PAEC must recommend a new Auditor-General only two months before this year's election.

It is a corruption of the appointment process for the Premier and government to try to insert themselves into the selection procedure for a new Auditor-General, which is appropriately and constitutionally the role of the Public Accounts and Estimates Committee.

### Slovenian festival

**Ms ARGONDIZZO** (Templestowe) — On Saturday, 4 March, I was pleased to represent the Premier at the opening of the Slovenian festival in my electorate. The theme of the festival was 'Home is where the heart is' and certainly the festival showed the big heart of the Slovenian community in Australia.

Visitors were treated to a wonderful two-day festival of sporting events, cultural activities and magnificent food including a cake competition. The joyful strains of the Istrian Choir with music provided by the Red Blossom Ensemble, the exhibition of the activities of various Slovenian groups as well as a talent quest ensured that all participants had a most delightful experience. The Slovenian community showed great pride in its culture's rich traditions, and, in keeping with the theme of the gathering, it extended an open invitation to Victorians of all backgrounds to share in the Slovenian experience. The vision and the energy of the Slovenian community was a highlight for all. I commend the

organisers of the festival and welcome the efforts of the Slovenian community in our dynamic cosmopolitan society.

### Industrial relations: WorkChoices

**Hon. C. A. STRONG** (Higinbotham) — I rise to commend the federal government on the introduction of its WorkChoices legislation, which signals the next round of productivity growth for Australia — a productivity growth which has enormous benefits to the working people of Australia. They have never been better off. In that context it is interesting to reflect on the scare campaign the unions have been running.

There is interesting data in today's newspapers. The union movement has trumpeted with great pride that it has had 70 000 new members join since it has been running this scare campaign, but the Australian Bureau of Statistics (ABS) data show that union membership has fallen. Even though unions have 70 000 new members:

... the proportion of employees who were trade union members declined slightly from 22.7 per cent to 22.4 per cent over the same period —

with the increases in the total work force subsuming that amount. Remember that a 70 000 increase in a total work force of 8.6 million is pretty puny.

The other interesting statistic that comes out of the ABS data is that the increases in union membership have been in the public service rather than in the private sector. Private sector union membership has fallen from 17.4 per cent to 16.8 per cent. That clearly indicates that employees are more worried about what Labor governments will do to them under WorkChoices than are — —

**The PRESIDENT** — Order! the member's time has expired.

### Israel: election results

**Hon. J. G. HILTON** (Western Port) — I would like to congratulate the Kadima Party on its apparent win in the Israeli election. The Israeli-Palestinian conflict is complex and longstanding and there will be no peace in the Middle East until this conflict is resolved. It is also my view that the worldwide war on terror will be greatly assisted by a just settlement of the Palestinian issue and the creation of a viable Palestinian state.

The policy of the Kadima Party and its likely coalition partner, the Labor Party, is to withdraw from the majority of the occupied territories and concentrate on consolidating around the larger settlements. I do not

wish to discuss the appropriateness of establishing settlements in the occupied land which was won by Israel in the Six-Day War in the mid-1960s, especially as United Nations Security Council resolution 242 requires Israel to withdraw from all land occupied in that war. However, the Kadima policy is far less extreme than the far right position of the Israel Beitenu party, which proposes stripping Israel's Arabs of their sovereignty. It is worrying that that party is projected to win 14 seats in the Knesset.

### **Loddon Murray Community Leadership program**

**Hon. D. K. DRUM** (North Western) — I would like to take this opportunity to congratulate and support the Loddon Murray Community Leadership program which starts this Friday night with a launch at the St Arnaud sports club. Superintendent Peter Bull from the Victoria Police Bendigo region will be the guest speaker at that function and will take the group through his approach to leadership. He has made enormous strides in the community since taking over that position only some few months ago. Participants in this year's Loddon Murray Community Leadership program will come from areas around Swan Hill, Charlton, Moama, Ultima, Romsey, Logan, Campbells Creek and the Bendigo region. This year's program is headed by the executive officer, Kerry Anderson, who is doing a great job, as is the chair of the committee, Ellen White.

Community leadership programs are extremely important in the north-west part of the state. We have many communities that thrive on the leadership capabilities of community members. These programs are something that all governments need to get behind, to truly support the growing capabilities of the people in the community to take on board and improve their leadership. This leadership program certainly has the runs on the board. I wish all participants the best and hope that this year's program is the best yet.

### **Rotary: overseas aid for children**

**Hon. S. M. NGUYEN** (Melbourne West) — I would like to like to thank those associated with Reaching Overseas with Medical Aid for Children (ROMAC), a program of the Rotary districts of Australia and New Zealand which helps poor children overseas. Last month the Vietnamese community organised a dinner to raise money to help children in Vietnam to come to Australia for medical treatment. It was recognised that a lot of Rotary people at the dinner came from different states to support the program.

The chairman's report states that it is hoped that the program will fund 30 major surgical cases next year. The processing of over 125 referrals is under way and the people running the program need to raise about \$650 000 to do their work in Australia and New Zealand. ROMAC has helped a lot of children in poor countries around the world. With the Vietnamese community — —

**The PRESIDENT** — Order! The member's time has expired.

### **BIOFUEL: GOVERNMENT VEHICLES**

**Hon. P. R. HALL** (Gippsland) — This morning it gives me great pleasure to move:

That this house acknowledges the environmental and health benefits, and regional development opportunities of using biofuels, and calls on the Victorian government to use ethanol-blended fuel in its 8000-strong vehicle fleet.

There are many good reasons for and benefits to be gained from using biofuels, including some environmental benefits and some important public health benefits. Significant regional development opportunities can be opened up through the greater use of biofuels, and their greater use provides us with an opportunity to reduce Australia's reliance on imported fossil fuels. This morning I am going to expand on each of those benefits. I will also spend some time talking about the development of the biofuel industry in Australia and give a little bit of the history of the use of biofuels worldwide.

But more importantly what I wanted to achieve in moving this resolution this morning was to get the government of Victoria to commit to demonstrating a real and practical commitment to the biofuel industry here in Victoria by agreeing to run Victoria's 8000-strong public vehicle fleet on ethanol-blended fuels. I also encourage the government to consider ways in which our public transport can switch to biofuel use. There has been some interesting experience of that, particularly in South Australia, and I will make mention of it during my contribution this morning.

In opening this debate I want to make a couple of general comments. First of all, I urge members to take note of the form of this motion, which is different to the form in which many of our Wednesday morning general business motions are framed in that it does not condemn or attack anybody or the government. I have framed it purposely to try to generate a constructive debate on this particularly important issue.

I must say that I am encouraged by the initial response I have had from a number of members from both sides of the house. They are welcoming this debate in which we will be able to talk constructively about a very important topic, basically putting aside the politics of the issue. I hope what evolves during the course of the contributions from members today will be constructive. I realise that at times we on the opposition benches need to attack the government, but on this particular occasion the motion on such an important topic has been framed in a way that hopefully will be very constructive.

Another general comment I want to make in setting the scene for this debate is that this topic comes at a time when the topic of global warming is of much public interest. In terms of greenhouse gas emission the focus has been and is predominantly on electricity production using brown coal and the greater need to use renewable energies. I would be the first to agree that renewable energies need to be part of our total energy use mix, and this motion is extremely consistent with that view. However, what has surprised me is that in the greater debate about climate change the definition of 'energy' seems not to include transport, yet transport involves the burning of fossil fuels, particularly oil but also gas. Like other forms of transport, public transport also involves the burning of fossil fuels in the form of oil and gas, and in Victoria the components of public transport are reliant on electricity generated predominantly by the burning of coal.

My point of view and the view of The Nationals is that the whole issue of transport could and should be part of the climate change debate. It is in Europe and it needs to be in Australia. Last year I had the opportunity to attend an international energy conference which was held in Denmark and at which European countries were strongly represented. A good part of the agenda of that conference focused on transport, because it saw transport as an equal component in terms of the total energy-use debate that is happening in Europe. As I said, I think that debate should be happening in Australia.

The motion before the chamber should be supportable by all parties, and I sincerely hope that the government is prepared to support it. I am encouraged by the government's attitude towards bioenergy use in a joint press release issued on 12 December last year by the Minister for Environment and the Minister for State and Regional Development in the other place under the heading 'Victoria encourages bioenergy'. If the government's views are consistent with those expressed by those ministers last year, then I think the government will support this resolution.

A government press release of 12 December 2005 says:

Speaking at the bioenergy conference in Melbourne today, Victorian environment minister John Thwaites said that 10 per cent ethanol could be blended easily into petrol without any significant impact on vehicle performance.

'Brazil, which is the largest producer and consumer of ethanol, has had 26 per cent ethanol in its petrol for many years.

...

Mr Thwaites said that the benefits of blending ethanol with petrol were too great for the change not to be made, and that the federal government should consider all avenues available for accelerating the shift.

Indeed so it should — and I add, so should this state government. It is the intent of this motion this morning to encourage the state government to in a practical and demonstrative way support the biofuel industry in Victoria. Mr Thwaites also mentioned in his press release that about 16 per cent of Victoria's greenhouse gas emissions come from transport. That is what I was saying about the general climate change debate: we cannot ignore the impact of transport use on our environment.

The Minister for State and Regional Development in the other place, John Brumby, said the Bracks government had recently provided \$100 000 for the development of a biofuel road map and action plan through its provincial statement *Moving Forward*. So it has, and The Nationals welcome that commitment of \$100 000 to build that road map, but that in itself is not going to go very far. In terms of the investment and support this industry requires, that \$100 000 to determine what the government calls a biofuel road map and action plan is important, but it is a very small start. By this motion we are giving the government an opportunity to demonstrate its commitment to biofuels in a more tangible way by encouraging it to actually start using biofuels in the government's car vehicle fleet. They were very good, positive comments the government issued just last December, and if the government is consistent with those views, then I would welcome its support for this motion here this morning.

I want to talk about some of the benefits of the use of biofuels. To begin with I will talk about the environmental and health benefits. To set the scene I will refer the house to an article in the *Age* of 22 March in the Eco section. It is about car emissions, different alternative fuels and the impact of those fuels from an environmental point of view. I quote:

It takes 20 modern cars to pump out the same amount of smog-forming emissions as a single car of 25 years ago,

according to the Federated Chamber of Automotive Industries. Modern cars go further on a litre of fuel, too, and have far more recyclable parts. And they're a lot safer.

For all of this, the CSIRO says they're still Australia's single greatest source of atmospheric pollutants ...

It is true and I think we would all acknowledge that cars today are far more efficient and cleaner than vehicles of years past. The big initiative of moving from leaded to unleaded fuels had a significant positive environmental impact, but we can go further. The CSIRO said motor vehicles themselves were still Australia's greatest source of atmospheric pollution. That emphasises the point I made before, that transport needs to be included in the broad debate we are having on climate change.

This article also mentions the types of fuels we use in cars now, such as diesel and electricity, and some hybrid vehicles. The government has some hybrid vehicles that use a blend of both of petrol and electricity generated through a battery. I have sat in one of those vehicles and had a look at it. They are very innovative and of the future. The article talks about hydrogen and innovations with hydrogen as a fuel. There are real prospects for positive environmental benefits from using hydrogen. That is in its formative stages.

At the conference I mentioned before, which I attended last year, I heard about Iceland, which is using hydrogen fuel around the country for its public bus fleet — with some very positive outcomes. That is the way to the future, but we still have a fair bit of developmental work to be done because of the cost factor involved. Biofuels are here now and are commonly used in overseas countries like Brazil, America and some others. We are still at the fledgling stages here in Australia, and no doubt this industry is going to need support from both federal and state governments.

This article says that ethanol:

can be used as an additive in gas and petrol, lowering emissions and reducing costs. But turning farmland over to its production could affect the cost of food.

It could affect the cost of food, but we in The Nationals are strong supporters of primary production. There are certainly some synergies there, and Australia has the capability to produce primary products for not only food use but also fuel use, particularly as a lot of biofuel products — ethanol itself and some of the biodiesel — are produced from waste products and are secondary processors of the food industry. Food is the primary product coming from agriculture but there is also the waste from that product — the stubble from the grain

and also the residues from sugar cane operations — can be used to produce ethanol.

As it says in the article, transport is Australia's biggest single contributor to pollution. If we use an E10 ethanol blend, my research has told me that the reductions in carbon monoxide emissions would be 25 per cent. So, for a 10 per cent ethanol-blended fuel you will reduce the level of carbon monoxide emissions by a quarter. That is quite significant. We all know that carbon monoxide is a very poisonous gas that can cause death if consumed in great quantities. Therefore a reduction by a quarter in carbon monoxide on our streets and roads would have significant health benefits.

South Australia's Royal Automobile Association has suggested that carbon monoxide reductions can be as high as 32 per cent by the use of E10 blends of petrol. It also suggests that the hydrocarbons emitted from the exhausts of motor vehicles would be reduced by 12 per cent using E10 blends of fuel.

It is interesting, too, that as part of my research, I came across some work done by The Nationals in New South Wales, who actually introduced a private members bill in respect of this. I read the comments made by Andrew Stoner, the Leader of The Nationals in New South Wales, when he presented that bill to the Parliament of New South Wales. When talking about the use of E10 blends he said in his second-reading speech:

Such health benefits include the reduction of harmful vehicle gas emissions, known as polycyclic aromatic hydrocarbons, by 30 per cent. So a 10 per cent blend of ethanol in fuel will reduce these cancer-causing particulates from the tailpipes, and so on, of vehicles by 30 per cent.

He also quotes comments made by Sydney University's Professor Ray Kearney, an expert in infectious diseases and immunology. The second-reading speech states:

... E10 — that is, a 10 per ethanol-blended fuel — has a cleaner burn than conventional fuels as it adds oxygen to combustion, reducing the emission of fine particulates by up to 50 per cent.

As evidenced by some of those comments, researchers in the industry are suggesting that we can get anywhere between a 30 and 50 per cent reduction in some of the harmful carcinogenic emissions by using E10 blended fuel. There are some very positive health benefits from using E10 fuel.

The Australian Medical Association (AMA) also shares the view about the health benefits of using ethanol-blended fuels. I refer to a media release from the AMA, dated 27 July 2005, in which the president of the AMA, Dr Mukesh Haikerwal, is quoted as having said:

'We are equally passionate about the impact of vehicle emissions on human health and we would encourage governments to pursue responsible measures to reduce emissions.

'The AMA considers the use of biofuels such as ethanol in petrol as a positive move.

'In our opinion, there is incontrovertible evidence that the addition of ethanol and biodiesel to diesel will reduce the deaths and ill health associated with the emissions produced by burning those fuels' ...

This is the view of the Australian Medical Association. It supports my contention that there are significant health benefits to be gained by using ethanol-blended fuels.

As I said, there have also been some significant environmental benefits. Last year the federal government commissioned the Biofuels Taskforce to report on matters concerning ethanol-blended fuels and greenhouse gas emissions. That report states:

For E10, these reductions have typically been assessed in the 2 to 5 per cent range on a life cycle 'well to wheel' basis. The life cycle reductions for biodiesel are much more substantial on a per-litre basis ranging from 23 to 90 per cent compared with straight diesel, depending critically on feedstock'.

That statement refers to the reduction of greenhouse gas emissions. There is undeniable and strong evidence that there are environmental benefits — less greenhouse gas emissions — by using biofuels in the form of biodiesel or ethanol-blended fuels. The Minister for Environment in the other place is reported as saying in his press release of 12 December 2005 that there were undeniable greenhouse gas benefits by using ethanol-blended fuel. The *Age* article which I have also referred to mentions environmental benefits.

I have had discussions with other organisations about this. The Royal Automobile Club of Victoria has a view on ethanol-blended fuels. I spoke to Environment Victoria about ethanol-blended fuels and sought its views. At the very least the worst-case scenario is that the use of ethanol-blended fuels is at least greenhouse neutral. This means the use of them is not adding to the greenhouse problem we have to consider as part of the greater climate change debate. At the very least these fuels are greenhouse neutral. As I have said, others would claim there are some positive benefits in reducing greenhouse gas emissions.

I want to talk about some regional and economic benefits of using biofuels. It is interesting to learn that Australia uses something like 20 billion litres of petrol and 15 billion litres of diesel annually. In broad figures, 35 billion litres of fuel are used in Australia in any one year. Biofuels currently only account for 0.3 per cent of

that fuel use. Ethanol, which this resolution specifically refers to, is currently produced from cereal grains and molasses. Some of the different plants throughout Australia where ethanol is produced are Manildra Mills in Nowra in New South Wales, CSR Pty Ltd at Serena and Rocky Point Sugar Mill and Distillery at Woongoolba in Queensland. There now are a number of additional plants on the drawing cards in both New South Wales and Victoria. My colleague Mr Bishop and I will mention one of them which is in his electorate and which has just received approval to proceed. This is a significant development.

It is interesting to look at the national trade deficit on petroleum product imports. In 2001 our trade deficit on petroleum products was \$448 million. In 2005 our trade deficit on petroleum product imports alone was \$6.3 billion. That deficit now represent 25 per cent of Australia's total trade deficit. This is a significant economic issue for us to consider as a nation.

My point in quoting those figures is to stress that every litre of replacement fuel we can generate in this country is going to help address the significant trade deficit we have in petroleum products. I would be the first to admit that the cost of production is high. As with other renewable energy, producing it is often a lot costlier than using fossil fuels. However, from my research I understand that Brazil has got it down to something like US\$25 a barrel, which compares favourably given current world oil prices. The materials that are used to produce ethanol are all renewable. Predominantly we use grains like wheat, sorghum, corn, sugar and barley. Even plantation timber can be used to produce ethanol. But even better, we can use the residue of those crops, because stubble, starch and even forest waste can be used to produce ethanol.

Australia's total annual ethanol production is at present around 155 million litres per annum. Most members who have done work on this debate would know that the federal government has set a target of producing 350 million litres by 2010, and the Prime Minister's Biofuels Taskforce suggested that that target will be reached sooner than that — probably in 2008 or 2009. There is a great opportunity here for Australia's producers to grow the necessary feedstock and create an additional market for their products. That would certainly be welcomed by the agricultural industry in Australia. There is also an opportunity for ethanol production plants to be established in regional Victoria. Those opportunities should not be ignored. Already significant regional development opportunities have been created by ethanol plants in regional areas of Queensland and New South Wales.

I want to talk very quickly — my colleague Mr Bishop will probably elaborate on it — about the proposed ethanol plant near Swan Hill in northern Victoria by a Perth-based company called Australian Ethanol Ltd. Recently the company finalised a financing deal for that facility to proceed. In the *Herald Sun* on Friday, 17 March, of this year, the chairman and chief executive of the company, Peter Anderton, mentioned that this was going to be Australia's first totally grain-fed ethanol plant. He said the company plans to convert up to 300 000 tonnes of Victorian grain, mostly high-starch barley, into a fuel for blending with petrol. He also said it intends to look at using corn, wheat and sorghum as feedstock. He made the interesting comment that it will be liaising with rice growers in New South Wales and suggesting to them that they could be growing corn instead of rice and using about half the water they use for rice — and corn would be an excellent feedstock for producing ethanol.

The plant will be built in stages, but in total it is somewhere around a \$50 million to \$60 million project that is being planned for an area in the Mallee. Initially it will employ up to 130 people in full-time work in the construction phase, and once the plant is completed there will be at least 38 full-time direct employment opportunities created. As those of us who represent parts of rural Victoria would know, the multiplier effects of a new industry are very significant, so to have a \$50 million to \$60 million investment in the Swan Hill region will provide a great impetus for other businesses to capitalise on and an incentive for others to show confidence in expanding their own businesses.

I understand that this would be Victoria's first ethanol producing facility — certainly its first major one. We welcome that investment by Australian Ethanol. We wish the company well. We hope the Victorian government gets behind it and supports it in any way it can in getting this plant up and running. That is an excellent opportunity already, and I think there are other similar opportunities that could be gained by looking at the greater use of biofuels.

I move on to talk about the industry background. Ethanol is a well-established industry already. I made mention before that in the United States of America and South American countries, particularly in Brazil, the industry is well established and the use of ethanol is very common. I quote from an article on page 23 of the *Weekly Times* of 9 November of last year:

Brazil decided to develop an alternative fuels program after the 1973 oil crisis.

It now produces 15.2 billion litres of ethanol from sugar.

Brazil's commitment has paid off, with oil imports reduced by about 70 per cent from 1979 to 1992.

It has a mandated minimum level of 23 per cent ethanol in petrol blends.

Brazil now has 4.3 million vehicles using hydrated ethanol fuel (95.5 per cent ethanol by volume) and another 17 million cars using ethanol blends.

I think this is significant:

Australia's Holden exports cars to Brazil capable of using hydrated ethanol.

Those products contain 95.5 per cent ethanol.

I have talked to some of the people who have researched this industry pretty well. One of those I give credit to is Jerome Carslake from the Victorian Farmers Federation. I have had some chats with him. He has done extensive research into the use of ethanol and its potential use in Australia. His work is commendable. He informs me that in America it is common to use 90 per cent ethanol blends. This article says that in Brazil they use 95.5 per cent ethanol blends. You need a certain component of petroleum to get ignition when the fuel is combusted, so although you cannot use 100 per cent pure ethanol in vehicles you can use pretty close to it. In my discussions with him, Jerome Carslake suggested to me that Australian-made cars could equally well use ethanol blend fuels up to a level of 90 per cent. You would probably need a \$200 microchip to automatically tune the engine to the 90 per cent ethanol blend, but there really is no problem with modern cars using E10 blends, and I will talk about that in a minute.

The article in the *Weekly Times* also mentions that mandated ethanol blends are beginning to emerge in some states in the United States of America. Hawaii and Minnesota have already introduced minimum levels, while some cities with severe pollution problems have set limits as well. I know from talking to other members in the chamber this morning that that is so, because they are aware that some USA cities have mandated that certain levels of ethanol be used in fuels to address pollution problems in those cities. The use of ethanol is well-established in America and South America.

In Australia there is a pretty sound basis for the start of a viable industry. In Queensland the industry is already very strong, and E10 blends are widely available, particularly through BP Australia. BP has also distributed the fuel fairly significantly in the Australian Capital Territory. New South Wales has a viable ethanol-blended-fuel industry, but it is not as strong as in Queensland. In Victoria we can buy ethanol-blended

fuels at a number of service stations, but there are some distribution issues which need to be addressed, and I will talk about those again in a minute.

Members will be well aware that about four or five years ago there was a great debate about ethanol-blended fuel. That debate concerned the negative impact that ethanol-blended fuels may have on particular car engines. All of that has largely been dispelled now. You can go to the Federated Chamber of Automotive Industries web site and find a list of all the vehicles that are suitable to run on E10 blended fuel. That is supported by the manufacturers, who have given endorsement for those vehicles to be included.

Predominantly all vehicles manufactured after 1986 are suitable for ethanol-blended fuels. The exception is those that have mechanically fuel-injected engines, and there are not too many of those. Virtually all vehicles manufactured from the mid-1990s onwards and most manufactured post-1986 are suitable for running on ethanol-blended fuels. I am assured that through its leasing arrangements, the longest a government fleet vehicle is held is three years, so I think E10 blended fuel could be eminently suitable for use in every vehicle produced in the last three years. Anyone using ethanol in a car would be well advised to look at the web site of the Federal Chamber of Automotive Industries.

I want to talk about the availability of E10 blended fuel, because it is not always readily available throughout Victoria. I mentioned before that BP make an E10 blended fuel which they distribute extensively in Queensland and Canberra, but to my knowledge is not widely available in other states. Members of Parliament are provided with Shell cards as part of the arrangements for using the cars given to us, and I have noticed as I have pulled into Shell service stations throughout Victoria that Shell has a product called Shell Optimax Extreme which contains a blend of ethanol. I am not aware of the chemical make-up of that product, but we do not purchase it with our Shell cards because that fuel is 20 cents a litre dearer than normal unleaded fuel. I am not suggesting we should use it, but I simply remind the house that Shell distributes an unleaded fuel called Optimax Extreme.

The largest distributor of ethanol based fuel in Victoria is United Petroleum. It has a number of outlets in metropolitan Melbourne and in some of the regional centres of Victoria; they sell an E10 blended fuel. United Petroleum is based in South Australia and has an even bigger network in that state of an E10 blended fuel.

I want to mention the cost factor involved in these ethanol-blended products, because I think it is important for Parliament to know that today you can buy an E10 blended fuel for 4 cents a litre less than normal unleaded petrol at United Petroleum depots throughout Victoria; in other states it is sold at the standard rate. Ethanol-blended fuel is not only better for the environment and for public health but it is also cheaper. Anyone who can get a reduction of 4 cents a litre on their petrol purchases would be keen to do so.

Earlier I said that this motion has generated comments by other members of the chamber. I talked to Ms Hadden about it yesterday, but unfortunately she will not be present this morning. She mentioned that in her private motor vehicle she uses an E10 blended fuel purchased from a United Petroleum outlet in Ballarat — and she swears by that fuel. She says that not only is it cheaper but she believes her car runs extremely well on it; she has no hesitation in continuing to use ethanol-blended fuel.

As I said earlier, United Petroleum already distributes throughout Victoria. I looked through the list of United Petroleum depots in my country electorate, and I think there were one or two at best, so obviously we need to improve the distribution of this fuel. The industry needs a kick-start, which is where the government can help — by encouraging the expansion of a distribution system and by providing a government vehicle fleet customer base for ethanol-blended fuels. I acknowledge that distribution factors may have some bearing on the government's decisions, but I encourage it to move towards that. You can use shandy mixes; you do not always have to use E10 blended fuels in your vehicle, but its use in government vehicles would be a great incentive for the industry to improve its distribution systems.

I want to mention some history of other governments around Australia and what they are doing with ethanol-blended fuels. I mentioned before that the federal government's Prime Minister's Biofuels Taskforce was established on 30 May last year. It came up with conclusions that there were significantly greater air quality and health benefits from ethanol fuel use than previously thought. It's report mentioned some of the inhibiting factors in developing a biofuel industry.

I also mention and make very clear that I am not going to hide from the debate this morning the fact that the excise applied by the federal government to biofuels is significantly less than the excise applied to other fossil fuels. The excise applied to biofuels is only 50 per cent of that applied to fossil fuels, and the lifting of the excise to the same level as for fossil fuels would

probably make biofuels much dearer than some of the fossil fuels. That being said, we would all appreciate that if there are significant environmental and health benefits to be gained, as a nation we should be prepared to support that fledgling industry.

I also mentioned before that in volume, Brazil has been able to get the cost down significantly so that it is more than comparable to the cost of fossil fuels; if we used this fuel in quantity, we could also reduce the cost. The federal government has gone a long way in promoting the industry. It has a 50 per cent excise concession on biofuels and a \$37.6 million capital fund to support new biofuel capacity; it provides some \$41.2 million in production grants to ethanol fuel producers. That is a significant contribution by the federal government towards getting the industry off the ground.

The Victorian Labor government should be encouraged to use ethanol fuels, because the Queensland Labor government requires government departments and agencies, where possible, to use E10 blended fuel across its entire government fleet. The same occurs in New South Wales, which has a government vehicle fleet of some 24 500 vehicles. After some pressure from the Leader of The Nationals in New South Wales, Andrew Stoner, through his introduction last June of a private member's bill, the New South Wales Premier, Morris Iemma, announced in a media release last November that all government vehicles in NSW would be required to use biofuels when they were available. The New South Wales government is prepared to support the sort of initiative that I am suggesting today, as is the Queensland government, which already requires the use of biofuels in its government fleet.

I want to mention the use of ethanol in public transport. The South Australian government announced in February 2005 that all metro trains and diesel buses would operate using 5 per cent biodiesel, with the figure to be progressively increased to 20 per cent by March 2005. That means 535 diesel buses and all 95 of South Australia's rail cars will be converted to use biodiesel. They are positive initiatives by the governments of South Australia, Queensland and New South Wales; now I use my motion to call on the Victorian government to do likewise.

I want to wind up my contribution so that some of my colleagues can join in the debate. I welcome to date the Victorian government's positive comments to date about ethanol-blended fuels, and earlier I referred to the ministerial press release of December last year. I desperately want the government to take the next step and to show the way in committing to a biofuel industry, which it can do in a very tangible way by

requiring the government vehicle fleet to convert its vehicles so that an ethanol-blended fuel can be used. That is the easy way to do it.

I admit that some distribution problems will need to be addressed, but I am sure it can be done. The government has set a precedent in trying to support renewable energies. The Victorian government already has a requirement that 10 per cent of the electricity used by government departments be purchased as green energy and has also shown the way by facilitating the installation of 1000 megawatts of wind power by 2006. I know that will not be achieved, following the minister's answer yesterday, but that is the government's history and record in trying to support renewable energies. Here is another way of showing that support, which it can do very easily by simply requiring the government vehicle fleet to use ethanol-blended fuels.

The biofuel industry in Australia has the real potential to deliver not only environmental and health benefits for all Victorians but also to produce significant regional and economic development benefits. But to boost consumer confidence it needs to have political support, and that is what we are calling for today. It has that political support from The Nationals, and I am sure it will get it from the Liberal Party as well. I call on the Victorian Labor government to support this motion to support a biofuel industry in Victoria because of the significant environmental, health and regional economic development benefits that it would bring.

**Mr VINEY (Chelsea)** — At the outset I advise the house that the government will not be opposing the motion. I wish to clarify a couple of points about the motion. My first point is the moving of the motion in the first place. It seems that the Honourable Peter Hall has turned green all of a sudden. One has to wonder about this because there is nothing like the smell of an election in the morning, and that last spot in the Eastern Victoria Region will probably be fought out between The Nationals and the Greens. It is interesting that suddenly we have a green agenda from The Nationals today, but it is an inconsistent green agenda. On the one hand we have Mr Hall advocating for biofuels today, but on the other hand we have heard him admonishing the government over wind power.

It would be good if The Nationals got on board the green agenda and in particular the issue of greenhouse gas reductions. It would be great if The Nationals in Victoria, in getting on board those things, got in touch with their colleagues in Canberra and told them to sign up to Kyoto, to get real and serious about carbon

trading and about the mandatory renewable energy target (MRET).

We will not oppose the motion. I accept the principle of what Mr Hall said and acknowledge the research he has done, but if this is a new-found interest in greenhouse gas issues from The Nationals, which as I has said is inconsistent, then I would like to see The Nationals be serious about it across the board and to get on board the issue of reduction in greenhouse gases.

In relation to the specifics of the motion, it is important to put on the record that the use of ethanol-blended fuels in the government vehicle fleet is not prevented at the moment. There are perhaps two or three issues that make it difficult, some of which have been touched on by Mr Hall. The first, of course, is the distribution of ethanol-blended fuels; so therefore it is availability. My notes say that there are only six service stations in Victoria that provide it, but I suspect my notes may be a little out of date. Mr Hall has identified a few, and I suspect there may be more than that now, but certainly there is a distribution problem in relation to ethanol-blended fuel.

The second issue is that the government is happy to support the use of ethanol-blended fuel for appropriate vehicles in the vehicle fleet.

The third issue that we should not dismiss out of hand is that generally ethanol-blended fuel is 20 to 30 cents a litre more expensive than unleaded fuel. My understanding is that there could be a cost to government in relation to this.

**Hon. P. R. Hall** interjected.

**Mr VINEY** — I will take Mr Hall's advice that it is cheaper. Three issues need to be taken into account in the implementation of that as a policy. The first is availability; the second is that it be used in appropriate vehicles; and the third is the cost to government and to taxpayers essentially.

Greenhouse gas emissions are a serious issue that all governments need to be tackling. We know that since 1998 we have had five of the hottest planetary years in the recorded history of the Earth, and that 2005 is, as I understand it, likely to be the hottest on record. There is no doubt there is a climate impact as a result of greenhouse gas emissions. It is essential that all governments and all communities do everything they can to reduce greenhouse gas emissions and their impact on climate change. That includes not only the initiatives that the government has taken in relation to biofuels but also renewable energy, such as wind power. As I said, it would be nice if The Nationals were

more consistent on that matter and supported the government's initiatives in some of those areas, and then perhaps the battle between Mr Hall and the Greens in eastern Victoria might be a little more honourable.

**Hon. P. R. Hall** interjected.

**Mr VINEY** — Mr Hall says that he wants to contrast himself with the Greens, but he is certainly running hard on a Greens ticket right at the moment. Maybe there are some negotiations between The Nationals and the Greens.

**Hon. P. R. Hall** — The practical Greens!

**Mr VINEY** — They are practical Greens. As I said earlier, there is nothing like the smell of an election to focus people's minds on the big policy issues. This government has been engaged significantly in a range of areas to reduce greenhouse gases, and it would be great if members of The Nationals were prepared to get behind this in telling their colleagues in Canberra to sign up to Kyoto and a few of the other initiatives that I mentioned earlier.

I will not take up much of the time of the house because I want to allow other members to contribute to this debate as they see fit. We put on the record that, while we will not oppose the motion, there are a couple of practical issues, such as the government vehicle fleet use of ethanol-blended fuel, distribution, cost to taxpayers and the appropriateness of it in particular vehicles. With those few remarks I will conclude my comments and allow other members to contribute to this debate. I indicate again that the government will not be opposing the motion.

**Hon. B. W. BISHOP** (North Western) — I rise to fully support the motion moved by the Honourable Peter Hall. I think it is a very practical motion, and it certainly puts forward very good ideas for how we could promote the use of ethanol and biodiesel fuels, particularly in the development of regional areas. I fully support the motion. It is a fitting motion, and the timing is about right, because Australian Ethanol Ltd (AEL) has just made an announcement that it will proceed with a \$60 million ethanol plant at Woorineen, which is quite close to Swan Hill. That plant will be built in three stages, and the company is looking towards having it producing in 2007. This is a huge investment for the region around Swan Hill.

I congratulate AEL, particularly its chairman and chief executive officer, Peter Anderton. He had some frustrating times, but he stuck to the task. The member for Swan Hill in the other place, Peter Walsh, the federal member for Mallee, John Forrest, and I have

met with Peter a number of times and have given him full support in that project. He has been absolutely committed to it, and I really do congratulate him and his company. We give them our full support and urge the state government to also support them. That development highlights the fact that it is good we are having this debate today. Let us get the issues out there; let us remove some of the mystique there seems to be with debates about ethanol and biodiesel. The Swan Hill project is a good example. The availability of alternative fuels will not only benefit the environment but will also extend the sustainability of our fuel reserves. I am sure it will also apply some competitive pressure and lower fuel prices.

There are a couple of other important points I want to bring up today. The project will create employment opportunities across regional and country Victoria. There will be at least 130 jobs in the construction phase of the new plant, and from the discussions we have had with Peter and the notes I have seen, about 40 technicians will operate the plant when it is up and running. I have noticed the good work done by the Swan Hill Rural City Council's economic development officer, Garry Tepper. He has also done a lot of work on this issue and deserves congratulations. Garry has been saying — and I am sure he is right — that in fact 50 jobs in other associated industries, such as the transport and service industries, will flow from this project.

The project will have a target of producing around 100 million litres of ethanol. To do that, as Peter Hall has said, about 300 000 tonnes of corn, barley, wheat and sorghum, and perhaps some other products as well, will be needed. It is interesting to note the joint effort that has gone on in the area to get AEL interested and then get it over the line. Other organisations have also done work. It has been reported that Swan Hill Chemicals, a leading supplier of farm inputs and agronomic advice, got together contracts to supply around 30 per cent of the required tonnage of grain. Everyone is involved in this particular project. When we talk about inputs to ethanol, we know AEL will have to be competitive, but it will provide another option for producers in the area.

More benefits than that will flow from the process. Once the ethanol has been extracted from the grains there will be a by-product that is sought after by the stockfeed industry. A number of wins will result from the project, which will be great across a number of areas but particularly in regional development. I do not know how many wins that is in relation to that project, but it is a fair few. It is interesting to note that AEL is also committed to other alternative fuels, such as

biodiesel. Recently it acquired a Nebraska-based company that intends to convert 190 million litres of soya oil into biodiesel. That is good news too. You might say, 'That is over in the States', but that research will come back into Australia, and it is technology we really need and will be able to fully utilise when it gets up and running. I hope that is soon.

In my research I came across a paper written by Steven Hobbs, a farmer from Kaniva. The paper flowed out of an invitation from the Australian Society of Agronomy to deliver a paper at a conference. It is a great paper. It is a good read. I will be happy to supply a copy for those who are interested in perusing it, and I urge them to look at it. I will not have the time to do it justice, but I will have a go. One of the comments Steven made was an absolute beauty. He said:

At an outward glance, farming and fuel production seem to be totally opposed to each other, but I believe the two are more closely associated than what people realise. It was less than 100 years ago that a significant portion of crop was grown every year by farmers to run their 'organic tractors' ... the team of horses! The concept of growing fuel is not new, it is just what we are feeding!

I think that is an excellent comment. The paper goes on in that vein, as it makes the following points. It says that fuel from vegetable oil has a number of advantages over fossil fuels. It is renewable, and it has positive environmental effects. The technology to extract and process biodiesel exists around the world, and it will get better. There is no need to move away from existing internal combustion engine technology and infrastructure, and no changes are really needed in our infrastructure to store fuel. We have talked about changes needing to be made to widen distribution, but all the facilities are there. The paper also indicates that the rapid developments in the production of oil-seed crops, perhaps including genetic enhancement, will see greater advances that may not be achievable with conventional techniques.

Steven made a couple of other points in the paper, which I will briefly mention in the limited time I have available. In what I think is a great humanitarian statement, he said:

With a vegetable oil based energy economy, all of a sudden, the whole energy market is decentralised. Every nation either has the capacity to grow vegetable oil, fats and tallows or access them. The few multinationals who have control over exploration, extraction, refining and distribution of the world's energy lose their power. All of a sudden, it is possible even for the world's poorest countries to be able to grow and produce their own energy demands and reduce their ever-growing national debt. Wealth has a more equitable distribution, and with that comes new opportunities.

I think that is a tremendous comment. It is something this government should take on board as it works towards improving and assisting the ethanol and biodiesel plants that I am sure we will see spring up more and more around Australia.

Steven made the point, which I will go to quickly, that while everyone supports the introduction of low-sulphur diesel fuel to help our environment, it presents some motor lubricating challenges. However, the addition of biodiesel reduces wear, even if the amount added is as low as 2 per cent, so biodiesel can be used in any ratio at all.

In his paper Steven also provided some very practical statistics on how his farm ute and header perform much better with the addition of biodiesel. It is a great paper, and I urge everyone to avail themselves of it. It is written in a very practical but pointed way in supporting the production of biodiesel and explaining how much better it can make our environment and how much more effective and efficient it would make our farming.

I wish I had the time to further relate to his paper. There is a heap of reasons we should all support ethanol and biodiesel fuels. I am sure that together we can create those links in the chain in the future — in fact, all those links are already there. It is great that the house is having this debate today, and I urge the government to take as much action as it can to support the thrust of the motion. I urge every member of this house to fully support the motion moved by the Leader of The Nationals, the Honourable Peter Hall.

**Hon. PHILIP DAVIS** (Gippsland) — It is a pleasure to be in this place debating a motion during the period allowed for opposition business that apparently does not involve a controversial issue. It is interesting to note that the lead speaker for the government clearly made the point that the government sees no difficulty with the proposition before the house in the form of the motion moved by the Honourable Peter Hall:

That this house acknowledges the environmental and health benefits, and regional development opportunities of using biofuels, and calls on the Victorian government to use ethanol-blended fuel in its 8000 strong vehicle fleet.

I have to say it took some of us by surprise that the government's lead speaker, because he was only able to make a contribution of less than 10 minutes, had not much more to say than what would be regarded generally as a very abridged contribution to a very serious debate. This is a serious debate about the future of our regional economies and of industry development

but particularly about our health and the health of the environment.

Notwithstanding that there is merit in the motion before the house — and certainly by no means will the Liberal Party oppose it — there are some concerns that need to be raised on assumptions made about jumping into a policy regime without fully testing what the consequence may be. I should say that the Liberal Party simply believes in choice. I am delighted to see the lead speaker for the government return to the chamber after he kept what was, I am sure, an important appointment.

**Mr Viney** — I did not hear your opening remarks. I apologise.

**Hon. PHILIP DAVIS** — The Liberal Party firmly believes in choice for consumers; a move to the use of biofuels must maintain a policy stance that affords consumers the greatest choice, and that can only be achieved by having them informed and educated. That means the adoption of proper product description and labelling.

We need to acknowledge that the moves to a biofuel future will involve clearly providing, as is already the case in respect of ethanol, a significant price advantage because of excise exemptions; that in itself will be or indeed is problematic. Where you have an exemption for a component of a blended fuel, inevitably there will be the temptation for unscrupulous people to rot the benefit that is ascribed to that exemption — that is, through the notion of mixing a higher proportion of ethanol in with fuel than would otherwise be the case.

The big challenge of course for developing an alternative fuel industry will be its availability. Members who predominantly spend the majority of their travelling time on country roads know that just accessing fuel in the more remote parts of the state is problematic in itself. Certainly people like me, who have previously chosen to operate their private vehicles on autogas — that is, liquid petroleum gas for LPG-powered vehicles — know there are real limitations even in accessing LPG in country regions. Therefore the proposition before the house needs to be understood as a proposal in principle rather than something that can be readily put into immediate effect.

I would not want to see our many public servants in this state arrive at a country location to find that they could not return home without the aid of a tow truck to drag their vehicle — which was empty of fuel because of where they were located — if the development of the biofuel industry and ethanol followed the same pattern

as has occurred in Australia and in particular in Victoria with respect to accessing autogas.

If we understand or accept that it is important to maintain choice, then we also need to understand what the consequences of moving to biofuels may be. Biofuel is not new. I was interested in undertaking my own research to note that biodiesel was first developed from vegetable oil as early as 1853. Rudolf Diesel's prime model, a single 10-foot or 3-metre iron cylinder with a flywheel at its base, ran on its own power for the first time in Germany on 10 August 1893. Rudolf Diesel, in a speech in 1912, said:

... the use of vegetable oils for engine fuels may seem insignificant today, but such oils may become in the course of time as important as petroleum and the coal-tar products of the present time.

One hundred years on and we have not made huge progress — perhaps more progress than had been made by 1912 — but certainly a great deal more thinking has been occurring at government level, amongst researchers and vehicle manufacturers than in 1912, but the availability of these fuels is still very limited.

I was interested to note that in the 1920s diesel engine manufacturers altered their engines to utilise the lower viscosity of fossil fuel rather than use vegetable oil. Unfortunately that brought a bit of a halt to the developing biodiesel fuel industry at that time. The industry was very much revived in the 1980s and Europe has certainly taken to the development of biodiesel in a number of countries, including the Czech Republic, France, Germany and Sweden.

I want to move on very quickly. A number of my colleagues want to make a contribution, and I will ensure that I do not take more time than I need. I make the point that in very recent years there has been a great deal of debate about fuel ethanol. One of the key concerns has been about stakeholders in the motor vehicle industry having stated that with the use of blends with above 10 per cent of ethanol warranties on motor vehicles and pump dispensing equipment could be at risk. A useful reference is the commonwealth parliamentary library information and research service briefing paper no. 12 of 2002–03, which provides a good deal of background. I quote a section from that paper:

Whilst the recent controversy has been dominated by the use of high-ethanol-content fuel, the main arguments that have long been advanced in favour of fuel ethanol include environmental benefits, the development of regional industries, and supplementation of the national fuel supply.

I extract that simply for the purpose of saying that that sums up what this debate is really all about.

As I said, a good deal has been written in very recent times. Importantly, that debate has generated a policy aspiration of the federal government to find mechanisms to develop this important area of emerging technology, so in August 2005 the report to the Prime Minister of the Biofuels Taskforce was released. I note that in part it states, in relation to environmental and health costs and benefits, that:

The task force considers that a properly designed Australian in-service vehicle emission (tailpipe and evaporative) study, combined with an air quality monitoring program and including health risk assessment, would be required to assess the air quality impacts of biofuels more effectively.

Results from recent UK and US studies indicate that the assumption of negligible impact of E10 on particulate matter (PM) tailpipe emissions in the 2003 350 ml target report needs to be revisited. An indicative value of 40 per cent reduction in PM tailpipe emissions over petrol has been adopted for life-cycle and health calculations in this report. However, the task force does not assert that 40 per cent is a scientifically accepted value.

The task force report repeatedly leads to questions about the acceptance of statements made by advocates for this industry. What I am saying in effect is that it is clear that we have a long way to go in the public debate because, as the task force says in its report:

... extensive experimental work should be carried out to evaluate the impact of E10 and E5 on PM emissions from petrol vehicles under Australian conditions.

That goes back to a substantive issue that has been raised in the debate so far — that is, warranty. I understand that in the United States of America (USA) there is a general acceptance of biofuels because of the longer history of ethanol and biofuel use, that a significant number of vehicles sold are designed to use biofuels — more than 5 million vehicles designed specifically to utilise biofuel have been sold — and that quite a number of states mandate some usage of biofuel in the fuel mix.

Among the interesting things I found out about the USA in my research is that in California there is a high utilisation of electric power for motor vehicles, and that more than 400 outlets specifically service electric-powered vehicles. In Texas — which members know is a state with a large oil industry, and liquefied petroleum gas (LPG) is produced as part of the fuel stream of oil and gas production process — there are of the order of 670 LPG outlets, whereas there are very few outlets in other states.

Those facts reinforce my earlier point that the success of an emerging fuel sector will depend on the distribution system. A simple mandating, for example, of the use in the state government fleet of a fuel mix which may not be readily available will be problematic. So the policy settings that government adopts will need to be much broader than, as is inferred in the motion before the house, simply trying to be prescriptive about a sector. It will need to encourage the uptake of alternative fuels on a commercial scale, underpinning, if you like, the development of an industry. It is very difficult to say to operators of vehicles, 'You must use a particular fuel', if that fuel is not readily available. It is a horse-and-cart type of debate because if there is a demand for a fuel then obviously fuel outlets will readily pick up that opportunity.

Conscious as I am of the time, given that there is quite a number of other speakers, I want to say that this debate should not focus on simply the industry development opportunity, and nor should it focus narrowly on presuming, if you like, that there is an automatic environmental benefit from translating to the use of biofuel. Some of the questions about the total fuel cycle and how much benefit there actually is remain unanswered, given the investment required to produce and process the crop needed to create the biofuel.

Members need to understand that this will be a successful industry only if it becomes price competitive and if consumers, given the choice, elect — as they do, in many cases — to use alternative fuels. In the Victorian experience LPG is the best guide to the development of an industry. I consider it fair to say that the growth in the use of autogas has been exceedingly slow mostly because of the difference in attitude to the choice of fuel in Australia compared with that in the United States. As consumers we have been much more conservative about seeking those alternatives. The United States has encouraged and has a culture of using a range of different fuels, such as liquefied petroleum gas, or LPG, and biofuel, including 85 per cent ethanol fuel. Given that we do not have that experience here, it is a long path.

I congratulate the Leader of The Nationals on the motion but suggest that in reality this is very much the starting point of the debate that I am sure we will revisit on a number of occasions.

**Hon. S. M. NGUYEN** (Melbourne West) — I would like to join the debate about the use of ethanol in government vehicles, which is an important issue because of its environmental and health benefit. There are also opportunities for regional development. The

Nationals have raised their concerns and the government would like to respond to those concerns.

On 12 December last year the Minister for Environment and the Minister for State and Regional Development in the other place issued a press release under the heading 'Victoria encourages bioenergy'. The issue of blending 10 per cent ethanol with petrol was the topic of a speech delivered at a bioenergy conference in Melbourne on that day. Mr Thwaites said that ethanol could be blended easily into petrol without any significant impact on vehicle performance. This is done in other countries — for example, Brazil is the largest producer and consumer of ethanol and has had 26 per cent ethanol in its petrol for many years. That is an example of how another country has done it, and the Bracks government wants to encourage that to happen in Australia. Mr Thwaites also said that the federal government should consider all avenues available for accelerating the shift. Around 16 per cent of Victorian greenhouse gas emissions come from transport, so the use of ethanol would reduce our greenhouse gas emissions.

The federal government should get involved with state governments and take a national approach to the issue. That has not been done so far. So far no commitment has been made by the federal government and by state governments to tackle the issue.

At the conference the Minister for State and Regional Development in the other place, John Brumby, outlined how the Bracks government has provided \$100 000 to the development of a biofuel road map and action plan through its Moving Forward strategy for provincial Victoria. Mr Thwaites said the use of biofuels would have a great impact on regional Victoria. He said:

Biofuels are a renewable source of energy, including alcohols, ethers, esters and other chemicals made from biomass such as animal and vegetable material, and a large portion of municipal solid and industrial waste.

We are already using recycled materials, especially industrial waste, and the Bracks government has asked the federal government to get involved — for example, consumers have become more aware of issues surrounding ethanol labelling and the introduction of strong penalties for those who break the law. Petrol stations caught selling fuel without displaying labels revealing ethanol levels will face hefty fines of up to \$60 000 and individuals face fines of up to \$24 000 under the Fair Trading Act. The government will continue conducting random spot checks and respond to complaints to ensure compliance.

The Bracks government is committed to encouraging the greater use of ethanol-blended fuel in Victoria. Biofuel is especially beneficial to the environment as well as the economy. The biofuel industry can provide jobs in provincial Victoria.

We need to educate the community about the use of ethanol. I do not think that many people in the community are aware of the use of ethanol. They need to learn about its benefits, especially its long-term environmental benefits. We should care for the environment into the future.

To assist the commonwealth to meet its biofuels production target of 350 megalitres by 2010 the Prime Minister announced in late 2005 a number of measures to promote the use of biofuels and to restore consumer confidence in the industry. Consumers need to better understand and feel more confident about the uses of biofuels. As Australia, unlike Europe, does not have a history of modifying vehicles for use with ethanol, it is likely that the proposed changes will create uncertainty and disadvantage Victorian motorists.

In May 2003 Victoria became the first state to introduce mandatory ethanol labelling. It was done to assist motorists to make informed decisions about the suitability of the fuel they buy. The labelling scheme was developed following evidence that ethanol affects performance and damages engine components in certain vehicles and equipment, therefore exposing motorists to costs, especially where warranties are voided.

The commonwealth introduced a national ethanol labelling scheme in March 2004. The commonwealth scheme is very similar to the Victorian scheme, with both requiring the display of a label on a pump if petrol contains up to 10 per cent ethanol and the listing of those vehicles and equipment in which the use of ethanol-blended petrol is not suitable. These are things that members of the wider community need to be aware of.

The state government is committed to tackling the issue and has raised many concerns, especially about the environment and the economy of Victoria. It sees the biofuel industry as a way of providing more jobs in provincial Victoria. Victoria was the first state in Australia to implement mandatory ethanol labelling for petrol. I support the motion.

**Hon. R. H. BOWDEN** (South Eastern) — Firstly, The Nationals should be commended for bringing this important matter to the attention of the Parliament. They have every right to be part of the community that

is concerned to develop a variety of safe, available and cost-effective fuels. We are fortunate in this great state and our wonderful country to have an economy which is clearly in the First World, and we depend on efficient communications and efficient transportation for the maintenance and the progress of our economy. Anything of a wide, distributed nature, such as the fuels we use and the vehicles that we commonly have access to, is extremely important. Therefore the matter before us today is worthy of balanced consideration and balanced thought.

For a long time in Australia, and in Victoria as part of that national program, we have been able to enjoy an automotive industry and a transport system based on the domestic manufacture of vehicles which are suitable for our geography and our usage patterns. We have also had the benefit of being able to purchase and use imported vehicles which offer variety and the chance to apply specific vehicles to specific tasks. Therefore the selection of fuels is extremely important to the total consideration of what vehicles are used for what purpose, where and when.

Ethanol is not new. My first exposure to the possibility of using ethanol came in an unusual way. In 1970 I was sitting on an aeroplane flying from Sydney to Fiji on my way to the United States of America on a business trip. The gentleman seated next to me said in conversation that he was associated with a company that was doing work for the advancement of ethanol. I asked him what ethanol was, and he explained it to me. It sounded pretty good. I thought it would be a great idea if fuel that was derived using biotechnology and was made from vegetable oils and cereals could be used farming community. I was able to listen to him for a long time and enjoy the discussion.

A lot of time has gone by since 1970. There has been an enormous increase in the use of liquefied petroleum gas (LPG) and liquefied natural gas (LNG) in our vehicle fleet as well as much greater use of diesel engines in Australia for commercial, industrial and ordinary domestic transportation. We have seen significant changes in fuel patterns in the last two decades — in particular, the introduction of unleaded fuels. In Australia today we use principally unleaded fuels and some advanced fuels that are a little different in their octane rating and composition. We use a significant amount of diesel and we have LPG. There has been a change over time. Two decades ago that was certainly not the case to the extent it is today.

Looking at biofuels, I think there are opportunities for the constructive consideration of the importance of these fuels. They offer the potential for regional parts of

Australia to enjoy improved employment opportunities and have an economic use for the land and crops that can be processed into ethanol. That is good. There is nothing wrong with that. It is exciting in a way because anything we can do to strengthen regional Australia and regional Victoria through the potential to produce this material is a good thing.

Some considerations should lead us to temper our rush towards this change. In Australia we have seen that a lot of the newer technologies for engines, be they diesel or petrol engines, are coming from Europe, the United States and Japan. Progressively over the next few years there will be an introduction of ceramic components in the high pressure, high temperature parts of engines. I am not qualified to comment on that, but the little information I have seen so far indicates that this is a good and exciting prospect because engines will be cleaner, smaller and lighter, and their efficiency rating is expected to rise. The ceramic content of future engines offers prospects of advancement in many ways.

There has been some debate about the level of ethanol that is desirable for use at present in engines in Australia and Victoria. From the available documentation it seems that 10 per cent is the cap at the moment and that there may be some doubts as to reliability if it were increased beyond 10 per cent. I am not qualified to say whether that is correct. I just pass that on for the consideration of honourable members and refer them to documentation that is in the public domain.

The current generation of engines seems to be able to handle 10 per cent or less of ethanol, and such blends would seem to be a good thing. The use of ethanol does require extra thought. It is accepted that the Victorian government vehicle fleet is at around the 8000 unit level, which is a significant number of vehicles. I do not know what the total Australian national fleet is, but it would be several million vehicles. Being a member of Parliament with a large rural electorate, I know that the availability of fuel for the long distances required to travel is a factor I have to consider, particularly when I am out very late at night and a long way from the metropolitan area. The availability of reliable, high-quality fuel is another consideration in respect of both safety and reliability. On both technical engineering and supply availability criteria I urge caution in racing out to embrace a high level of ethanol in fuel, but in principle the use of ethanol seems to be a good thing. It is just that we want to be sure it is available in the right mix for the types of vehicles used and that its availability is widespread.

Vehicle warranties are another factor to consider. We do not want to see manufacturers turning to consumers and saying, 'Look, you have used ethanol in this engine. We really do not support that. You don't have a warranty'. We would like to see clearly documented warranty provisions. The production and distribution costs and the storage and blending situations also need to be fully covered.

We support and encourage the growing of cereal crops and other rural activities that support ethanol production. It is a proposition that would be good for regional Victoria, good for Victoria in general and good for the national economy.

**Hon. D. K. DRUM** (North Western) — I congratulate the Leader of The Nationals, the Honourable Peter Hall, for bringing this motion to Parliament. It is an outstanding piece of commonsense, and he needs to be congratulated on that. We also thank the opposition and the government for their support, because they clearly believe this has a great deal of commonsense to it. The lead has already been taken by other states, and it is time this state got on board in the ethanol debate. The last time that we were debating ethanol in this chamber, there was a great deal of uncertainty about where we stood as consumers and a lot of damage was done to consumer confidence in relation to ethanol blends. There were reports coming from northern Victoria that certain wholesalers were mixing up to 23 per cent of ethanol into their fuel blends. Certainly that created a great deal of uncertainty in the marketplace because of the potential damage that could be caused to cars.

Given the great deal of negative press at that time and the loss in confidence of motorists, I think it is even more important now for the government to not only support this motion but also put some actions in place to lead from the front regarding the 8000 vehicles that make up its fleet. Only by taking this motion on board, by putting in place the respective protocols and by translating the motion into actions will we see the number of distribution outlets — there are already more than 50 around the state — double, triple and quadruple. Distributors will jump through all sorts of hoops to try to get their piece of the government pie. That initiative needs to be taken.

I am a member of the Environment and Natural Resources Committee, which continually hears expert witnesses give evidence as to the damage that is caused by exhaust emissions — the damage to the atmosphere caused by the greenhouse gas emissions that occur on a daily basis. One only has to go to China to realise the damage that has been caused there by the burning of

fossil fuels. If there is an opportunity to have a positive impact on those emissions, then surely the government can take action, especially when such action will lead to a more economically sustainable option. We are going to have the opportunity here to create a whole new industry — a fledgling industry — that will create a whole range of jobs and give the regions a much-needed boost.

I take exception to the tone used by Mr Viney in his contribution this morning. Whilst Mr Viney is happy to do research when he wants to oppose a motion moved by The Nationals or the Liberals in this chamber, today he was clearly ambivalent about the whole issue. He was totally underprepared. In fact he was armed with some of the most ridiculous statistics and facts he has ever mumbled in this chamber. He said this motion was some whimsical last-minute thought. He suggested that all of a sudden The Nationals were trying to stake some green claim. The Nationals have driven this debate in this country and state for as long as I have been in Parliament, which has only been three and a half years —

**Hon. P. R. Hall** — Longer!

**Hon. D. K. DRUM** — As Mr Hall says, it has obviously been for longer than that. Senator Boswell, the Leader of The Nationals in the Senate, has been a leader in the national government and has pushed for the introduction and the growing of the ethanol industry more than any other politician. In this state, Peter Walsh, the member for Swan Hill in the other place, has been doing more work than any other Victorian politician when trying to encourage ethanol distillers and plants into his region of this state. Behind the scenes he has been working tirelessly without fanfare and media. Time and again he has met with people who can possibly deliver the ethanol industry to his region, in the knowledge that this is a win-win issue for consumers, growers and environmental concerns.

It is interesting to note, as Mr Hall pointed out in his contribution, that the New South Wales government has already taken the lead by instructing its fleet to use ethanol blends whenever possible. This move has been put in place in the last six months. The Queensland government has gone another step and has instituted this move over a period of years, instructing its fleet to use ethanol blends. The South Australian government has taken a strong lead and used more biofuels than any other government, because it has implemented biofuels into its public transport system. It needs to be congratulated.

The environment will be a winner from the use of these fuels. As I have said, we have the opportunity to encourage a fledgling industry. We have the opportunity to create a range of jobs in regional Victoria. We have the opportunity to support farmers, as farmers are supporting this issue. A very prestigious conference which is about to be held in Brisbane is supported by Agforce Queensland, the Australian Cane Farmers Association, the Victorian Farmers Federation, GrainCorp and Commerce Queensland. All of these groups are getting together early in May to support a conference on ethanol, because they understand this is going to create a whole range of positive outcomes not only for Queensland but also for the rest of Australia.

Other countries have jumped to the lead in relation to ethanol use, and of all of the Australian states, Victoria seems to be lagging and is the worst performer. Members of the Environment and Natural Resources Committee continually hear that we need to do a lot of work to reduce the emissions that emanate from exhausts on a daily basis, whether from trucks or cars. We have taken enormous steps to try and get people to walk or ride their bikes to work. The committee is going through a whole range of processes designed to try to educate and regulate Victorians to make it more difficult for them to get into their cars so that we can cut down on the greenhouse gas emissions from vehicle exhausts. This use of biofuels is not a complete solution, but it is a positive move. It is a step in the right direction. It is based on commonsense and needs to be supported by all members of the chamber —

**Hon. P. R. Hall** — And enthusiastically supported.

**Hon. D. K. DRUM** — And enthusiastically supported. Members should not say, 'We are not going to oppose this thing', because if the government simply does not oppose this motion, its members will let the debate run its course and will act unenthusiastically, and the government will do nothing about it. This issue has to be picked up by the government. The government needs a couple of champions on its side of the chamber who are going to pick the issue up, run with it and not let it go until the government passes the directive that all of the 8000-strong fleet of government cars in this state are using ethanol blends whenever possible. Only then will we see the return in the Victorian community of the confidence that has been damaged. It will return when the general motoring public in Victoria see that all government vehicles are using these blends. Only then will we see this industry kick off in this state and the provision of jobs, the economic growth, the savings from cheaper blends and a better outcome for the environment that will come with it.

I hope the government picks up its enthusiasm on this issue. I hope it really starts to attack the problem and make it the win-win situation that it obviously is. I again congratulate Mr Hall, who is leading the charge in this chamber to try and get this issue at the top of the government's agenda so that the government will do something for the environment, the economy and regional Victoria.

**Mr SOMYUREK** (Eumemmerring) — I too would like to acknowledge and congratulate Mr Hall for the very wise and prudent motion he has moved today. It is also a pleasure to see The Nationals advocating something like the use of ethanol, which is good for both the environment and the economy. It is something that the Bracks government should be considering for the future.

The point that has been made about the 8000-strong Victorian vehicle fleet not using ethanol-blended fuel is a good one, especially in the context of its use in New South Wales, Queensland and South Australia. Those states are taking concrete steps down that path. This issue is an issue on which we need to take some strong steps as a state and as a government. That having been said, this government has been talking about ethanol since 2003. I have press releases from 2003 onwards which deal with ethanol regulation. I will not deal with all of the press releases, but they were certainly about leading the charge on ethanol.

As Mr Hall pointed out, one of the reasons the Victorian fleet has not been able to use ethanol blends is because of distribution issues.

I have figures which contradict the figures Mr Hall has put up; nevertheless, using both sets of figures, the distribution outlets would not be sufficient. However, as Mr Drum has pointed out, 8000 vehicles coming on board would encourage other outlets to pick it up as well, so that is a point well worth making — and was a good point made by Mr Drum.

I will give members a bit of history on the subject. Labelling has become very important to this issue, and the commonwealth government's proposal to amend the national labelling requirements for petrol containing ethanol is, we believe, likely to reduce transparency, certainly for motorists. To assist the commonwealth meet its biofuel production target of 350 megalitres by 2010, the Prime Minister announced in late 2005 a number of measures to promote the use of biofuels and to restore consumer confidence in the industry. Amongst these measures was a proposal to simplify the current national label for petrol with a maximum of

10 per cent ethanol and to allow petrol with up to 5 per cent ethanol to be sold without a label.

Victoria was the first state to introduce mandatory ethanol labelling back in May 2003 to assist motorists to make informed decisions about the suitability of the fuel they purchased. The labelling scheme was developed following evidence that ethanol affects performance and damages engine components in certain vehicles and equipment, and therefore exposes motorists to costs, especially where warranties are voided.

The commonwealth followed Victoria's example and introduced a national ethanol labelling scheme in March 2004. The commonwealth scheme is very similar to the Victorian scheme, with both requiring the display of a label on a pump if petrol contains up to 10 per cent ethanol and the listing of these vehicles and equipment in which the use of ethanol-blended petrol is not suitable.

Even if there is compelling evidence that ethanol at these concentrations does not cause damage to motor vehicles and other equipment, motorists have the right to be informed that ethanol is contained in the petrol they are purchasing. Therefore the steps taken by both the federal government and the state government with respect to labelling have been very positive. On that note, I end my contribution.

**Hon. W. A. LOVELL** (North Eastern) — Usually when we rise to speak on a motion we congratulate its mover, so I congratulate The Nationals for bringing this issue before the house.

In researching this topic, like the Leader of The Nationals I too discovered that not only had this issue been the subject of a private members bill in the New South Wales Parliament last year but also a bit earlier than that, on 2 March last year, Andrew Stoner, the member for Oxley in the New South Wales Parliament, introduced it as a matter of public importance. In other words, early last year the New South Wales Parliament had a number of debates similar to what this Parliament is having today.

This matter comes before the Parliament for debate because worldwide there is an acknowledgment that governments need to be looking at renewable energy sources. We acknowledge not only that fossil fuels are finite resources but that fossil fuels and their burning is contributing to global warming, and therefore it is important that we look at alternative fuel sources, particularly those that will have improved environmental and health benefits.

Biofuels, which are produced from renewable organic sources, have the potential to achieve those objectives. Two biofuels that have been identified as commercially viable in Australia are ethanol and biodiesel. The Australian government has published a fact sheet on these two products; it tells us that ethanol can be produced industrially or from the fermentation of biomass feedstock and that biodiesel fuel can be made from new or used vegetable oils and animal fats. It tells us that the potential environmental benefits of ethanol are that under certain circumstances ethanol can achieve environmental benefits, that the use of E10 or a 10 per cent blend of ethanol with petrol in place of neat or unblended petrol reduces the emission of certain pollutants from the exhaust.

It also tells us that ethanol as a transport fuel may realise a greenhouse benefit when it is produced from a waste product like low-grade molasses or wood waste, or the energy source used in its production is relatively clean as in co-generation. It also tells us that the addition of ethanol to petrol can enhance octane and reduce some tailpipe emissions and that biodiesel as a transport fuel can also achieve environmental benefits under certain circumstances; that the use of B20, or 20 per cent blend of biodiesel with petrol in place of a neat or unblended petrol reduces the emission of certain pollutants from the exhaust. These two biofuels — ethanol and biodiesel — have the potential to provide an economic benefit for rural Victoria as almost all proposed biofuel plants are located close to feedstock supplies in regional areas across Australia.

The successful development of fully commercial biofuel refineries may produce regional benefits, including additional employment, broadening of economic activity and increased sustainability of some agricultural activities. An example of that is a proposal by Australian Ethanol Ltd to establish a 90-million-litre-capacity ethanol plant at Swan Hill in the new Northern Victoria region that I will represent, and we look forward to seeing that established. That plant proposes to use up to 250 000 tonnes of corn, wheat and barley annually. This will increase the value of crops in the region and also provide diversification for farmers in their choice of crops within that region.

However, speaking of all the good things, we have to acknowledge that we still have a long way to go in raising public acceptance of blended fuels and also in increasing the availability of blended fuels before the government could, I believe, adopt The Nationals' motion in full. Whilst I support the intentions behind the motion, I acknowledge that there is a need for a lot of further debate before this motion could become a reality.

**Hon. J. A. VOGELS** (Western) — I also support the motion:

That this house acknowledges the environmental and health benefits, and regional development opportunities of using biofuels, and calls on the Victorian government to use ethanol-blended fuel in its 8000 strong vehicle fleet.

We all recognise that fuel prices will remain above US \$50 a barrel and that this price could even double or maybe treble in the future. We have to start thinking what this would do to the world economy. I was listening to the radio not long ago and I heard an analyst — and I assume he is right; I did not check this out — saying that the average US citizen uses about 28 barrels of oil per year, while the average Australian uses about 18 barrels of oil per year. That is a lot of oil. But then he went on to say that the average Chinese person uses 2 barrels of oil a year, and I assume a similar figure would apply in India.

To extrapolate that, if they started using even three or four barrels per person per year, the world's oil consumption would not match what the world economy requires to survive. We are all in this together. We all rely on fuel, and we have to look at alternatives. I believe ethanol and biofuels are good examples of where we should be going.

The National Farmers Federation has called on the federal government to introduce incentives for biofuel production and use in Australia. Last Christmas the federal government announced a grant of \$37.6 million to get people to start up the production of biofuels. People need incentives when looking at renewable energy such as biofuels and ethanol. It is interesting to note that we are prepared to have our energy users provide an enormous subsidy for wind farms — an enormous subsidy goes into wind farms and renewable energy sources. It stands to reason we should subsidise people who want to develop renewable fuel sources such as ethanol and biofuels.

Brazil has gone down this track. It has 4.3 million vehicles using hydrated ethanol fuel and 17 million cars use ethanol-blended fuels. That is an enormous amount of ethanol. Brazil worked out a long time ago that oil resources would not meet its demands, so it has gone down this track and is encouraging farmers to grow grain, wheat, barley, beetroot and sugar cane for use in ethanol production.

A important by-product of ethanol is that the grain that is left is very rich in protein. The protein that was originally in the grain is retained and is an excellent feed for animals. If you are going to have plants producing ethanol you should site them close to the

dairy industry, such as in south-west Victoria. A lot of the feed or grain could then be fed to the dairy cows or piggeries. Once the grain has been distilled and the fuel has been produced, it has a shelf life of only four or five days. I assume that is right, because many farmers have been feeding their cows brewers grain, which is the barley left over after beer is made. Brewers grain is distributed around country Victoria to be fed to cows. It is a very good feed supplement. That is why you would site ethanol plants close to where the by-products could be successfully used to add value to the dairy industry.

**Hon. B. W. Bishop** interjected.

**Hon. J. A. VOGELS** — If it is good for the dairy industry, it is good for Victoria. We know that the dairy industry is the largest exporter out of the port of Melbourne.

**Hon. B. W. Bishop** — It might even pay more for the grain!

**Hon. J. A. VOGELS** — I will not enter into that argument at the moment. Everyone supports the motion. The Nationals moved the motion, and this is the first time since I have been here that the government has supported a general business motion. It is great to see; it should do it more often. We always have great general business items. Even if we know they are right, the government still votes against them. I find that amazing. I suppose that is the way governments and oppositions work. I support the motion and look forward to its passing this house.

**Hon. C. A. STRONG** (Higinbotham) — In rising to support The Nationals motion on the use of ethanol I must say that this is a wise and timely motion. The use of ethanol fuel will have benefits in so many different areas. In my contribution to the debate I will run through some of those areas where it will have a benefit.

As we all know, Victorians are the worst greenhouse polluters in the world. No-one in the world per head of population produces more greenhouse gases than we do in Victoria. Surely we have an obligation to do something about that. What is amazing to me is that the government, in its normal way, is forever talking about what it will do to abate greenhouse gas emissions. It talks about this in its spin mode, but if you look at what it has actually done to abate greenhouse gas emissions, you see it has done very little.

The reason Victorians are the worst greenhouse gas emitters in the world is because of our heavy dependence on brown coal-generated electricity, which is the worst greenhouse emitter. What has the

government done in this area to try to reduce greenhouse gas emissions? We all know that recently it extended the life of Hazelwood power station which will pour millions and millions of extra tonnes of carbon dioxide into the atmosphere — something it did against the advice of environmentalists and many people who were concerned in that area. In that regard the government's actions do not live up to its spin.

Yesterday, in response to a dorothy dixer the Minister for Energy Industries, Mr Theophanous, in talking about the energy issue highlighted how the price of electricity was militating against the take-up of wind energy, how the wind energy generators were finding it extremely difficult to sell the energy from their windmills because the price was too high. The minister said that he and other Labor ministers from other states were looking at trying to provide a subsidy — read tax — on other electricity consumers to subsidise wind energy in an attempt to militate greenhouse gas emissions.

Ethanol will have a very significant effect on greenhouse emissions. The cost of producing ethanol means there would be no extra increase in the fuel price, so we have a product that would have an impact on greenhouse gas emissions and would not require any subsidy from the government or the community because it is economically viable to do it now. Yet the government has done little in this regard. All honourable members will remember that approximately 12 months ago the government was running a scare campaign on ethanol in a fairly shallow and vain attempt to beat up on the federal government on the question of labelling. It was just another one of its tawdry efforts to compromise Victorians in its attempt to beat up on the federal government. It ran a significant scare campaign on the whole issue of ethanol. I must say I am glad it has seen the light and is not opposing this motion, because it will have an enormous benefit in reducing greenhouse gas emissions.

The transport sector, after the electricity generating sector, is the biggest sector in terms of carbon dioxide emissions. Anything we can do in the transport sector to reduce those emissions would be very helpful. If we are able to produce ethanol — which we are now doing — in significant volumes, it will reduce our dependency on imported fuels. That would have a positive impact on the balance of payments for Australia, which would be a positive, as well as reducing carbon dioxide emissions. It would also create a significant industry based in rural areas, which are coming under significant stress wherever we go, as members would appreciate.

**Mr Smith** interjected.

**Hon. C. A. STRONG** — As Mr Smith interjects, the sugar cane industry is under significant stress. As we know, sugar cane is one of the major sources of ethanol production. One of the interesting statistics I read recently was that sugar cane production in Brazil is rapidly increasing but the proportion of the production which goes into sugar has fallen away to basically nothing because most of it goes into the production of ethanol; Brazil is a major user of ethanol fuel.

The sugar cane farmers in Australia who are under stress have a potentially significant new market. That product would help rural producers. The product would go on to the fuel market at a rate which requires no subsidy from consumers. It is a product that would reduce our dependency on imports, thereby helping Australia's balance of payments. It is a product that would help reduce our greenhouse emissions. It is a win-win product in all ways.

Members from all sides of the house have spoken about the potential difficulty of getting a distribution system for ethanol fuel, but all members should pause and not put the cart before the horse. One of the wonderful attributes of the private sector system is that it will meet the market; if there are vehicles out there using ethanol fuel and ethanol-blended fuel, that market will be met by the petrol companies and other suppliers. There is no question that that market will be met.

If the government were to pick up on the proposition and ensure its vehicle fleet were using ethanol-blended fuels, that would put out into the market a very large number of cars using that fuel and create a significant segment of the market; then the supply would be met by the private sector. There is no question about that. I believe this would be a win-win for everybody.

**Mr Smith** interjected.

**Hon. C. A. STRONG** — I know Mr Smith, who is interjecting, loves to beat up on farmers. Being a good unionist, he thinks free enterprise farmers should be put out of business and maybe there should be collective farms.

**Mr Smith** — Why should they be subsidised?

**Hon. C. A. STRONG** — Mr Smith asks why they should be subsidised. The bottom line is that ethanol production does not need a subsidy as distinct from wind energy, which those opposite are putting in place and which needs a significant subsidy. That is why ethanol is a win-win situation.

I urge the house to support the motion and congratulate The Nationals for moving the motion. I hope the government's position on this is a little more than rhetoric and spin and that it proceeds to go down the track of ensuring that its vehicle fleet uses a high proportion of ethanol.

**Hon. P. R. HALL** (Gippsland) — I thank the Liberal Party for its support of the motion and acknowledge that the Labor Party is not opposing the motion. But I must say I am disappointed that government members have been reluctant to support the motion; I would have thought they could have enthusiastically supported it.

**Mr Smith** interjected.

**Hon. P. R. HALL** — Indeed. The Treasurer and the Minister for Environment enthusiastically supported the use of ethanol products in their press release of 12 December last year, yet today we have a half-hearted response from the government — it does not oppose the motion but is still reluctant to support it in any tangible way. That is disappointing. I would have thought, as I said when I moved this motion, that given the topic, the government that likes to claim it has green credentials would have overwhelmingly supported it.

The other thing I was disappointed in was the enthusiasm with which members of the government failed to speak on the motion. What we know is that debates in this chamber are allocated between the three parties: this morning the Labor Party had 60 minutes to speak on this motion but only three members chose to speak on it — that is, Mr Viney, the Honourable Sang Nguyen and Mr Somyurek — and collectively they spoke for 25 minutes. Some 35 minutes was available for Labor Party members to express their views on this topic. I would have thought that if they claim to have any green credentials — —

**Hon. C. D. Hirsh** — I get ethanol and methane mixed up. I do not have the knowledge to speak on this.

**Hon. P. R. HALL** — Ms Hirsh says she is not able or does not know enough to speak on the motion. This is an important environmental subject, and if the Labor Party claims to have any green credentials, members would have been bursting to jump to their feet and talk about it.

**Mr Smith** — There are better alternatives. It is not viable.

**Hon. P. R. HALL** — By way of interjection, Mr Smith is now making a contribution to this debate.

His interjection suggests that he opposes the motion. I say through you, Mr Acting President, to Mr Smith that the Labor Party could have spent another 35 minutes on the debate; he could have jumped up and expressed his opinion. He chose not to, which demonstrates his level of enthusiasm for this particular subject — that is, zero.

**Mr Smith** interjected.

**Hon. P. R. HALL** — When this motion is put to the vote I will welcome his opposition to it. He should put his money where his mouth is and show people what he really thinks — he should oppose the motion.

I want to address some of the issues raised during the course of debate, the first being the distribution and cost of ethanol-blended fuels in Victoria. Certainly government speakers were not provided with accurate information as to the state of both distribution and the cost of ethanol-blended fuels.

Since I made my contribution earlier today I have been to the web site of United Petroleum, which is the biggest distributor of ethanol-blended fuels in South Australia and Victoria. I can convey to the house that United Petroleum runs 56 retail outlets of ethanol-blended products throughout the state. It could be said that 56 service stations is not a lot, and it does not provide broad coverage across the state, but contrary to advice given to Labor Party members — I think they said Victoria distributes ethanol-blended fuel through only 5 outlets — United Petroleum alone has 56 outlets. Also, Shell distributes an ethanol-blended product at sites in Victoria, although I am not sure of the number.

Mr Viney suggested that it would be a cost to government if we ran the government car vehicle fleet on ethanol-blended products and that the cost of ethanol-blended fuels was of the order of 20 cents a litre higher. That is not so. I had somebody on The Nationals staff ring two retail outlets this morning, and I can advise the house that at Bentleigh, in the metropolitan area, the price for an E10 ethanol-blended fuel product from United Petroleum was 112.1 cents a litre and that the cost of the unleaded petrol product at the same service station was 116.1 cents a litre — 4 cents cheaper.

The research staff of The Nationals also rang the United Petroleum outlet in Sale in regional Victoria. The cost of the E10 ethanol-blended product was 118.7 cents, as opposed to the unleaded petrol price of 122.7 cents. At both of those outlets — one metropolitan and one regional — the cost of the ethanol-blended product was 4 cents a litre cheaper. That should put the lie to the

comment made by Mr Viney and perhaps change the perception held by others that E10 blends are dearer. They are not; they are consistently 4 to 5 cents a litre cheaper in both metropolitan and regional areas of Victoria. By adopting this motion and putting it into practice the government would actually be saving Victorian taxpayers money rather than costing them money, as was claimed by some government members.

I want to talk further about the distribution issue highlighted by other members and raised by me in this debate. I acknowledge that the distribution network as it stands for ethanol-blended fuels is not satisfactory to cover what we would expect as a normal range of coverage across the state. The Honourable Philip Davis, the Leader of the Opposition, suggested that one of the practical distribution problems may result in a public servant being stranded in a metropolitan or country area not close to a point where ethanol-blended fuel was available.

To my knowledge — and I stand to be corrected — there is no harm in mixing and matching ethanol-blended fuel and unleaded petrol. The fact is that you can buy ethanol-blended fuel at one point and if at some later point in time you wish to top up your tank and no ethanol-blended fuel is available, there are no negative or adverse effects on the car's engine if you top up with straight unleaded petrol. It makes no difference. To my knowledge there is no adverse impact whatsoever from blending ethanol-blended products with normal unleaded products, so I do not think people would become stranded. It would just be better environmentally and health wise if there were a greater distribution network so that people could use ethanol-blended products more frequently.

Some members also made the point — Mr Drum made it very well — that if the government's vehicle fleet was mandated to use ethanol-blended products, some smart operators in places such as Bendigo, Traralgon and other regional centres would soon jump on the bandwagon and make sure they became a distribution point for an ethanol-blended product, because that would be a market share they could win over. I am sure we would see a greater expansion of the distribution network of ethanol-blended fuels if government vehicles were required to utilise it.

In his comments Mr Viney also made his usual cracks at The Nationals, saying that we have turned a shade of green today for political reasons. I want to point out to Mr Viney that The Nationals across Australia have been leading the biofuel debate. Our colleague Ron Boswell, a senator from Queensland, has been a

long-term champion of ethanol-blended products and his efforts are substantially on the record.

**Mr Smith** — Looking after his mates.

**Hon. P. R. HALL** — ‘Looking after his mates’, said Mr Smith. Again snide remarks are coming out of Mr Smith’s mouth. If he had any guts he would have stood up during the course of this debate and made clear the points he wanted to make, rather than slipping in snide remarks. He failed to take the opportunity to do so. The Leader of The Nationals in Queensland, Andrew Stoner, has been consistently promoting this.

**Hon. D. K. Drum** — In New South Wales.

**Hon. P. R. HALL** — In New South Wales, I beg your pardon. He has been consistent on this. Last year he introduced a private members bill on this particular issue. I thank the Honourable Wendy Lovell for pointing out to me that prior to that he moved a motion similar to this one. I did not know that he had moved a motion; I had looked up and read the debate on his private members bill last year. Consistently The Nationals have been leading the debate on biofuel use, and we are not Johnny-come-latelys on this particular issue. As a party, across Australia we have been pushing for the greater use of biofuels.

Mr Viney also made the comment that we are opportunistic and somewhat hypocritical in raising this, given our stance on some other green issues. I again claim that that is far from the truth. We have been consistent in our approach to bringing about practical improvements in environmental measures in this state, whether it be planting trees, managing land or managing forests. Ours have been very practical as opposed to ideological views about achieving environmental outcomes. We in The Nationals do not have a lock-up-and-leave-it mentality. We believe that good environmental outcomes are best brought about if we manage our land and resources correctly. That has consistently been and will remain our view as a party.

A comment was made, I think by the Honourable Wendy Lovell, and it is a sentiment that was echoed by others in this debate, that this is a starting point and we have a long way to go before it becomes a reality. I do not think that is the case. I think we could do it tomorrow if the government had the will to do it. If it were to issue fuel cards for United Petroleum, BP Australia and Shell Australia and put them on notice that its preferred fuel for use in its vehicles was an ethanol-blended product, I am certain that members of government departments and we, as members of

Parliament, would readily use an ethanol-blended product.

I made the point that Ms Hadden informed me yesterday that for her private vehicle she uses an E10, ethanol-blended product, which I notice is now available at two outlets in Ballarat. She has ready access to and swears by it. Moreover, by using it you save money and improve the environment. We would all do that if the opportunity were available to us — and I say that we could do it tomorrow. There are limitations on its distribution, but we could start using it tomorrow. From time to time we would have to mix it with normal unleaded petrol where ethanol was not available, but we could do it tomorrow.

The New South Wales government now requires its vehicle fleet to use ethanol-blended fuels, and for sometime, as I and other people have said during the course of the debate, the Queensland government has required ethanol-blended fuels in all of its vehicles. There is absolutely no reason why this Victorian Labor government could not tomorrow make the decision to allow ethanol-blended products to be used in the government vehicle fleet and issue fuel cards accordingly. It could happen. If the market took off, at the moment potentially we would have a problem with sufficient ethanol product being supplied. But developments like the ethanol plant coming online near Swan Hill, which already has planning approval, will increase significantly the production of ethanol in this country.

In summing up I will go to the last point. I conclude by making, as others have done, further reference to the international experience, particularly in Brazil. I said, and it is a fact, that Australian-made Holdens being exported to Brazil are using a 26 per cent ethanol blend without any problems whatsoever. It is only when the ethanol blend gets up to 40 per cent that there can be some mechanical problems with the operation of a car without modifications. Certainly with a 10 per cent ethanol blend there are no issues whatsoever. Car manufacturers now support that and give that guarantee. As I said in my contribution in the second-reading debate, an Australian Automobile Association web site identifies all cars in which it is suitable to use ethanol-blended products.

The use of biofuels, as has been said before, has important environmental benefits. It has most significant health benefits — E10 blends reduce carbon monoxide by 25 per cent. If we could reduce those poisonous emissions from Victoria’s 3.5 million cars by 25 per cent, that would significantly improve the health of all Victorians. The use of those fuels also provides

regional economic development opportunities. For environmental, health, regional development and economic opportunity reasons I call on the Victorian government to demonstrate practical and tangible support for the biofuel industry by immediately requiring its 8000 vehicle fleet to run on ethanol-blended fuels.

**Motion agreed to.**

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE**

**Membership**

For **Mr LENDERS** (Minister for Finance),  
Mr Gavin Jennings (Minister for Aged Care) — I move:

That Ms Carolyn Hirsh be a member of the Outer Suburban/Interface Services and Development Committee.

**Motion agreed to.**

**LEGISLATION COMMITTEE**

**Membership**

For **Mr LENDERS** (Minister for Finance),  
Mr Gavin Jennings (Minister for Aged Care) — I move:

That the Honourables Philip Davis, Damian Drum and Bill Forwood, Ms Carolyn Hirsh, Ms Jenny Mikakos and Mr Matt Viney be members of the Legislation Committee.

In so doing, I would like to say the government is very enthusiastic about the creation of this committee for the first time. It will provide a clear demonstration of the government's intention about the new standing orders and sessional arrangements that apply to the Legislative Council from this time forward particularly in relation to the next Parliament that will operate as an effective house of review.

The government is committed to piloting the arrangements which have led to the creation of the Legislation Committee to provide opportunities for this house to function in new and creative ways and to apply the appropriate degree of scrutiny to the legislation that comes before the Parliament.

**Hon. P. R. HALL** (Gippsland) — While I do not oppose the appointment of those members to the Legislation Committee I want to again emphasise the

fact that when the Legislation Committee was actually formed, The Nationals opposed it for the reasons I outlined at the time. Principally they were in relation to the priority of work, the workload and how we were concerned about the possibility of the Legislation Committee sitting concurrently with the chamber. They remain concerns of ours, and I would like to put that on the record again today.

However, it is, as I said at that time, the practice and intent of The Nationals to participate fully in the operations of Parliament. We do that willingly; even though we are small in number we contribute significantly to the operations of this Parliament. Certainly on a proportional basis we probably participate far more than others. This morning's debate was an example of that.

Nevertheless, The Nationals nominee to the Legislation Committee is our deputy leader, the Honourable Damian Drum. I thank him for accepting that position. I can also inform the house that we intend to use the substitute mechanisms from time to time to ensure that all members of The Nationals have the opportunity to participate in the Legislation Committee when its business is appropriate to the portfolios in which they have an interest.

**Motion agreed to.**

**RAIL SAFETY BILL and TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL**

*Second reading*

**Debate resumed from 28 March; motions of Ms BROAD (Minister for Local Government).**

**Hon. R. H. BOWDEN** (South Eastern) — I rise to indicate that the opposition opposes these bills, now the subject of a cognate debate. The Rail Safety Bill and Transport Legislation (Safety Investigations) Bill are both strongly opposed by the opposition.

The opposition does not have any quarrels with practical, sensible and timely moves to increase rail safety or to improve the investigatory capability of the authorities in preventing and investigating accidents, and in taking proactive measures to prevent future accidents and incidents on our public transport, marine and other associated systems. But there are certain aspects of these bills that are not acceptable.

In the other place on 1 March the shadow Minister for Transport provided an opportunity for the government

to take a reasoned, sensible and coolheaded approach to this unseemly hasty situation in which these bills have unnecessarily been brought forward for debate and adoption. On that day the shadow Minister for Transport moved two reasoned amendments. They were documented and recorded on 1 March, but in its unseemly haste and unwillingness to accept good advice, the government rejected those reasoned amendments.

That was a shame because there are aspects of the Victorian legislation which are not at this point of time compatible with the current work being done by the National Transport Commission. It is an unfortunate circumstance where the unnecessary speed with which the Victorian government is bringing forward this legislation is at odds with the timetabling and commitment the Victorian government made at a Council of Australian Governments meeting some time ago — that is, that the Victorian government would work in concert with other states and the National Transport Commission in developing the expected and forthcoming national legislation that will be relevant to these very same matters.

Therefore the opposition was extremely disappointed at the inability and unwillingness of the state government to accept the reasonable proposal that was put forward on 1 March in the other place that the legislation be deferred until the national legislation is concluded. I might add that Victoria continues to be a party to those national negotiations and is encouraged to continue to be so. It was disappointing that the government could not be accommodating. The unseemly haste and certain aspects surrounding the introduction of this legislation give rise to our concerns, so the opposition does not support either of these bills as they are before the house today.

The Rail Safety Bill establishes several aspects related to rail safety and establishes the office of director, public transport safety. It also moves and documents procedures to emphasise the rail safety system and those associated with it to identify hazards. It is an interesting feature of the bill that nearly every party, individual or professional role in the chain of work and responsibility is required to be covered in relation to rail safety as it is defined in the detail of the bill.

One aspect that is quite a highlight of the bill as it is read is that it has a strong emphasis on the documentation of risk assessment. In itself it is not a bad thing to have a strong emphasis on documentation, procedures and methods of assessing what is required. The documentation approach is also extremely strong on the recording of risk control.

An interesting feature of the bill is that it provides that the office of the director, public transport safety, must — I emphasise ‘must’ — consult with the Minister for Transport, who in turn will consult with the Premier and the Treasurer on safety recommendations that have implications for expenditure. A reading of that particular part of the bill will give rise to thinking, ‘Well, that’s fine. It is sensible to require that the director do that. Of course the Minister for Transport has the right to consult with whomever he or she pleases’. The inference that the Minister for Transport will consult with the Premier and the Treasurer on safety recommendations that have implications for expenditure is not unreasonable.

But one of the problems that will inevitably arise is what we have seen under the Bracks government over recent years — underinvestment, an unwillingness to consider investment in infrastructure and a very poor record of performance. It may be that in the future, as the bill requires, the office of the director, public transport safety, consults with the Minister for Transport and the minister goes off to the Premier and Treasurer of the day and says, ‘I need more money for this public transport matter or that public transport matter for safety reasons — I need money for infrastructure and it is safety related’, and the Premier of the day and/or the Treasurer of the day says, ‘Go away. I want to spend that sort of money on some other aspect of government administration’, and so safety takes a second place.

Whilst on the one hand the compulsory element in the bill, which requires consultation with the Minister for Transport by the director, public transport safety, is a good thing, I have feelings of apprehension that in the future the then Minister for Transport may have difficulty in convincing the then Premier and/or Treasurer about the priorities of providing funding to be applied to those necessary safety recommendations. On that point the legislation has a strong weakness.

The Transport Legislation (Safety Investigations) Bill establishes the office of chief investigator, transport and marine safety investigations. At present major investigations into public transport are carried out, by invitation, by competent people and professional staff of the National Transport Commission, and minor incidents or problems are investigated by the service providers, which, in an orderly manner that was determined long ago and has been in place, report to the minister and provide them with documented evidence on the outcome of those investigations. The bill will establish a new office of chief investigator, who is intended to be independent but will report to the minister of the day. Therefore the state of Victoria will

be investigating and providing a report to the state, and the minister will be able to decide the outcomes of those investigations.

The big disappointment about the two bills is that at present a national effort is being made and advanced work is being done to complete national legislation, as was agreed to at a relatively recent Council of Australian Governments meeting. Even the Prime Minister has given a commitment through the COAG process to support the development of this necessary and desirable rail safety legislation and the protections that a national approach will bring. Here we have the state of Victoria proceeding independently. In fairness, the state has made a commitment that it will adjust and amend the Victorian legislation and align it with the federal legislation when it is presented for consideration.

The opposition maintains that at present it is unnecessary for Victoria to stampede and be hasty in getting ahead of the federal model, when it is reasonably believed that in legislative timetabling that is not so far off — the federal model should be presented in this calendar year. So there is disappointment from the rail industry, whose members were hoping that a single regulatory authority, funded by the states and with national uniform regulations and standards, would be available, that there would not be the need to introduce legislation in the Victorian Parliament and that not only in practical terms but generally the state would be seen to be a team player in the national approach to this most important consideration of rail and transportation safety matters.

As recently as 22 February the National Transport Commission wrote to the Secretary of the Department of Infrastructure, pointing out the hope and desire that the department and the commission project teams will continue working closely together on the rail safety regulations and that there will be a minimised need for any later efforts to align the final versions of the bills. It is clear from that correspondence that the National Transport Commission is not terribly enthusiastic to see Victoria go ahead alone when there is no need for it to do so.

That proposition and sensible proposal to hold back and wait just a bit longer that the opposition put forward in the other place was rejected by the government, which seems overenthusiastic to apply Victorian legislation. That is a disappointment and sends a warning signal to other states and the commonwealth that, if Victoria gives a commitment at COAG on other matters where there is broad agreement and cooperation is definitely intended, Victoria might still break ranks and go it

alone. This is a very poor performance in the evaluation of the likelihood of Victoria not being a team player.

Of course it is important for everyone to do their utmost to ensure that our public transport system networks are as safe as we can possibly make them. That is a given and beyond question. What we are concerned about is that Victoria is breaking its undertaking to meet the timetabling of the national legislation. We are concerned that the government is breaking — for reasons we do not know and cannot find out — the agreement that it made to work with the National Transport Commission and the other states, which is being done on a consultative and cooperative basis. However, opposition members do not understand and still cannot find out why this legislation is before us. It is unnecessary. The national legislation ultimately will be presented to us for adoption. In terms of timing, that legislation is not such a long way away.

A considered opinion flowing from a reading of these bills is that they are strong on documentation and regulation. However, one of the inescapable conclusions that one can make in examining the bills is that there is no real mention of investment. I looked at page after page of the legislation and I got the feeling that a bureaucratic attitude has been taken. It is as though government members are saying, 'We will put in more controls. We will define more things. We will make more people responsible and detail more things that have to be done. We will require accreditation. We will do all these things'. All of those things are in the legislation, but when it comes to safety — and these bills are all about safety — I could not find any great attitude of encouragement or enthusiasm for investment.

Basically we are talking about the use and the protection of the quality of infrastructure. I find it amazing that here we have two pieces of legislation, which in themselves are very sensible and desirable in their intent, but I cannot find any real measure of commitment or understanding of the need to provide and build infrastructure.

When we think about the Victorian rail system and transport infrastructure, some very interesting thoughts flow. It could be said that the present state government now has a record of three strikes and should be out, because there have been three major failures. Members of the opposition and many people in the community can see them in this state government at this time.

From a taxpayers point of view there has been the awful experience of the farce rail — that is, f-a-r-c-e. It was supposed to be an \$80 million exercise to improve

the quality and the speed of regional rail services to Geelong, Ballarat and Bendigo, and it has been a monumental failure. The word 'farce' is probably highly appropriate. There are well-documented situations where that service has unfortunately not provided the expected level of service intended. The cost of the project is now approaching \$1 billion — \$1000 million! — and the savings in time for commuters have not been realised. That could be considered to be strike 1 — a failure.

If we talk about Spencer Street station we are talking about strike 2. No longer to be called Spencer Street station, it is now Southern Cross station. As I asked several months ago when, as a Parliament, we left the city for a sitting in rural and regional Victoria, why are we changing the name of Spencer Street station to Southern Cross station? No explanation was given other than that it seemed to be a good idea. That seemed to be the feeling during that debate.

The interesting thing about what I will call Spencer Street station is that I do not know whether many people know that it has been sold. Spencer Street station no longer belongs to the people of Victoria. It was sold by this government and leased back, but that information has not been forthcoming. It was mentioned in the Legislative Assembly. I think the public of Victoria may not be terribly impressed. Some of us know about the unsavoury suggestions that came as a result of a sale and lease-back of a building in Canberra, which was done under a federal Labor government. Do we have another smelly Canberra thing on our hands?

I want to know what the real costs are of the sale of Spencer Street station and why its sale to a union superannuation fund has been hushed up by the state government. I suggest to honourable members that very few people out there in the electorates know that this state government has flogged off Spencer Street station. It may very well be that the reason the state government changed the name from Spencer Street station to Southern Cross station was that its members were embarrassed about it and did not want the people to know that the Bracks government had flogged off and has to pay money to lease back — we understand the figure is \$10 million a year — a station they used to own.

This smells of the strange things surrounding the sale of trams to the Japanese many years ago. It suggests that we have another scandal on our hands of Canberra proportions. If the government has sold off Spencer Street station to a union superannuation fund and is now requiring the taxpayers of Victoria to pay

\$10 million a year each year over I think 30 years, then I would like to know a lot more about that, because that is a real indictment on the sharp practices of this government. It is reminiscent of some of the unfortunate and regrettable things that were done to the taxpayers of Victoria in the 1980s through the disgraceful performance of the previous Labor government. That is strike 2.

I think strike 3 is equally bad and of equal concern. I refer to rail standardisation. I understand that not 1 kilometre of new standardised rail has been provided. Time after time representatives of the government have come in here and talked about rail standardisation, saying wonderful things about transport and all the good things they are going to do, but they have done nothing. It is a shame. As a matter of fact the line from Mildura to Portland has not been built and that standardisation program has not been done. There has been no extra standardisation provided or built in the important section of rail to bypass Wodonga to speed up rail services and improve safety in the that area.

Amazingly enough, even such a small expenditure as is needed on the rail standardisation connection to the wharves of Geelong has not been done. I believe that is only a length of 2 kilometres, but this government is so tardy and so unable to recognise its responsibilities that it has not connected the national linkage of standardised rail to the port of Geelong. Government members talk about it, but they do not do it. I would look at the government's lack of performance in rail standardisation as being strike 3.

In business shareholders will view one strike and not be happy, and with two strikes they usually change the board. However, in relation to practical performances and sheer provision of value for money, this government is in a strike-3 failure situation. When the constituents and taxpayers of Victoria find out that Spencer Street station — Southern Cross station — has been flogged off and that they have to pay \$10 million a year just for the privilege of using something they used to own, they will think the matter worthy of further investigation. Taxpayers and constituents of this state will be very angry indeed at the secret way in which this government is hiding the Spencer Street station situation.

**Sitting suspended 1.00 p.m. until 2.03 p.m.**

**Business interrupted pursuant to sessional orders.**

**QUESTIONS WITHOUT NOTICE**

**Energy: renewable sources**

**Hon. PHILIP DAVIS** (Gippsland) — I direct my question without notice to the Minister for Energy Industries. I refer to the government’s policy target of 10 per cent of electricity consumption from renewable sources by 2010. Given that less than 4 per cent of electricity consumption is currently from renewables, two-thirds of which is from hydro-electric sources, and that there is limited scope for expansion, how will the government achieve its 10 per cent target by 2010?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I want in the first instance to congratulate the Leader of the Opposition and opposition spokesperson on energy and resources for at last coming into the house and asking me a question. It has taken him 98 days to come up with a question to his counterpart. That is how well the opposition is travelling. He is performing so well that he has not yet put out one press release on energy issues this year — not one! He is not doing the hard work in relation to his shadow portfolio. He is not on top of his portfolio areas. He must be the laziest energy spokesperson ever on the other side of the house. All I can say is bring back Bill! At least he knew something about the energy sector.

I am happy to respond to the member. It is no wonder he has not asked a question before. He obviously went off and thought he had come up with something exciting — that somehow or other he was going to catch the government out because it had this target of achieving 10 per cent renewables by 2010. But he was not listening even yesterday to an answer I gave to a question from The Nationals. At least the spokesperson for The Nationals has some idea of the energy sector and has asked a series of questions. If Mr Davis had been listening yesterday, he would have heard that were we in Victoria able to achieve our wind target of 1000 megawatts, that would almost equate to 10 per cent of power from renewables.

As I said yesterday, we are actively pursuing renewable energy. We have been constrained by the destructive attitude of the federal government in relation to its nobbling of the mandatory renewable energy target scheme, but we are still looking at it. The Premier has said we are looking at other ways of activating renewable energy, including wind. We are currently looking at those proposals. When the government is ready to make an announcement in relation to the consultations it has been having on a possible Victorian-based renewable energy scheme, I will be very happy to provide a briefing to the honourable

member opposite — although I am not sure that he would be interested, given his past performance.

*Supplementary question*

**Hon. PHILIP DAVIS** (Gippsland) — I thank the minister for his response. I note that this is the eighth sitting day this year upon which a question could be directed to the minister, who would know that I have in fact been taking briefings from his relevant departmental officers on a range of issues — or perhaps he does not know what his departmental officers are doing! In any event, I thank his advisers for arranging that. My supplementary question is: is it a fact that the government’s policy on wind farming will include another new tax on consumers to subsidise this form of renewable energy production?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thought about taking a point of order as the honourable member was being argumentative, but he has so little credibility with his questions these days. Again he shows the stupidity of his question. He knows that the mandatory renewable energy scheme was set up by the federal government. He never referred to that as a tax. He has never said in this house that the mandatory renewable energy scheme was a tax.

*Honourable members interjecting.*

**The PRESIDENT** — Order! The member has asked his question and his supplementary question.

**Hon. T. C. THEOPHANOUS** — If he knew anything about what the current government is looking at, he would know we are looking at a scheme that would mirror the mandatory renewable energy scheme. If that is the case and if he has the courage, he ought to get up and say that the federal government scheme is a tax and that the state government is doing exactly the same in Victoria, but he is not prepared to do that because the federal government scheme is not a tax, nor will the Victorian scheme be one either.

**Commonwealth Games: floating fish**

**Ms ROMANES** (Melbourne) — My question is to the Minister for Commonwealth Games, the Honourable Justin Madden. The fish that featured during the course of the Commonwealth Games on the Yarra River have been an outstanding success. As members will be aware, the fish have been a major attraction for the many thousands of people who came every evening to see the magnificent sound-and-light show on the Yarra. Now that the fish floats have been dismantled, can the minister advise the house of what will be done with the much-loved fish?

**Hon. G. K. Rich-Phillips** — On a point of order, President, the rules do not allow questions to ask for information that is publicly available in documents. This is a matter of a press release that was issued earlier today. I submit that this information is readily available. I draw your attention, President, to rule 1.03(d).

**Hon. T. C. Theophanous** interjected.

**The PRESIDENT** — Order! Minister Theophanous! With respect to the point of order raised by the member, which referred to whether a question should be asked of a minister regarding information which is readily available in accessible documents, I am not aware of what information the member claims is readily available in documents. Since that is the case, I do not uphold the point of order. I allow the minister to answer the question.

*Honourable members interjecting*

**The PRESIDENT** — Order! I have no other option. Members should not argue. There is no document before the house which contains the information the minister was asked for.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I welcome Ms Romanes's question in relation to the fish, because the fish have been an enormous success, haven't they, President! Of the 72 fish probably only the European carp was not terribly popular, but it is a native of one of those countries which participated in the Commonwealth Games. As I look across the chamber, whilst there are not 72 fish on the other side, some of the faces look very familiar — and I do not mean in a parliamentary sense. A number of opposition members could have easily been on the pontoons and presented themselves as fish in the festival. I will not allocate a fish to each one of those faces, but can I just say — —

**Hon. Philip Davis** — On a point of order, President, the minister is being argumentative and is berating the opposition parties. I am concerned that he is the second minister in succession to do so. Is there something in the water today? If so, can the President deal with it?

**The PRESIDENT** — Order! I do not uphold the point of order. I ask the minister to continue.

**Hon. J. M. MADDEN** — I can appreciate the member's sensitivity, because the difference between these faces and the fish is that the fish were very popular. The fish were an absolute success. There were 100 000-plus people lining the banks of the Yarra River on the night of the opening ceremony to see the extravaganza which was the river festival. Every night

during the course of the games there were 10-minute displays on the hour, featuring music from the opening ceremony. Anybody who was on the banks during the evening throughout the course of the games would have appreciated that not only was it a great event to be at but there was a fantastic feelgood atmosphere. As well, I am delighted to be able advise the house that councils across Victoria will have the chance to net one of the aquatic sculptures that formed the centrepiece of the Commonwealth Games celebrations on the river over the past two weeks.

The Premier and the Lord Mayor of Melbourne, John So, who has now achieved rock star status, announced today that 60 of the 72 installations would be offered to councils through an expression-of-interest process. The remaining 12 will be set aside for other games legacy initiatives, such as temporary displays at Museum Victoria and future use at other festivals. We are in discussion with the Melbourne City Council to retain the Australian short-finned eel specifically for the city of Melbourne. The fish will become a souvenir and a tangible keepsake from the biggest event ever held in Victoria.

The 12 days of the games were an enormous success, and we have always stressed the importance of their ongoing economic, environmental and particularly social legacy. This is one way of reminding us of many of those benefits. The festival attracted in the order 200 000-plus people on the banks of the river each day over the course of the games. To sum it up in one line, there is no doubt that those fish were simply the best.

### **Seal Rocks Sea Life Centre: safety**

**Hon. PHILIP DAVIS** (Gippsland) — I direct my question without notice to the Minister for WorkCover and the TAC. I refer the minister to the Seal Rocks building report commissioned by the government, which has exposed the Seal Rocks complex as being in a dangerous condition and as a disaster waiting to happen. As this information has been in the possession of the government for two years, why has the minister done nothing to protect the health and safety of the staff at Seal Rocks as well as that of the public?

**Mr LENDERS** (Minister for WorkCover and the TAC) — I find the hyperbole from the Leader of the Opposition extraordinary.

**Hon. Philip Davis** — Hyperbole?

**Mr LENDERS** — The hyperbole is extraordinary. From listening to the people opposite, I can say that they have opposed every single piece of legislation we

have bought into this place to empower our occupational health authority regime to inspect premises to look after the interests of workers and the public. Mr Atkinson is not here today, but he talks about the armies of inspectors infringing on the civil liberties of people trying to run businesses. Whenever we do anything with the Victorian WorkCover Authority, we have here a group whose members are like a laughing clown that you see at the circus — its head goes one way and it says, ‘Too much interruption, too much big business and too much big government’ and then it goes the other way and says, ‘Why haven’t you got bigger government and why aren’t you helping?’. I would first and foremost say to the Leader of the Opposition that I welcome his new-found interest in the occupational health and safety of the work force. I urge him to support this government and WorkSafe to actually make our workplaces safer. Regarding the specific issue he raised of the Seal Rocks site at Phillip Island, I will take that issue on notice and be happy to report back to him.

*Supplementary question*

**Hon. PHILIP DAVIS** (Gippsland) — I thank the minister for looking into why he has not done anything to date. Could he now advise the house in relation to the grave safety problems at Seal Rocks? What is the minister going to do about this with respect to the WorkCover act?

**Mr LENDERS** (Minister for WorkCover and the TAC) — In response to the Leader of the Opposition’s question about what we have not done, I remind him that under this administration we have seen the lowest number of deaths in workplaces in the history of this state, we have seen a reduction of serious injuries in workplaces of the order of 4 per cent or more despite a growing work force, and we have an occupational health and safety inspector out there making workplaces safer despite the interference of the federal government, which is playing politics in these areas and frankly does not know whether it is coming or going unless it is making an ideological statement.

We are working with industry and unions to make our workplaces safer. That is what we are doing in this state. I am sure that the independent regulator will be looking into this and dealing with it, as it does and as it has done in bringing down workplace injuries. I will take on notice the member’s question so I can get for him a detailed statement of the particular case he raises. I again urge him to get on board with the Victoria’s employers and employees to make our workplaces safer and not snipe from the sidelines.

**Commonwealth Games: benefits**

**Mr SMITH** (Chelsea) — I ask the Minister for Commonwealth Games, the Honourable Justin Madden, to detail for the house the economic benefits generated for Victorian businesses as a result of the Bracks government’s hosting of the Melbourne 2006 Commonwealth Games.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — As many people in this chamber would appreciate, the Commonwealth Games was the biggest event ever held in Victoria. It was much bigger than the 1956 Olympics. We sold almost 1.6 million tickets, and that in itself is a Commonwealth Games record. We had estimated that we would have 90 000 visitors, and we will report on that as figures come to hand.

One of the huge success stories of the Commonwealth Games was the Melbourne 2006 Games Commonwealth Business Club. This was a huge success that will no doubt deliver long-term economic benefits. We had over 6000 members, 40 per cent of whom were from overseas countries such as Scotland, England, Wales, India, New Zealand and Canada. Interestingly, 100 people from China, which is not even part of the commonwealth but is our largest trading partner, joined in as well. Over 30 business club events were hosted across the state, including regional areas. As well we had 320 international observers from 31 different organisations focusing on major events. They were representing events such as the London Olympics in 2012, the Delhi Commonwealth Games in 2010 and the Beijing Olympics in 2008. They were observing our event management, which we showcased. It was proven to be a world leader over the last fortnight. This leverages off the fact that we have a \$1 billion international major events calendar.

In addition, some international organisations were here observing and looking for export opportunities from the games — for example, Traditional Foods has entered into discussions to break into the Canadian market. Victoria’s expertise will also be transferred to the Doha games following the signing of a memorandum of understanding between the Victorian government and the Doha Asian Games organisers, with the staff from Melbourne 2006 and the Office of Commonwealth Games Coordination being able to transfer their information or much of their knowledge to assist the games in Doha.

Three Victorian companies have already won contracts for work at the Doha Asian Games later this year. It is worth appreciating too that the Doha Asian Games will

be substantially bigger than the Melbourne 2006 Commonwealth Games. The three organisations are the Holmesglen Institute of TAFE, which is providing training services for the 35 000 people involved in the event in Doha, CleanEvent from South Melbourne has won major games cleaning contracts, and HG Turf of Moonee Ponds, which provided the turf for the Melbourne Cricket Ground, will be doing the same for the Doha stadium.

In terms of tourism, we believe there will be direct expenditure into the economy from the tourism numbers — the 90 000 visitors — of somewhere of the order of \$270 million.

The Hotel Motel and Accommodation Association has said that the games have been an outstanding success. We understand that we have had the highest room take-up on record for this particular period of the year. But that has not just been across Melbourne. It has been across the state and out in regional areas. This proves once again what I have been saying for many years about the Commonwealth Games, that the Bracks government has delivered on its commitment to not only deliver the biggest and best Commonwealth Games ever but to generate long-term benefits to make Victoria an even better place to live.

### **Hazardous waste: Nowingi**

**Hon. B. W. BISHOP** (North Western) — My question without notice is directed to Minister for Major Projects, Mr Lenders. As he is well aware, the environment effects statement (EES) process to test the government's proposal to place a toxic waste dump at Hattah-Nowingi completed its public exhibition on 16 December 2005. Since then we have had an avalanche of complex supplementary reports — some 14 or 15 reports, I believe — from Major Projects Victoria dropped on our community right in the busy harvest period, giving the locals little or no chance to research them. The community sees these reports as crucial to the EES process and, given their importance, believes they have now become a supplementary EES in their own right, so I ask: will the minister now agree to treat these supplementary reports as a supplementary EES process in their own right, and therefore place them on exhibition?

**Mr LENDERS** (Minister for Major Projects) — I certainly appreciate Mr Bishop's interest in this issue. I have contrasted before that his views change a bit from Werribee to Nowingi, but I appreciate his interest in a project within his electorate, just like the member for Mildura in the other place, Mr Savage.

I will seek in this house at all times to be of assistance to Mr Bishop and to provide information. I contrast that with the absolute lack of interest from the Liberal Party which could not even be bothered putting in a submission to the environment effects statement (EES) process

**Hon. W. A. Lovell** interjected.

**Mr LENDERS** — I take up Ms Lovell's comment. She goes to Mildura and at every possible moment parades in front of the *Sunraysia Daily* for photo opportunities, but it would be nice if she actually put pen to paper and expressed some of those views as part of the process and that she would bother, on an issue of such importance, to at least show the courtesy to the Sunraysia community of putting a submission in if she has a strong view — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! It is impossible for Hansard to take down the minister's response. I ask members on my left to stop interjecting.

**Mr LENDERS** — In the spirit of Mr Bishop asking for information, I take his question far more seriously, because he has put in a submission and been consistent on this, unlike the Liberal Party, which could not be bothered and just milked it.

The issue of the timing of the process at this stage is in the hands of Planning Panels Victoria. It has had its directions hearing on the future timing of this process, and if there is any ministerial control over that, that is in the hands of the Minister for Planning in the other place. I cannot offer Mr Bishop any assistance in that area, because it is an issue for the Minister for Planning. But I remind him — and it is a serious issue here as to how we address this — that the Sunraysia community has for a period of time been seeking further information.

I got two messages out of my visit to Mildura, and the Mildura community was a tad strident about its views when I was up there. They were not treating me like the Lord Mayor of Melbourne, John So, and calling out my name. It was not quite as friendly when I went up there. But the two messages coming out of Mildura were, one, they wanted information and they wanted us to provide information, to commission work and present it; and two, they wanted certainty and they wanted a quick decision. This is the balance in the end that Planning Panels Victoria undoubtedly will have to address from the submissions made to it in a directions hearing and ongoing. Mr Bishop's issue about those supplementary

reports and whether they be treated as a supplementary EES is an issue outside my ministerial portfolio.

*Supplementary question*

**Hon. B. W. BISHOP** (North Western) — It is tough getting an answer out of the minister. He is elusive, and I suspect, in football parlance, he would have been a very good half-forward flanker. I remind the minister that he is the minister responsible for Major Projects Victoria, and it did drop these reports on the community after the exhibition. Given his answer, I ask a supplementary question in an effort to get a result: will the Minister for Major Projects request the Minister for Planning in the other place to place these late-arrival reports on exhibition to ensure our community gets a fair go during the EES process?

**Mr LENDERS** (Minister for Major Projects) — It is an interesting issue — getting information out to the Sunraysia community. I know when this government was trying to get information made available at the municipal offices in Sunraysia, the Mildura City Council refused to have our reports available because it was seen in some way as an endorsement of the process. I will certainly continue to endeavour to get as much information out as possible into the Sunraysia community. But I remind Mr Bishop, and I guess his own city council, that at times, like when we tried to get our reports in the council office or in the library so that members of this community could see them, the council said, ‘No. Find them a government office’. I will continue to talk to the Minister for Planning in the other place, Mr Hulls, and anyone I can about the importance of getting information out there so that the community can receive it and digest it as much as possible.

We need also to be aware that there is a review in Mildura. We want a decision as soon as possible and we are trying to do both, so —

**The PRESIDENT** — Order! The minister’s time has expired.

**Commonwealth Games: public transport**

**Mr SCHEFFER** (Monash) — My question is to the Minister for Commonwealth Games. I ask the minister to outline to the house the initiatives that were implemented to ensure safe and efficient travel on public transport during the 2006 Commonwealth Games for spectators, visitors to the city and general daily commuters?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I thank Mr Scheffer for his interest in all things relating to the 2006

Commonwealth Games. The state is known for its world-class performances, and we put in a world-class performance in coping with the massive increase in demand for public transport over the 12 days of the Commonwealth Games.

On average, 75 per cent of spectators travelled by public transport, which is more than for any other major event in Victoria. Around 1.8 million people travelled to and from games events on top of the normal commuter load. In total, there were an additional 4 million trips on our buses, trams and trains. I understand V/Line sold about 100 000 tickets at \$10 each to spectators and volunteers travelling to Melbourne for the games.

Travel was free on public transport within the Met system for ticket-holders on the day of the event. Public transport timetables during the games period were designed to meet the specific demands of catering for events during the day and into the evening, specifically focusing around a third wave or peak in the evening to get people to and from late events.

It is worth appreciating that with most of the games events you could have test events — that is, you could test the transport system for one day with maybe the grand final or on New Year’s Day — but it is hard to test the ability of the transport system to deliver for 12 days continuously. It was with great relief but also appreciation that we saw the transport system deliver so well across those 12 days of the Commonwealth Games.

More than 30 000 additional public transport services were delivered. Connex and Yarra Trams both extended services until about 12.30 a.m. on each day of the games and until 1.30 a.m. on the opening and closing ceremony days. V/Line operated extra services including some late evening services.

The Metlink survey showed that 90 per cent of people taking public transport to events rated the service as good or excellent. Everyone involved should be congratulated for their tremendous performance. I especially thank the many drivers and workers who worked extra hours and put aside their annual leave for the games period. For many people using the public transport system during the games, this was their first experience of the system. We hope the games experience has been so positive that it encourages more people to use public transport regularly and to think about alternatives to using their cars.

One of the lessons learnt from the games is that there are benefits in planning ahead and being patient in big

crowds. With more fantastic events coming up we would expect and encourage commuters to keep these golden rules in mind: plan ahead and be patient when travelling around the city so we can all make not just Melbourne but Victoria an even better place to live.

### Housing: funding

**Hon. ANDREA COOTE** (Monash) — I direct my question to the Minister for Housing. The Victorian budget fact sheet ‘Expanding the supply of affordable housing’ says there will be a commitment of additional resources to the Office of Housing of \$89.6 million between 2004 and 2006. Is it a fact that there has been no net increase in public housing in Victoria between those years?

**Ms BROAD** (Minister for Housing) — In response to the member I advise her that since the Bracks government was elected the amount of housing funded by this government is more than 10 000 housing units. This government has committed \$363 million in extra funding to public and social housing because it believes all Victorians deserve to live in decent housing. This has been achieved by the Bracks government despite ongoing cuts by the federal government to the commonwealth-state housing agreement. As a consequence, the fact is that some 5000 Victorian families who could be housed today are not housed solely because of the cuts by the federal government to funding through that agreement.

The Bracks government is continuing to make an investment in social and public housing in Victoria. As a result of these cuts and also because we think this direction offers better possibilities in the future, this government has adopted our policy on housing associations. Under that policy we are committing extra state government funding to the creation of housing associations as part of our growth strategy for delivering more social housing in this state to families who need it.

As a consequence, we are seeing growth concentrated in those areas where we are able to leverage state government funding through contributions from local councils, contributions from community housing organisations and through private sector partnerships. It is very important in assessing the Bracks government’s achievements in delivering affordable housing to Victorians who need it to look at what we have delivered in both public and social housing.

The opposition, to the extent that it cares to examine any of these matters, will see that the Bracks government is making its major contribution through

the social housing route, because that gives it a greater capacity to deliver more housing than it can through public housing, which cannot be leveraged.

### Supplementary question

**Hon. ANDREA COOTE** (Monash) — I ask the minister whether the properties listed in the *Government Gazette* of 6 February 2006 are just a sleight of hand to make it appear there are now 23 additional properties listed.

**Ms BROAD** (Minister for Housing) — I do not have the *Government Gazette* in front of me. I do not bring it with me to question time each day. I reiterate that under this government, more than 10 000 additional housing properties have been delivered. That is a proud record. We will continue to deliver a growth strategy for public and social housing in Victoria because it is a priority for this government, unlike the opposition’s colleagues in Canberra.

### Commonwealth Games: major projects

**Hon. J. G. HILTON** (Western Port) — My question is to the Minister for Major Projects, Mr Lenders. We have heard the Minister for Commonwealth Games talk about the marvellous Melbourne Cricket Ground that played host to the spectacular opening and closing ceremonies, and to the athletics competition. Will the minister inform the house of Victoria’s other major projects that were a part of the games and a part of showcasing Victoria to the world?

**Mr LENDERS** (Minister for Major Projects) — I thank Mr Hilton for his question and passion for the Commonwealth Games and major projects in Victoria. I am in the shadow of my colleague the Minister for Commonwealth Games in every way in the delivery of projects. I take my hat off to him for his work over the past six years in leading a fantastic team to have construction completed and in getting the Commonwealth Games up and in place.

In addition to the Melbourne Cricket Ground that Mr Madden and Mr Hilton have talked about, I wish to advise the house of a number of other major construction projects involving the games and which played such a good role in the games. I have previously referred the house to the removal of that blight on the landscape of Melbourne, the Flinders Street overpass. Not only did its removal allow the athletes to avoid one more hump in the marathon course but it has added an enormous amenity to that part of the central business district and has allowed the aquarium to spread right up

to the edge of Flinders Street. I have taken great delight in that.

**Mr Smith** interjected.

**Mr LENDERS** — As my friend Mr Smith said, you could have looked at the fish from there if you took an unimpeded tram ride down past the aquarium.

The removal of the Flinders Street overpass was completed on time and on budget. We do not hear the new Deputy Leader of the Liberal Party in the other place or her spokesperson in this place, Mr Philip Davis, talking much about the projects that are on time and on budget. I welcome the parliamentary Liberal Party having a good look at the Flinders Street overpass as an example.

Perhaps on his way home Mr Philip Davis could go down the Hallam bypass to see another project that was not only on time and on budget but ahead of time and \$10 million under budget. Tragically the Hallam bypass was not one of the features of the Commonwealth Games, so it is not relevant to Mr Hilton's question, and I had better return to that question.

I refer to Docklands as another great Victorian icon. At the risk of being accused of hyperbole, I venture to say it is probably one of the largest public-private partnership projects on this planet. It is certainly one of the largest in the southern hemisphere and the largest in Victoria. Docklands was one of the great showcases of the Commonwealth Games. It was not only the live events being viewed on the giant screen, the waterfront carnival, Festival Melbourne 2006 and the excitement of the Rugby 7s at the Telstra Dome, but it was also where the Australian walkers took a clean sweep of the 20 kilometre races and the gold and bronze in the men's 50 kilometres. I am sure that dual gold medallist, Nathan Deakes, appreciated the Docklands scenery as he did his 35 laps of the course.

The games were a great opportunity to refresh our infrastructure above and beyond the Melbourne Cricket Ground, our great icon, along with other parts of our sporting and general urban infrastructure. The logistics of these games were fantastic, as my colleague the Minister for Commonwealth Games said. People from around the world marvelled at central Melbourne and at our sports institutions and our great complexes, which were linked together, accessible to the centre of the city and public transport, and very user-friendly. It was a great games, and it is fair to say we were certainly united by the moment in appreciating the refreshed infrastructure of the Bracks government.

## WorkCover: verbal opinions

**Hon. BILL FORWOOD** (Templestowe) — I direct my question without notice to the Minister for WorkCover and the TAC. I refer to the Victorian WorkCover Authority's (VWA) ingrained practice of seeking verbal opinions on injured workers from treating psychologists, and in particular to the letter dated 27 March, two days ago, from Nicole Ryan, manager of the clinical panel, concerning two named workers, which says in part that a member of the clinical panel will contact the letter's addressee:

... to discuss and review the treatment you are providing.

And further:

... the VWA may require you to provide written or verbal information.

Why is the VWA writing letters to psychologists which contradict instructions in the claims manual, and how can this behaviour be in the best interests of injured workers?

**Mr LENDERS** (Minister for WorkCover and the TAC) — Clearly I missed the full implications of the Liberal frontbench reshuffle yesterday. Clearly not only was the member for Brighton in the other place elected Deputy Leader of the Opposition, but Mr Atkinson, after 98 days of silence in this chamber, was replaced by Mr Forwood, who is back in his old job of asking questions about WorkCover. I am looking forward to the new sheet listing the Legislative Council spokespeople, but I was not aware that after 98 silent days from Mr Atkinson that he has now been replaced by Mr Forwood.

On any particular issue of an individual case about WorkCover I will follow the practice of my good friend Mr Hallam and take it on notice so I can get a detailed response back to the member who asks the question. What I will say to Mr Forwood, and I believe he is being mischievous in his approach to this, is that this government is absolutely committed to a regime of occupational health and safety and workplace insurance which deals with the important needs of injured workers, which is workable and which means our workplaces are safe.

We need a system with a vigorous occupational health and safety inspectorate to make our workplaces safe. We will continue to have an insurance scheme with claims management which is rigorous but which is also compassionate in dealing with injured workers — a fair system that can both deal with the legitimate needs of injured workers and provide reasonable premiums for

employers in this state. They will remain the goals of the Bracks government in dealing with WorkCover. We have a scheme that we have turned around from one that was the pariah of the country to one that is looked at with envy for its financial viability and how it deals with injured workers and their return to work.

Like former Minister Hallam, I will take on notice the specific details of individual cases in fairness to them, but I welcome a general discussion with Mr Forwood at any time.

*Supplementary question*

**Hon. BILL FORWOOD** (Templestowe) — I assure the minister that I am not being mischievous. Who has primacy in the treatment of injured workers — the worker's chosen treating psychologist or the VWA's treatment review panel?

**Mr LENDERS** (Minister for WorkCover and the TAC) — I am absolutely gobsmacked to get that question from Mr Forwood, because I believe Mr Forwood is being mischievous. If Mr Forwood is proposing that we remove the independent medical panels — and I am not trying to put words into his mouth — and the surety that the system has in place in claims management, then not only would Mr Roger Hallam be blushing and distancing himself from his former colleague in government, but also Mr Stockdale would be distancing himself at a speed faster than the fastest Commonwealth Games 100-metre sprinter. I believe Mr Forwood is being mischievous if he is questioning that basic underpinning of our WorkCover regime, which is that we have independent medical panels. I will treat it as a mischievous question, and I look forward to his next question.

**Commonwealth Games: information and communications technology**

**Hon. KAYE DARVENIZA** (Melbourne West) — My question is to the Minister for Information and Communication Technology. As well as the athletes, many other parts of the community contributed world-class performances during the Melbourne Commonwealth Games. Can the minister provide the house with details of the contribution made by Victoria's information and communications technology industry during the Commonwealth Games?

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — I thank the member for her question. Like everyone in the chamber, I was excited and proud to be a Victorian during the Commonwealth Games. We certainly did

put Melbourne's best face and foot forward, and we demonstrated that we can put on the best possible performances for over a billion people around the world to watch.

I am pleased that the Victorian information technology (IT) industry was a part of that great performance. In fact, local software company Readify contributed to the development of the Melbourne 2006 web site. Australian Project and Consulting Services provided the games data network, which was the largest single temporary data network constructed in Australia since the Sydney Olympics. Sportal delivered the vital news services for the Commonwealth Games. Dandenong-based company Bytecraft provided video screens and lighting for all venues during the Commonwealth Games.

Software development company Senetas developed and provided the budget systems for the games and BCA IT was the official IT distributor for the games. Melbourne-based company CSIRO Publishing teamed with Deakin University to develop a Commonwealth Games education program for primary schools, comprising two CD-ROMs, *Let the Games Begin* and *United through the Games*.

Compliance software developer iComply provided incident management software to Victoria Police which enabled police to keep a real-time log of incidents, which was critically important for the Commonwealth Games. Students at Footscray Secondary College have also played a role in the games with the production of the official Melbourne 2006 podcasts. I was pleased to be able to present certificates to those who helped produce the podcasts for the Commonwealth Games, and they were excited at the role they played in the Commonwealth Games.

iCrystal, one of Australia's leading firms in the development of RFID — radio frequency identification — technology, teamed with Victoria Machine Vision and Box Hill TAFE to develop world-first radio tracking technology for cyclists to train with. The Australian team used that for training in preparation for the Commonwealth Games.

In another world first, local companies Geomatic Technologies and Readify developed a wireless, hand-held application. It was a world-first application that enabled volunteers to provide visitors to Melbourne with directions to Melbourne's fantastic venues and attractions through a printed map the size of a shopping docket or by short message service or multimedia message service. I reiterate that it was world-first technology. I have often spoken about the world-class

performances of the information and communications technology industry. It is great that these great companies had the opportunity to be part of the world-class performance that was the Melbourne Commonwealth Games.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice: 5321, 5324–29, 5371, 5543–52, 5587–91, 5601, 5655, 5726, 5748, 5749, 5762, 5814–18, 5828, 5882, 6440, 6530–34, 6544, 6606, 6654, 6694, 6837, 6867, 7044.

### **RAIL SAFETY BILL and TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL**

#### *Second reading*

#### **Debate resumed.**

**Hon. R. H. BOWDEN** (South Eastern) — Just prior to the luncheon break I was detailing the principle of three strikes and you are out that applies to the state government in its performance in trying but failing to meet the rail quality standards that we expect in this state. I spoke about the farce rail, the regional program, which has outrageous cost implications, the story of the secret sale and lease back of the Spencer Street Southern Cross railway station, which I think we will hear a lot more of in coming weeks, and the failure of the government on the rail standardisation program. As a matter of fact you cannot call it a program — the government has delivered nothing in rail standardisation. It has not even linked up the wharves at the port of Geelong to the nearby standardised national system.

I want to make some other points about this legislation which are of concern, but of prime concern to the opposition are two core worries. Victoria is a willing and agreed partner to the national approach in developing national legislation on rail safety management with the National Transport Commission and the other states in our great nation. At the same time as working with those other states and the National Transport Commission, the state of Victoria is racing ahead — not necessarily better, but racing ahead — and not complying with the timetable that has been agreed through the Council of Australian Governments process. I think that is terrible, and, as I said earlier, we

fully regret and strongly object to the inability of the government to understand the importance of the amendments that we put forward in the other place on 1 March that were voted down by this insensitive state government.

On the rail safety situation, many decades ago — I think it was in the 1930s — the New South Wales government made a decision that it would work towards eliminating level crossings in the Sydney metropolitan area. To my knowledge that has been accomplished. It took many decades, and I do not believe that this state government even understands or has begun to understand — and VicRoads could do with a lesson on this — the importance of working towards a systematic elimination of high-risk level crossings. We have far too many in this city, and we have all sorts of regrettable incidents.

It is just appalling that neither the state government, VicRoads or the Department of Infrastructure appear to be serious about working towards eliminating level crossings. Tragedies occur on a regrettably regular basis in country areas, where it could be said that it is not so easy to provide alternatives on either a cost or engineering basis, but in the metropolitan area there is nothing whatsoever to stop an orderly, long-term program being put in place to eliminate level crossings. That level of negligence is absolutely amazing.

The commuter capacity of Melbourne versus Sydney is very interesting. We have not seen any great investment in rail infrastructure during recent years — as a matter of fact, in recent decades — and that is not good. The last major piece of infrastructure that was put into Melbourne was the underground rail loop. That was excellent, but there has been nothing of any great consequence since then.

It is about time we looked at timetabling and the use of infrastructure to help the public use public transport. We should look at adding extra rail lines and connections and look closely at the integration of timetables. I am told reliably that it now takes almost the same time to go from Frankston to Melbourne as it did 50 years ago. There has been no improvement in the timetables. The steam trains took about the same time as it takes electric trains on most of the services to go from Frankston to Melbourne or vice versa. That is totally unacceptable and this government should be aware of that.

If we are to encourage people to use public transport to make effective use of the state and national investment it represents, it is time we looked at adding extra rail lines, at timetabling and at using modern technology to

speed up the capability of the rail services. That applies to the rural services as well as to those in the metropolitan area. Every time I look at the Stony Point line on the Mornington Peninsula I can see a horrible tragedy waiting to happen. If you look along the line — and there are many places where you can get at almost eye level to the rails — you can see that the rails are bumpy, are not secure and are dangerous. The 50-year-old locomotive and similar vintage carriages are a disgrace, the service is a disgrace and the lack of government action on the Stony Point service is a disgrace.

I do not want to dwell on it, but I was a passenger in the second car of the Granville train involved in the Granville accident and was one of the injured. There were 84 people killed and more than 200 injured at Granville. The subsequent inquiry into the accident found out that the rail infrastructure was undermaintained and that the heavy weight of a freight locomotive on a fragile rail set-up caused that accident. The train ripped out the bridge, and the bridge fell on it. I was there.

The difficulty I have about the Stony Point line in particular is that here we have a heavy freight locomotive on a fragile line situation. I am very, very concerned about it. I have mentioned it in the chamber before, and it is my underlying concern. It is a rotten service, the equipment is too old, and it is about time the government woke up to itself before we have a multiple tragedy there.

I also believe that the quality and design and the frequency of services on our metropolitan rail links are totally unacceptable and that as a state we could benefit from opening our minds and forcing our bureaucrats to look at competing cities in our nation. There does not seem to be future planning for capacity, either in frequency of services or the design of the trains. It may be that there are physical limitations on using double-decker trains, but I don't think so. Experimental trains of a double-decker design have operated on the system in the past. There may be one or two lines where adjustments could be required, but it is about time that the Department of Infrastructure, the railways authorities and the Minister for Transport took a very good look at the situation and started to do something sensible. I recommend timetabling as an important aspect for consideration.

Marine safety is covered by one of these bills. International and interstate accidents of a marine nature are covered by appropriate federal legislation. It is good that people are scheduled to come into the public service who are able to investigate and support marine

safety situations. There is a lot I would like to say about marine safety, but I regret time does not make that possible.

The idea of a no-blame investigation is a good one although one of the core considerations that could be said is a negative about the legislation is that the investigation process and the bureaucracy that will exist in the minister's area will actually report back to the minister, so we could have the government investigating itself. I know there are repeated mentions about the independent nature of that position, but ultimately the implementation of effective redress to an incident under the investigatory process is with the government: the government investigates itself. From an effective action point of view, that is too close for comfort.

There will be 52 staff in the office of the rail safety regulator and another 10 in the office of the newly created chief investigator, public transport and marine safety investigations. This will give the state of Victoria the opportunity to bypass the independence of the Australian Transport Safety Bureau. That is a problem, because a significant marine or public transport incident could very well that occur, and we would have the possibility of differing situations and recommendations between those two organisations.

We do not understand why this incomplete bill is being rushed through the house when it is not needed. It is not too long away when we will have problems because there will be a need for amending legislation. We think that is regrettable; we are concerned about it and we see no reason why the state of Victoria is galloping ahead of the national model. We think it is difficult for the development of effective, cooperative national legislation when our state is moving ahead of the others.

One of the things that is of real concern is the heavy reliance on bureaucracy and proactive detailed documentation. I could argue that is a good thing, and in a way it is. But on the other hand there is no mention of concern for cost, and these provisions will put very heavy cost obligations on the transport providers. An enormous amount of expenditure will be involved in the documentation and processes that go with that.

Throughout both bills there is no consistent apparent understanding of the need to invest in infrastructure. That is the core weakness of these two bills. There is a recognition of more bureaucracy, control, regulations and accreditation, which in themselves as separate items can be argued to be desirable —

**Hon. B. N. Atkinson** — The government's interest is two members here.

**Hon. R. H. BOWDEN** — But the government is interested in more bureaucracy and more public servants, but the government members of this chamber are not terribly interested because I can see only the minister at the table and one other member, Mr Smith.

**Mr Smith** — Because you're so boring, Ron.

**Hon. R. H. BOWDEN** — They do not want to hear the genuine concerns of the opposition, Mr Smith. You are not willing to sit and listen to the genuine concerns of the opposition.

It is also a concern that the \$40 million train protection warning system currently fitted — —

*Honourable members interjecting.*

**The ACTING PRESIDENT**  
(**Hon. H. E. Buckingham**) — Order!

**Hon. R. H. BOWDEN** — Thank you, Acting President. It could be said that the government is concerned that the discredited purchase of the \$40 million train protection warning system, which has already been described in inquiries as a B-grade system, could fail. We received a letter from a serving metropolitan train driver who said something very interesting:

... did you realise that driver-only suburban trains are going to have three safety systems: pilot valves, dead man's train stops and vigilance control —

and yet the government thinks that it is okay —

for driver-only V/Line trains to operate over the same tracks with just a 60 seconds vigilance control?

In other words there are two safety standards for the travelling public with two types of trains on the same tracks in the metropolitan area. That is not acceptable. We are concerned that that is not good, and we would like a further explanation from the government in due course of why that could possibly be acceptable.

I also believe there is a lack of understanding of the need to provide an improvement to our rail infrastructure and level crossings in particular. I think everyone is familiar with the crossing at Springvale Road near Whitehorse Road. That crossing is a disgrace and should be fixed. In the Moorabbin area along the line towards Frankston many crossings should be systematically targeted for replacement or be fixed.

We are not going to have an acceptable, safe and enduring capability for an efficient public transport system no matter how much documentation and planning and no matter how many bureaucrats we have in the organisation unless there is a commitment to more infrastructure, more lines, better maintenance and an elimination of level crossings particularly in the metropolitan area. I mentioned earlier that in the 1930s, the New South Wales government made that decision, and it has only just achieved that goal in recent years.

It is a disgrace to need to allow more than 30 or 45 minutes to travel by public transport from Dandenong to the city or vice versa, or from Frankston to the city, or a similar distance from the city to Broadmeadows and back. We do not have enough rails; there is an attitude of underspending and not putting money into infrastructure. Until we get more rails and better equipment on those tracks we will not have the capacity for or even the necessary fundamentals of a safe and secure rail system.

I suggest that there must be a total recognition that the time has come to get a more modern and larger fleet of safe, state-of-the-art trains. We have some very good trains, some newer ones which are okay and some which are totally unacceptable. The design of those trains is quite different from those in other cities and jurisdictions. It may be that we want to be different for the sake of it. That is not acceptable.

There is no reason why we could not have double-decker trains of a design acceptable to the relevant engineering departments and there is no reason why we should not start to plan seriously for extra lines — duplicated or third lines with computerised switching between them. I see no reason why, for example, we should not be able to offer commuters from the Frankston area a 30 to 35-minute express trip to the city. If we did that, we would encourage people to take trains to work and back. Why would people want to spend maybe 1 hour and 5 minutes on a journey of indifferent quality in indifferent carriages on a system with the same timetable as that in the 40s and 50s, when we had steam trains?

No amount of legislation, no amount of proactive planning, no amount of bureaucracy and no amount of theoretical social engineering will overcome the lack of infrastructure and the lack of commitment to building decent infrastructure and providing good equipment. If members want an example of what not to do, they should look at the disgraceful performance today on the rail line between Frankston and Stony Point. There is a classic example of how, despite what they say, members of this state government are prepared to

neglect the public. There are too many level crossings on that single line, with a 50-year-old freight locomotive drawing 50-year-old carriages on a railway line that, quite frankly, is probably safer limited to travel speeds of 5 to 10 kilometres per hour. Regrettably I predict that in the possibly near future we will have a major disaster there. It is a disgrace and needs attention now.

In summary, as I said at the beginning of this contribution, members of the opposition are absolutely outraged and appalled by the inability and insensitivity of the Bracks government in not wanting to honour its obligation and stay with the other Australian states and the National Transport Commission in the development of a national public transport safety model. There is no reason why it could not and should not do so. We are concerned that with Victoria going it alone there will be costs and a waste of the time of both houses of Parliament in considering amendments that will be required to bring the state legislation into line with the federal legislation when it is finally presented.

Another matter is that the government is trying to go it alone when it said it would not, and is trying to work and is still contributing to meetings with the other states and the commonwealth. That is bad.

Members of the opposition believe strongly that the establishment of investigatory positions inside the minister's office will, unfortunately, in the future enable the minister of the day to simply have the investigation undertaken and then pronounce a decision on behalf of the government of the day — in other words, Caesar will be investigating Caesar. Members of the opposition do not like that. We do not consider that the way to go. We are incensed about it. It will not provide a safe service. It is a very undesirable practice.

In conclusion, members of the opposition are outraged about the offensive way that the people of Victoria have been duded on the secret sale of Spencer Street station — no matter that members of the government want to call it Southern Cross station — to the union movement. Now we have to pay millions of dollars a year for something that the state used to own. When the taxpayers of Victoria really understand that this government has flogged off their Spencer Street station for a quick quid members of the government will get the reaction they deserve.

**Hon. B. N. Atkinson** — Acting President, I reluctantly intrude on the afternoon tea of members of the government by drawing your attention to the state of the house.

### Quorum formed.

**Hon. B. W. BISHOP** (North Western) — I have much pleasure in rising to speak on behalf of The Nationals on the two bills which members are debating concurrently: the Transport Legislation (Safety Investigations) Bill and the Rail Safety Bill. The Nationals have consulted widely on both bills and have come to different conclusions on the two bills. We see them as dealing with different issues and that will be explained during our contribution to the debate.

If I might refer first to the Transport Legislation (Safety Investigations) Bill, the explanatory memorandum on the front page states:

The primary objective of the bill is to provide for the no-blame investigation of train, tram, bus and marine safety incidents in Victoria, with the focus of identifying causal factors rather than apportioning blame.

On balance, The Nationals agree with that sort of principle so we will be not opposing the bill. Mind you, we were sorely tempted to take the path taken by the opposition. One of the reasons we did not do so was that we considered that this bill is considerably wider than the Rail Safety Bill, which I will touch on later in my contribution. That bill refers only to rail whereas the Transport Legislation (Safety Investigations) Bill deals with tram, bus and marine safety as well as rail.

Another of the number of reasons is that a review has been conducted of the role and accountability of the arrangements for public transport and marine safety regulation in Victoria. Recently TFG International Pty Ltd examined the current governance arrangements for safety regulation and investigation in the public transport and marine sectors. The review found that, apart from the inconsistency between the administrative and legislative frameworks for the conduct of public transport and marine accident safety investigations, no-blame investigations needed to be conducted independently of the respective safety regulators to avoid conflicts of interest.

Another reason why The Nationals do not oppose this bill is that the Auditor-General in his report early in 2005, entitled *Regulating Operational Rail Safety*, raised the issue of whether the individual operators have the resources, competence and objectivity necessary to conduct safety investigations. That is a good point. Further to that, the Department of Infrastructure does the job now. I do not think that is right either, because it is the regulator and there may well be a lack of autonomy and objectiveness. It is my understanding that there is support from the industry for

the separation of regulation and investigation, and that comes from the transport sectors in general.

The Nationals understand that what I might call the significant accidents have been looked at by the Australian Transport Safety Bureau. At our departmental briefing we asked why the ATSB could not investigate all the accidents which we will talk about during the debate on this legislation. The advice we received was that it was not possible for the ATSB to extend its role. The Nationals thought that was attractive, due to the fact that it would be a very viable option and give us great consistency across all the states. However, we were advised that the primary task and role of the ATSB was in relation to aviation, the national rail system and international and interstate shipping. It might be right — it probably is — but it does seem a pity that we could not have done that to get a bit more consistency into the situation, particularly along the state's borders, and we will discuss those issues in the debate on the next bill.

The Nationals were also advised that at this point in time independent assessors are used. A few key points need to be brought out about the process we are discussing today. The new organisation will be charged with the responsibility of finding cause and not apportioning blame. I guess it sounds a bit strange until you delve down into it a bit more, but I suspect that it will create a very strong focus on fixing the issue, particularly when the primary role of the ATSB is to find out the cause of an accident and not apportion blame. That is an interesting point.

When The Nationals looked at this aspect, we thought there was a strong thrust of independence, and of course we support that. We support independence in relation to any safety investigation; we think that is a reasonable and fair way to go. However, we note that the explanatory memorandum on the front page of the Transport Legislation (Safety Investigations) Bill says:

The investigations will be independent of the relevant industry and the current areas of government (the director, public transport safety and the director of marine safety) which regulate safety in those sectors.

That is pretty interesting. I then turned to page 17 of the bill and looked at proposed section 85, which states:

The Chief Investigator must, as soon as is practicable after completing an investigation into a public transport safety matter or a marine safety matter, give the Minister a report of the investigation.

That is fair enough, because at the end of the day we strongly believe the minister is responsible. At the end of the day the buck stops with the minister, and we

certainly hope the bill does not remove any of those responsibilities.

However, a bit further on proposed section 85A is headed 'Consultation before report finalised', which is very interesting. It states:

... before reporting the results — —

**Hon. B. N. Atkinson** — With deference to Mr Bishop, who is making an outstanding contribution to this debate, President, I draw your attention to the state of the house and again to the inability of the government to maintain a quorum on an important debate on legislation that its members have introduced to this house.

#### Quorum formed.

**Hon. B. W. BISHOP** — Before the interruption I was attempting to make the point that independence, particularly in safety investigations, is a great thing, but I believe the bill challenges that independence. proposed section 85A says:

However, before reporting the results of an investigation to the Minister, the Chief Investigator must consult with —

- (a) the Director of Public Transport (in relation to an investigation into a public transport safety matter); and
- (b) the Director of Marine Safety (in relation to an investigation into a marine safety matter); and
- (c) the Safety Director; and
- (d) the Secretary; and
- (e) any person or body who has assisted the Chief Investigator with the investigation; and
- (f) any person or body to whom the report may be relevant.

I thought that was rather strange. It reads to me as though it is a protect-my-back club, and I do not know where the independence of that is. When you read the bill quickly it sounds okay, but when you drill down a bit and look at proposed section 85A I do not know where the independence goes from there. Certainly I can imagine — as I am sure a number of other members can — that if one of the regulators makes a mistake and has a fireside chat, which is stipulated in proposed section 85A, I suspect it could be smoothed over. I do not believe that is the intention of this bill, and I invite any government members who speak on this particular bill to give the house some guarantee that these investigations will be fully independent and carried out in that manner. They might wish to comment on proposed section 85A.

The bottom line for The Nationals is that we are really strong on the safety aspect. We are prepared to give this bill a go for three main reasons. Firstly, we have to have a transparent safety structure. We believe that apart from that piece I have just spoken about in proposed section 85A, we do need transparency across all our participants. There are the regulators — the Department of Infrastructure — the operators of the rail, bus, tram and marine areas, and we believe it is logical to have an independent assessment with no strings attached so there can be an absolute focus on what the issue is. Very importantly, the public must have total confidence in that system.

Secondly, the independent review by TFG International has recommended that there be separation between the regulators and the investigators.

Thirdly, as I have said before, last year the Auditor-General was concerned that the operators would not have the resources, the competence and the objectivity to conduct what I would call very much in-house investigations in relation to any accidents that might occur.

For those reasons The Nationals do not oppose this bill, but we wait with a fair amount of interest to hear the government's responses to the questions I have raised on independence, because it is a very important point.

The other thing I would like to raise — and perhaps we might get a response from the minister when she sums up — is that in the briefing we got no indication or advice on the size of the department and the staff. We do not want to see a large bureaucracy springing up here. We hope it will be small and focused, but perhaps the minister might give us some information on that in her summing up. The bottom line is that The Nationals do not oppose the Transport Legislation (Safety Investigations) Bill.

The Nationals have consulted widely on the Rail Safety Bill 2005. The front page of the bill makes interesting reading. It states, in part:

The main purpose of this bill is to provide for safe rail operations in Victoria by introducing a contemporary approach to rail safety regulation and improved organisational arrangements.

That may sound great but members should read on and wait for the punch line! It takes a bit of finding, but at the end of the minister's second-reading speech it says:

... rail safety regulation is an important national priority.

It further says:

The National Transport Commission is currently developing a national model Rail Safety (Reform) Bill ...

There has been a high degree of cooperation between the National Transport Commission ... and Victoria ...

In that process Victoria's proposal is highly consistent with the national bill. The speech further says:

However, if ... substantial and material differences unexpectedly emerge between the two bills, Victoria will seek to modify its legislation to the extent necessary to discharge its responsibilities for national uniformity or consistency. In any intervening period, the mutual recognition provisions of Victoria's bill will ensure seamless interstate rail safety regulation.

What a beauty! I would not believe that if you dragged me all the way back to my electorate office in Mildura. We know about the absolute nonsense that occurs between states, and here is a perfect opportunity for the government to ensure we get absolutely watertight national rules across all the states. To that end, on behalf of The Nationals I move a reasoned amendment to the second-reading motion on the Rail Safety Bill:

That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read the Rail Safety Bill a second time until a final resolution has been reached by all states in relation to the National Transport Commission's draft Rail Safety Bill'.

We believe this reasoned amendment is important because we want absolute uniformity across our state borders; in fact, it is crucial given the requirements for rail transport and across other sectors, as the house is discussing today. I do not think I am being too unfair in saying that I have observed that this government and the department seem to like to make things difficult across state borders. Those of us who live in border areas find a lot of anomalies which drive us mad when we are trying to sort them out between the states. Now the government has moved and I think done away with the border anomalies committee. That is another issue that I will not go into today, but that used to be a vehicle by which we could sit down and try to sort through the border anomalies that are often created by legislation such as this.

I will quote a few and the Minister for Local Government, who is at the table, would recognise some of them. We had some strife with the minister and her department over boating laws, where the licensing of operators is not the same between New South Wales and South Australia. When we had the briefing we were told the laws would be identical, but they are not yet; it has not happened.

We had the chain-of-responsibility bill, which was not a template bill but which would have guaranteed uniform

regulations across the whole of Australia. It was a model bill. It appeared to us it would have allowed the government to take a bit of delight in creating small differences between the states, which, as I said, drive people who live on the border around the bend when they try to manage those issues. Other issues include the real estate rules and regulations between the states, and I could go on and on.

I have moved the reasoned amendment in an effort to have the government hold this bill back until the national bill comes into place, to ensure that we do not have differences between the states on important issues of rail safety.

We think the second-reading speech sounded fine, but if there are differences there, I suspect the bill will not be changed. In fact the reference to 'mutual recognition' is a bit of a joke. That has not worked, and we would rather see the bill withdrawn until the national bill comes through so that we would have a much better opportunity to get reasonable rules across Australia.

I turn to examine the history of this bill. It is not a bad-sized bill; in the old terminology its thickness would go to  $\frac{1}{2}$  inch or  $\frac{3}{4}$  inch. When you get a bill that size, it always makes you a bit suspicious as you slog through it.

**Hon. David Koch** — As it should!

**Hon. B. W. BISHOP** — Yes, Mr Koch. It first appeared last year, and then it disappeared; it went off the agenda for while. When it came back, a heap of amendments had been made to it, which again makes you suspicious. I think there were almost 50 amendments, which is a fair few. I do not know why those amendments had to be put in place — whether it had been sloppy work or whether it was a race against time for the state to gain front running so it could put its views in ahead of the national approach, which The Nationals are extremely keen on. Perhaps we will never know.

Perhaps it was even for the state to get a bit more power over the private operators. We will probably never know, but we are debating this bill today, so I will detail what it proposes. It proposes the appointment of a new statutory office — director, public transport safety. Obviously that office will take a bit of resourcing. We do not have any information about the size of the office, but we note that it is statutory, so we suspect it will be staffed by a number of people. We would like to know the annual estimated cost of that office. I invite the minister, when summing up the debate, to enlighten the

house on the size of that office and the estimated cost of its operation.

Page 8 of the second-reading speech has some interesting stuff. We find that:

... the establishment of performance-based rail safety duties, for rail operators, managers of rail infrastructure, contractors working on rolling stock or rail infrastructure and rail safety workers including drivers or maintainers of rolling stock and infrastructure to ensure safety as far as reasonably practical.

We would ask the question: what does 'reasonably practical' mean? I suspect it could mean anything. We believe that a national approach would certainly give a better thrust than trying to do what is stated in that quoted paragraph.

The Nationals are strong supporters of the safety processes in road, rail, water and air — it matters wherever we go. We would like to keep an eye on that phrase 'reasonably practical' as it is put into operation in the real world. We do not want it to turn into a witchhunt of our private operators and for them to get a real hiding. Perhaps the minister could give the house some information on that.

The bill also puts in place a robust safety accreditation scheme for rail industry participants that will increase the rigour by requiring documentation of hazard identification, risk assessment and controls. There is nothing wrong with that — that is good stuff. But a case in point that should be looked at is rail crossings; I believe the Honourable Ron Bowden may have raised this issue in his contribution.

When a train is at a level crossing, particularly in the country, it is pretty hard to see it at night, particularly if the crossing is raised. A number of constituents have suggested to me that there ought to be some tape with a strong reflective property placed along the sides of the wagons. It should be kept clean to ensure that the wagons and locomotives are easily seen on country crossings, or perhaps there should be stronger lights on the trains to make them safer.

The second issue about country rail crossings is that often trees and native vegetation grow around the crossings, which makes it quite dangerous. A case in point is a place called Annuello in the Mallee. I have had a number of complaints from constituents saying they find it hard to see the crossing. Has anything been done? No. Between the Department of Sustainability and Environment and the other environmental organisations, it is a pretty hard job to get that safety issue tidied up. So if the bill is right — and that idea we have just talked about works — it might be a good thing to see how it goes.

Another point made on page 10 of the second-reading speech is interesting, when it states:

Where the safety regulator detects a non-compliance with an SMS, he or she will be empowered to issue a mandatory improvement or prohibition notice followed by a penalty if it is not complied with.

That is quite strong, and it will be interesting to see how that works. During our briefing on the legislation we were told that guidelines were to be developed, for instance, when a balance needs to be struck between safety and financial considerations. I think that is most important, and I noted that that provision was in the bill. I do not know whether those guidelines have been developed yet; I hope they have been. If not, perhaps the minister in summing up the debate can report why they are not in place and when they will be put in place.

The other issue we picked up on was that an internal and external review process will be put in place on the decision of the director of public transport safety, with external review by the Victorian Civil and Administrative Tribunal. We thought that was interesting. It is probably a reasonable idea to get some discipline in that sector, but I suspect that if it is going to VCAT, the government had better put up another building and get a lot more people in there, because, as I understand it, VCAT is fairly well snowed under now. If it gets any more work, I think it would slow that process down. That is one of the other concerns that we have with this particular deal.

The other issue is that there will be a seamless interaction with the Occupational Health and Safety Act and the appointment of transport safety officers with powers of entry, inspection, search and seizure. We are concerned too about how that will be managed, and we suspect that there would have been a bit of a shudder by some of the operators when they read that. We voted against the passage of the occupational health and safety legislation for reasons previously stated in the house. This change simply widens the net for any difficult tactics. We raised concerns during the debate on that legislation, and we are also concerned about this.

Has there been any debate at all on rail safety? All members would agree it is important to have the correct structures in place, and we should have appropriate responsibilities in place. There needs to be cooperation on all those responsibilities so that the public can be assured that all can be reasonably done to protect their safety.

The same applies to road safety — it does not matter which transport safety area you go into. I think Victoria

leads the world in some road safety areas, including driver behaviour issues. We have introduced the compulsory wearing of seat belts, random breath tests for alcohol and drugs usage, which I suspect will be subject to an amending bill being introduced to Parliament in the next few weeks. We have introduced speed cameras on our roads, with the ensuing argument about getting a balance between their value as a deterrent or a form of revenue.

I must say those things have certainly had an effect on road safety, but the government has done little to take the public with it on some of those issues, particularly speed cameras. Speed cameras are in place, and in that respect I think we lead the world.

The key issue in which we do not lead the world is road infrastructure. In Victoria we are miles behind. If you look at other countries around the world, you will see that their infrastructure systems are far better. Those countries are not up to our level in the enforcement of driver behaviour, but they are certainly way ahead of us on infrastructure, and that is something we need to address.

The same applies with the rail bill, which is quite a heavy-handed bill. The main opposition we have to it is the lack of consistency across state borders. We are talking about rail safety, but throughout Victoria rail tracks are falling apart in many cases. The government's election promise in 2000 or 2001 was that it would allocate \$96 million to upgrade and standardise rail lines throughout Victoria, but that has not happened.

The Mildura line was to be completed by 2002, and the balance of the state was to be completed by 2005. As was said before, there has not been a spike driven in to upgrade or standardise any of those tracks. To make it worse, the government has played the blame game. Minister Batchelor and his mate the member for Mildura, both from the other place, have been expert at blaming everyone else but themselves for the lack of maintenance and forward movement regarding upgrades and standardisations.

I suggest to the government that it has been in power for seven years and it is about time it got on with the job of governing and putting that money it promised a long time ago into the rail upgrades, because we certainly have not seen anything done since then.

I turn to deal with what the Honourable Ron Bowden called the farce train and what we call the slightly faster train. It depends on how you spell it. It is remarkable that — I think I have this right — first we were

promised it would cost \$80 million and that has now blown out to about \$1 billion, which is a fair way and a lot of money. A lot of that money could have been spent on getting our rail tracks in better shape so that we could have had an excellent safety record and a far better one than we have now in terms of our tracks. Some of our trains travel at speeds as low as 20 or 30 kilometres an hour, which makes it difficult to keep rail freight up to an efficient, effective and economic standard.

We have a lot to do on rail safety. I think it is an absolute disgrace that the government has not done more to upgrade and standardise our rail lines, particularly when it ran an election campaign on the issue. The government's lack of response on those promises has certainly held back parts of the state, particularly the Mildura end.

I will conclude now and urge members to support our reasoned amendment, which we believe is sensible. It was moved for a very good reason: to get national uniformity across our rail system, particularly in relation to safety. That is absolutely crucial. We do not believe that can be provided until the national bill is in place. I suspect we have to wait only a few months before the national bill will be ready to go. We can then have a say on that bill, which will give us national uniformity. We urge everyone to support our reasoned amendment. If it is not supported, we will have no option but to oppose the Rail Safety Bill.

To sum up, The Nationals' position is to not oppose the Transport Legislation (Safety Investigations) Bill, but if the reasoned amendment on the Rail Safety Bill is not agreed to, we will have no option but to oppose it.

**Mr SMITH** (Chelsea) — I am pleased to rise to speak on the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill, which are being debated concurrently, — and to oppose the reasoned amendment, which I will get to a little later. I also look forward to rebutting some of the comments made by Mr Bowden during his contribution.

Victoria by and large has an excellent record on rail safety by any standard. Perhaps 'excellent' is not quite the right word, but it is certainly very good. In comparison to other states, and certainly by international standards, we have not done too badly in this state over 150 years. However, that does not mean that the government can rest on its laurels. This government believes in the continuous improvement model, which involves looking at ways and means of constantly improving our system — and we are doing just that with the Rail Safety Bill.

We are also aware that you cannot take your eye off the ball when it comes to safety in road and rail transport, and rail transport in particular. When we see rail disasters happening around the world, it reinforces the view that you must continue to look at the safety issues involved because of the capacity to have significant numbers of people injured or killed. For instance, we would argue that on its record New South Wales, which we often compare ourselves to, has underperformed in comparison to us.

The last major calamity in New South Wales occurred a couple of years ago — I think it was in January 2003 — when seven people were killed in the Waterfall accident. There was an inquiry into that, and from it came some recommendations which we have taken on board to improve the systems in Victoria.

The key purposes of the bill are to maintain and improve the safety of rail operations and improve public transport safety regulation and administration at a reasonable cost. We are aware of the need to contain costs, not just in rail safety or transport safety, but anywhere in terms of government responsibility, and we are doing just that here. The bill clearly defines the role, accountability and performance of Victoria's public safety regulator and effects other necessary regulatory and organisational changes.

I suppose the question needs to be asked: why is the rail safety legislation needed at all? In 1996 the then government decided in its wisdom to privatise and sell off major assets including the rail networks. I could not miss the opportunity of reminding opposition members of the mess they made of that. We only have to look at the performance of National Express, for instance, which has now done a runner and was not able to perform at the level it agreed to. The contracts signed by the then Minister for Transport, the member for Mornington in the other place, did not protect the interests of technology and workers in rail and rolling stock manufacturing.

In Dandenong in particular there was a massive impact when it was found that companies like Siemens could bring in rolling stock, built and designed in France and other countries, at our expense. That was a disgrace. The then minister should hang his head in shame for the way his government let Victorians down. However, that happened, and the reality is that the government lost its ability to dictate what the regulations ought to be. The legislation of that time is now clearly inadequate and needs to be revamped, and that is what we are doing.

I am interested in the complaint Mr Bowden raised and his criticism of the fact that we are ahead of the game.

We are leading the rest of the country in safety in this area. He seems to think that is a problem. He said we are not all going together; we are not waiting and taking a conservative approach. The reality is we are not. We believe we know what is best and, more importantly, we have decided to again lead the pack. In reply to his criticism I have a letter from Mr Tony Wilson, chief executive of the National Transport Commission, who by and large agrees with what Victoria is doing; he is quite happy for Victoria to be doing what it is doing.

I am not sure where Mr Bowden gets his information from. It might be the same place he got his information regarding the underhanded, I think he said, or shonky selling off of the Southern Cross railway station to — heaven forbid! — a workers superannuation fund. I suppose he is complaining that we did not sell it to one of his mates' organisations — maybe the Americans or someone overseas. The fact that a workers superannuation fund had the foresight and vision to buy some infrastructure here in Victoria and have the profits returned to workers is somehow anathema to members opposite.

I say to Mr Bowden that that is exactly what we are and have been on about for a long time in both the union movement and the Labor Party, not only in this state but throughout Australia. We want more of that acquisition for workers superannuation funds. We like to see the benefits flowing back into the community, and whilst the opposition has a problem with workers advancing themselves economically, we do not. We encourage it. I think it was Paul Keating who referred to that fact in the federal Parliament. Members of the opposition just hate it when we get ahead. They are just going to have to get used to it, because under this government Victorian workers are going to do it much better, despite the federal government's WorkChoices legislation, which those opposite will rue the day they supported.

On the bill, Mr Bowden talked about the need for an express train from places like Frankston into the city. I suppose in a perfect world I would have to agree with him — it would be great — but I think the logistics of that probably prevent it becoming a reality. Imagine the changes that would have to be made because of the lack of vision from a conservative government many years ago when these rail lines were established in the first place. We do not have the luxury of the situation in New South Wales, where I do not think there are any rail crossings as we know them — in Sydney, for instance, they are all raised or underground. Imagine how many gates and roads would be closed between Frankston and the city to accommodate an express train. As I said, in a perfect world we would agree, but

that is not going to happen; it cannot be done. Mr Bowden talked about extra rail lines being needed.

I am aware that a major statement on public transport will be made by the government in the next few weeks. We will have to wait and see what is proposed and then delivered by this government. The legislation is designed to meet the realities of today and address the changes that have taken place in the transfer of rail and transport systems from the public sector to the private sector. By and large we have got it right in these cognate bills.

I mentioned earlier the Waterfall rail accident in New South Wales in January 2003. There was a special commission of inquiry into that, and Justice McInerney emphasised the need for proactive risk management and effective independent safety regulation in the rail industry in order to prevent major accidents. The Victorian government has been very much aware of that and has taken it on board. It has put in place systems that will deliver just that, which is clearly in the interests of the Victorian public.

I suppose it is no real surprise that those opposite want to oppose the legislation. It is their job to oppose; they oppose with a great deal of alacrity. They oppose basically everything that we bring in here that makes a bit of sense, but we are confident that this legislation will get through. I was interested and pleased to hear that members of The Nationals were by and large supportive, taking into account they have moved a reasoned amendment, which I have already said I will oppose when the vote is taken.

Another thing the Waterfall commission emphasised and recommended was the importance of an independent effective rail safety regulator. We are taking care of that as well. We have supported those New South Wales findings. This bill also establishes a directorate of public transport safety as a statutory office to provide greater independence from government and to clarify the role and its accountabilities and power. I do not think this is a bad thing at all. I am sure other members who intend to speak on the legislation will agree.

I will talk about innovation and what I have seen in the rail system in Victoria that not many people have experienced or seen first hand — that is, some of the rolling stock in Victoria is not only innovative but unique and is designed and built in Victoria. We have not just trains or rolling stock but trucks that can be converted. They are trucks that can drive on the roads and then drive onto a railway line, lower their rolling gear and follow the train lines all around the state. That

gets around the fact that a lot of the rail lines across the state do not interconnect, particularly in the northern part of the state. I saw them in the Newport shops as part of an inquiry we were running when I was with the Australian Workers Union. They are extraordinarily innovative and were designed not just to deal with emergencies, but as preparation for war, and I do not think many people have seen them or know anything about them. We are now selling that stock internationally.

Mr Bowden referred to the dangerous state of the Stony Point line in my part of the world, the south-eastern part of the Mornington Peninsula. I am not aware of any major accident on the railway line, but I have only lived there for about 30 years, so maybe he is aware of something that I have missed. I may have been interstate for a few days. Obviously there are problems with cars running into trains and so on, but that occurs rarely. I believe the train travels pretty well on that line and is regular and not too bad. The fact that not many people utilise the service is a bit disappointing, but the service is there. Mr Bowden is criticising for the sake of it, it seems to me.

In conclusion, these bills continue the government's reform of public transport and the necessary transitions to better, clearer and more streamlined performance. It is process-based legislation. This is a direction that is being explored for public transport legislation generally and is in the best interests of the Victorian public. On that basis I commend the bills to the house.

**Hon. DAVID KOCH** (Western) — In speaking on the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill I note that the bills are being debated concurrently. I, along with my colleagues Mr Bowden, Mr Bishop and members in the other place, believe these bills are being debated prematurely.

I also acknowledge the reasoned amendment moved by Mr Bishop. The opposition was unaware that The Nationals were introducing this amendment, and we would have appreciated having some discussion on the amendment prior to its being moved. The amendment mirrors the first two amendments moved by my colleague Mr Mulder, the member for Polwarth in the other place. In saying that, the opposition supports the amendment, as it reflects the haste of the government in moving against the preferred course of the other states and the National Transport Commission in undertaking its investigations prior to introducing federal legislation specifically in rail safety.

I have to say that Mr Smith's comments in talking down the reasoned amendment do not hold water. The

Victorian government would not want to stand too tall on its last seven years management of the transport portfolio. In saying that, I suggest that the National Transport Commission has been preparing and is continuing to prepare broad, sweeping and encompassing legislation to cover safety investigations. Ongoing consultation continues as we speak.

Unfortunately Victoria has elected to go alone and supposedly at a later date will give consideration to amending the bill before us today so that it lines up with the proposed national bill. Most people in the transport industry realise this is not a smart move by the Minister for Transport in the other place, Mr Batchelor, as his track record does not show he is renowned for getting things right even after many attempts. Our farce rail experience clearly demonstrates this again, again and again.

The national transport bill will principally concentrate on national safety management systems and control measures. This will be a marvellous achievement when completed. It really requires individual state support and not the fragmented approach Victoria is so eagerly pursuing. On these grounds we continue to ask: what is the or hurry at this stage? Investigations and consultation are still taking place in order to gain the best outcomes for all states and rail users.

The opposition is not supportive of the Bracks government's approach. We continue to experience too many bad outcomes with transport under Minister Batchelor's poor stewardship. The farce rail fiasco continues to haunt this government, especially on the Geelong, Ballarat and Bendigo lines where passengers have been let down time and again, sometimes due to failed signalling, poor timetabling or unreliability or simply because the new trains have just run out of puff while in service. This has caused major inconvenience to rail users in not getting to work or school on time, missing important appointments and meeting connecting services.

This excellent fast rail initiative of the government was introduced at a total cost of \$80 million, yet some six years later we all watch as it passes \$1 billion. It has not got anywhere near the efficiencies we were led to believe it would have, and the speed of this rail service has not been dramatically improved over what was in place.

Rail safety remains a significant issue in Victoria. The creation of new authorities like the Office of the Director of Public Transport Safety and the Office of Chief Inspector of Public Transport and Marine Safety Investigations, both appointed off the hand of the

minister, may be good in creating more jobs, but on past performance will not deliver any further on time safety outcomes or grow the confidence of Victorians in gaining independent findings.

The installation of what is recognised as second-rate safety equipment to all our trains has seen problems grow even further. Victoria's assessments of safety records and safety equipment installed to date have not been well received by users over recent times. This bill throws little light on bettering the current situation. Most of the concerns of Victorians relate to the below-average infrastructure and not operational performance. There is a clear difference between infrastructure and operational performance. If this government wants a safe system it must invest in new infrastructure immediately, as too little has been put in over the last seven years.

We have seen the indefinite deferment of standardisation to Mildura, Portland and the Wodonga bypass lines that continue to see our highways being overloaded with heavy bulk freight that, as a consequence, is pulling our highways to bits and exposing our travelling public to further safety risks. I can only draw the attention of the house to places along the Western Highway, especially the fatigue zone we have in Western Province. We should remove some of the freight that moves along the Western Highway and relieve the travelling public of some of its concerns in relation to this heavy traffic load where in excess of 3000 transports of all configurations travel. I must say that as time goes on, the majority of those transports are turning to B-double configurations purely for viability in moving freight. Unless we release some of the pressure on the Western Highway I regret that we will see more avoidable fatalities. That will happen if we do not get some of that freight back on to our rail lines.

Safety at level crossings is another area that has been neglected, especially in rural Victoria, where lives have been lost unnecessarily. In Western Province there was a near loss of life at Camperdown and fatalities have occurred at both Mininera and Horsham. Further research needs to take place so that these tragic deaths do not continue to take place. After repeated requests to further investigate and research some of these rail level crossing situations, especially on the rail lines carrying fast trains, it is disappointing that the government has not seen fit to take this into account and put further funding and resourcing into resolving some of these concerns, especially when many of the crossings in smaller towns and communities are not necessarily being used by those who are familiar with them but by passing traffic that is unaware of the situation.

Reliability and timetabling are other areas that this government has to do a lot more work on. Without the resolution of these problems there is little doubt that patronage will continue to diminish. People not only want a reasonable service, but they want it on time, every time. This should not be seen as an unreasonable demand or request from the public on transport. At the end of the day they are the people who are making a commitment to pay the fares to use the service, and if they cannot meet their destinations as they desire on time, every time, they will be critical of the service, which regrettably is diminishing by the month.

This government is a long way behind the eight ball on delivering a reliable and safer rail service, yet it is not prepared to be patient enough to be part of a national attempt to straighten things up. It wants to take a leading role. Governments of all persuasions want to lead the pack in some arenas. There is a move afoot to have unilateral legislation governing road and rail safety and accident investigation procedures put in place throughout Australia, and all efforts should be made to support that initiative, but to have Victoria running out in front with not a good track record in safety or investigations is ludicrous. I am sure that The Nationals have recognised this in their reasoned amendment and will be urging the house to support it. It is an endeavour to have the government extend its patience a little further, so that when the uniform legislation across the states is introduced everyone will have some ownership of it. In that way Victoria will not need to introduce further amending legislation.

Without extending the debate a great deal, the opposition is on about securing a more reliable, safer and improved rail service that offers better rolling stock, greater reliability and safer passage for all Victorians wishing to use the service, but at this stage the legislation secures none of these options. At a time when this government spends more time shoring up the investment opportunities of its union mates with the sale and lease-back of Southern Cross station, formerly known as Spencer Street station, in order to swell its election coffers, is there any reason why Victorians should trust the government to put rail users' safety and interests in front of its own selfish needs?

**Mr VINEY** (Chelsea) — I am pleased to speak in support of both the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill. This has been an interesting but somewhat confusing debate because of the contributions of opposition members in a number of areas. As with all legislation, members opposite have taken the opportunity to have a go at the government about various transport matters.

**Hon. David Koch** — I wonder why.

**Mr VINEY** — Indeed, Mr Koch, you might wonder why, as we do, the Kennett government privatised the state's public transport system. Part of this legislation deals with the issues that flow from that. Mr Koch also criticised the government's performance with the fast rail, but what a contrast it is to have a government investing in country Victoria's rail infrastructure by comparison with the seven years when former Premier Jeff Kennett closed, for example, the railway line up to Mr Bishop's area as well as the line to eastern Victoria. They are examples of the performance of members opposite.

**Hon. B. W. Bishop** — You do not know what you are talking about. The line is not closed, it is open. You promised to upgrade it and standardise it. You walked away from it.

**Mr VINEY** — The Kennett government closed rail lines around the state and privatised the public transport system in Victoria. Members opposite might not like those facts, but they are true. To criticise this government's performance on public transport is a little rich, because this government has been investing in public transport. In fact the Minister for Commonwealth Games, in his contribution during question time today, highlighted just how successful Victoria's public transport system was under this government during the Commonwealth Games. That was because of the investments we have made in the public transport system instead of flogging off and ripping out resources as the Kennett government did. This legislation needs to be seen in the context of that background.

The other area of confusion among members opposite during this debate is that they have clearly misunderstood what the government is doing in relation to its level of safety and investigation. At one level, which is the Rail Safety Bill, the government is putting in place a quality assurance responsibility for ensuring the system is safe. Because our safety regulations have evolved over time they were seen as in need of modernising and upgrading, and that is what the legislation does — it puts in place, as I said, a quality assurance system that allocates who is responsible and the levels of responsibility for the rail safety system.

It works at that level. Over the top of that level is a second piece of legislation, the Transport Legislation (Safety Investigations) Bill, which establishes an investigatory responsibility through a different but complementary system. It will investigate incidents or accidents. That is why we are debating both bills

concurrently, because for consistency they need to be read together. Opposition members are confused about this and in this process have demonstrated that they do not know much about quality assurance.

There are two levels at which safety needs to be ensured in transport. At one level you need to sheet home the responsibility for ensuring our system is safe, and that is what is done in the Rail Safety Bill. There should be a separate and independent system that enables the investigation of incidents and accidents that occur. That is what the Transport Legislation (Safety Investigations) Bill does.

Going into a bit more detail, the Rail Safety Bill establishes safety performance duties for managers of the rail structure, operators of rolling stock and their suppliers and designers and manufacturers of rail infrastructure and rolling stock. There is a strengthened accreditation system for managers of rail infrastructure and operators of rolling stock that is focused on managing the risk that could lead to major rail incidents. There is also a hierarchy of compliance, enforcement and inspection powers, and provision for improvement, prohibition and infringement notices and court orders such as commercial benefits penalties and supervisory intervention orders.

There is also in that legislation explicit recognition that the Department of Infrastructure is responsible for rail safety and strategic policy development. It establishes the director, public transport safety, as a statutory office with objects, functions and independence from direction. It requires that the director, public transport safety, must conduct a cost-benefit analysis of mandatory rail safety decisions with significant cost implications in accordance with ministerial guidelines and that the director of public transport must conduct a cost-benefit analysis of rail safety projects with significant cost implications arising from recommendations of the director, public transport safety. At that level the quality assurance system is being put in place under the Rail Safety Bill.

The second piece of legislation, the Transport Legislation (Safety Investigations) Bill, puts in place the investigatory function. This bill establishes the chief investigator, transport and marine safety investigations, as a statutory office within the Department of Infrastructure, with clearly defined functions and powers. The chief investigator's primary focus will be on investigating and determining the causal factors in train, tram, bus and marine incidents in Victoria. Rather than to apportion blame, the fundamental objective of that is to get to the basis and cause of what has taken place in an accident.

**Hon. David Koch** interjected.

**Mr VINEY** — I am seeing members of the opposition laugh about this, but it is a very important part of an investigation. If community safety and the safety of users of and people who interface with the system is the primary objective, it is absolutely fundamental that those responsible have an investigatory process that will get to the cause rather than worrying about blame. There are ample opportunities through all sorts of other means — for example, when someone is prosecuted over something — for investigations to take place about responsibility. This is about making the safety of the users of and those who interface with the system the primary focus. The cynics on the other side will try to make something of this, but it is absolutely fundamental, if there is to be a proper investigation to resolve problems and potential problems that could be more widespread in the system, that there be an investigation in which people can participate to find the cause of a problem and put community safety as the no. 1 priority.

Opposition members have been confused about what this legislation is about. I find it hard to understand how they can oppose this legislation and find much of what they have said is really about using the legislation as an opportunity to make some political points about the management of the public transport system.

**Hon. David Koch** — Rubbish.

**Mr VINEY** — That is what you did in your contribution, Mr Koch. You spent a fair bit of your contribution talking about the government and the minister's management of the public transport system. You did not like it when I came back and called you to account for what your lot did when in government during the Kennett years.

**The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! Through the Chair, Mr Viney.

**Mr VINEY** — I am very pleased to support this legislation, because it is modernising the safety system for our public transport and bringing it into this century. It is also putting in place a decent system of quality assurance and an important process of investigation to establish cause. The only way to guarantee that that will be done to ensure the ongoing safety of people who use and who interface with the system is to have a genuine investigation that is not focused on finding blame but on finding the cause.

The other criticism the opposition has made is that somehow or other Victoria is too far ahead of the rest of the country. I am not sure in terms of —

**Hon. David Koch** interjected.

**Mr VINEY** — That is what you said. You said that we should wait until the rest of the country catches up on this. Frankly, I do not agree with that. I do not think we should be waiting and putting the users of our public transport system at risk any more than we should.

**Hon. David Koch** interjected.

**Mr VINEY** — We should not wait, we should get on with it, and that is what we are doing. That is why we are putting this in place.

I have a copy of a letter from the National Transport Commission to Mr Howard Ronaldson, the Secretary of the Department of Infrastructure, in which Mr Tony Wilson, the chief executive of the NTC, said:

The actions taken by both teams —

referring to National Transport Commission and Department of Infrastructure officers —

have achieved the level of alignment I sought on the key issues when I raised them with you last December. No doubt there are other current differences of lesser import which will need to be the subject of further consideration ...

This letter ends by clearly saying:

Thank you once again for your assurance relating to the commitment given by your minister to address any substantial and material differences which may emerge as we progress down our respective legislative paths, and seek to achieve national uniformity and consistency in the outcome for rail safety.

There is absolutely no problem from the National Transport Commission's point of view in relation to the government's pushing forward with its important obligations of ensuring that the Victorian public and visitors to our state can be confident they can use our public transport system and marine —

**Hon. R. H. Bowden** — On a point of order, Acting President, I believe Mr Viney is quoting from a letter dated 22 February from Mr Wilson of the National Transport Commission to Mr Ronaldson, the Secretary of the Department of Infrastructure. We have heard certain paragraphs, but that letter also clearly says that the NTC —

**An honourable member** — What is the point of order?

**Hon. R. H. Bowden** — I would like Mr Viney to explain and read the whole letter, because there are certain exemptions.

**The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! Mr Bowden will be aware that that is not a point of order. Mr Viney, to conclude his contribution.

**Mr VINEY** — Thank you, Acting President. It was a good try to waste the last minute I had. I will just say that opposition members do not like being called to account for what they did to our public transport system when they were in government, and they do not like being called to account for their hopeless confusion on the legislation before the house.

This government will push forward with this legislation, because it is the right thing to do to protect the users of our public transport system and users of marine vehicles in this state. I support the legislation and commend it to the house.

**Ms BROAD** (Minister for Local Government) — In reply, I rise to support the bills before the house and to oppose the reasoned amendment. The Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill are certainly landmark steps forward for rail and marine safety in Victoria.

All Victorians can be proud of the fact that the Rail Safety Bill is now the model legislation for all other Australian jurisdictions to follow to achieve nationally uniform or consistent rail safety regulation throughout the nation. The bill is yet another example of Victoria leading the way on policy and legislative reform and delivering on an important Council of Australian Governments reform in line with the Prime Minister's request to the states at the COAG meeting. The challenge is now with other Australian jurisdictions to follow Victoria's example and to bring their rail safety legislation into line with this important new benchmark for improved rail safety.

The Transport Legislation (Safety Investigations) Bill complements the Rail Safety Bill. Together the two bills create both a comprehensive new regime of rail safety regulation in this state and major improvements in safety investigations capability and requirements for the public transport, rail freight and marine sectors. These are without doubt the most significant reforms in these fields in decades.

With these bills the Bracks government has demonstrated yet again that it is prepared to act to improve the lives of Victorians in a substantive way — in this case, by delivering a rail safety regulation system

that is now demonstrably the best in the country. The bills achieve this by improving the standards of safety of rail operations, further reducing the risks of rail incidents, especially major incidents, and creating independent officers to investigate the causes of rail, tram and marine accidents and public transport safety in the state.

While Victoria has a proud safety record in the public transport and marine sectors, this does not mean we can afford to sit on our laurels and not strive for improvement. The government made a number of amendments to the Rail Safety Bill before it was passed in the Legislative Assembly. These changes do not alter the substance of the legislative reforms but reflect the outcome of very cordial discussions that took place between the Department of Infrastructure and the National Transport Commission to further ensure that national consistency can be reached in this field. The Department of Infrastructure is to be commended for the professional way it has worked with the NTC in resolving any matters of substance that may have existed with the form of some provisions of the original Rail Safety Bill.

There should be no concerns with Victoria introducing and passing its Rail Safety Bill before the national bill process finally concludes. On the contrary, Victoria should be applauded for delivering the template policy and legislation for national reform and for generating national momentum.

The Victorian Rail Safety Bill is without doubt highly consistent with the national Rail Safety (Reform) Bill. This has been the subject of numerous discussions and correspondence between the Department of Infrastructure in Victoria, the NTC, the Australasian Railways Association and all other jurisdictions concerned. The result is that the NTC considers that the Victorian bill is aligned with the national bill, and this has been confirmed in correspondence from the chief executive of the National Transport Commission. That correspondence has been referred to a number of times in the second-reading debate.

To respond specifically to a number of matters raised by the Honourable Barry Bishop, firstly in relation to his concerns about the independence of the chief investigator, public transport and marine safety investigations, I advise him that proposed section 83C on page 7 of the bill explicitly provides that the chief investigator must act independently and is not subject to the direction and control of the minister.

Secondly, in relation to the matter Mr Bishop raised concerning the definition of 'reasonably practicable', I

can advise him that ‘reasonably practicable’ is defined in clause 19 of the Rail Safety Bill, and it is the same in substance in section 20 of the Occupational Health and Safety Act 2004 as it is in the National Rail Safety (Reform) Bill. It is a well-known and accepted concept in safety regulation.

Thirdly, in relation to the ministerial guidelines on cost-benefit analysis, I can advise Mr Bishop that those guidelines have been prepared and are ready to be published with the passage of these bills — hopefully, shortly.

Finally, in relation to the matter of internal and external reviews at the Victorian Civil and Administrative Tribunal, I can advise Mr Bishop that these privileges are the same as those provided under the occupational health and safety legislation.

In conclusion, the government’s actions show that while having the best possible rail safety regulation system in the country is of paramount importance to the Bracks government, it is also very prepared to act to generate and secure consistent rail safety regulations throughout the country. These bills are a landmark achievement of this government, and I commend them to the house.

## RAIL SAFETY BILL

### *Second reading*

#### **The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! The question before the Chair is that the Rail Safety Bill be now read a second time. The Honourable Barry Bishop has moved an amendment that all the words after ‘That’ be omitted with the view of inserting other words in their place. The question is:

That the words proposed to be omitted stand part of the question.

**House divided on omission (members in favour vote no):**

Argondizzo, Ms  
Broad, Ms  
Buckingham, Mrs  
Carbines, Ms  
Darveniza, Ms  
Eren, Mr  
Hilton, Mr  
Hirsh, Ms  
Jennings, Mr  
Lenders, Mr  
McQuilten, Mr

*\*Ayes, 23*

Mikakos, Ms  
Mitchell, Mr  
Nguyen, Mr  
Pullen, Mr  
Romanes, Ms  
Scheffer, Mr  
Smith, Mr  
Somyurek, Mr (Teller)  
Theophanous, Mr  
Thomson, Ms  
Viney, Mr (Teller)

Madden, Mr

Atkinson, Mr  
Bishop, Mr (Teller)  
Bowden, Mr  
Brideson, Mr  
Coote, Mrs  
Dalla-Riva, Mr  
Davis, Mr D. McL. (Teller)  
Davis, Mr P. R.  
Drum, Mr

*Noes, 18*

Forwood, Mr  
Hall, Mr  
Koch, Mr  
Lovell, Ms  
Olexander, Mr  
Rich-Phillips, Mr  
Stoney, Mr  
Strong, Mr  
Vogels, Mr

[\*Division list subsequently corrected; see below.]

**Amendment negated.**

**House divided on motion:**

*Ayes, 24*

Argondizzo, Ms  
Broad, Ms  
Buckingham, Mrs  
Carbines, Ms  
Darveniza, Ms  
Eren, Mr  
Hilton, Mr  
Hirsh, Ms  
Jennings, Mr  
Lenders, Mr  
McQuilten, Mr  
Madden, Mr

Mikakos, Ms (Teller)  
Mitchell, Mr  
Nguyen, Mr (Teller)  
Olexander, Mr  
Pullen, Mr  
Romanes, Ms  
Scheffer, Mr  
Smith, Mr  
Somyurek, Mr  
Theophanous, Mr  
Thomson, Ms  
Viney, Mr

*Noes, 17*

Atkinson, Mr  
Bishop, Mr  
Bowden, Mr  
Brideson, Mr  
Coote, Mrs  
Dalla-Riva, Mr  
Davis, Mr D. McL.  
Davis, Mr P. R.  
Drum, Mr

Forwood, Mr  
Hall, Mr  
Koch, Mr (Teller)  
Lovell, Ms (Teller)  
Rich-Phillips, Mr  
Stoney, Mr  
Strong, Mr  
Vogels, Mr

**Motion agreed to.**

**Read second time.**

## BUSINESS OF THE HOUSE

### **Division list**

**The PRESIDENT** — Order! With respect to the division on the reasoned amendment, an error was made. Mr Jennings was present, so I direct his inclusion in the voting for the ayes and that the result of the division be changed appropriately. The result will be ayes 23, noes 18.

**Hon. Philip Davis** — On a point of order, President, I thought the tellers had signed off on the division, so I

am a bit confused about whether we can arbitrarily change the record. Can you explain how that works, please?

**The PRESIDENT** — Order! The minister has indicated to the Chair that he was present in the chamber during the count, and I can confirm he was in the chamber during the course of the division.

**Hon. Philip Davis** — Does that mean that in future the Chair can do a quick headcount and get a result much more expeditiously?

**The PRESIDENT** — Order! I will leave that to the Standing Orders Committee to resolve.

### RAIL SAFETY BILL

#### *Third reading*

**Ms BROAD** (Minister for Local Government) — By leave, I move:

That the bill be now read a third time.

In doing so I thank honourable members for their contributions.

**Motion agreed to.**

**Read third time.**

#### *Remaining stages*

**Passed remaining stages.**

### TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL

#### *Second reading*

**Motion agreed to.**

**Read second time.**

#### *Third reading*

**Ms BROAD** (Minister for Local Government) — By leave, I move:

That the bill be now read a third time.

In doing so I thank honourable members for their contributions.

**Motion agreed to.**

**Read third time.**

#### *Remaining stages*

**Passed remaining stages.**

### JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

#### *Second reading*

**Debate resumed from 28 March; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Hon. C. A. STRONG** (Higinbotham) — In rising to speak on the Justice Legislation (Miscellaneous Amendments) Bill it was my intention on behalf of the opposition to indicate that we will be supporting this legislation. However, I now wish to inform the house that we will not be supporting the legislation. We simply will not be opposing it, and I might take a minute to explain why.

Just 5 minutes ago I received from the minister a whole series of amendments to this particular piece of legislation. The amendments insert a whole new part 13, which deals with amendments to the Legal Professions Act. These amendments run to two pages, and opposition members have not seen them before and have not had an opportunity to have a briefing on them. As I understand it, they are not amendments that were moved in the other place or they would be part of the bill.

I must say to the government that I think this is a bit of a poor show. I suspect it is not deliberate, that it is just confusion and a general bungle. I always prefer the stuff-up theory over a conspiracy theory, but the truth is that it is a very poor show that the government could not get its act together and make the opposition aware of these amendments. It should not happen, and it certainly does not help the proper management or functioning of this house. The government should go away from this with its tail between its legs. This is not the sort of thing that should happen. It is very poor. Because we simply have not had a chance to look at these amendments, I am not able to say that we can support this piece of legislation. On a quick perusal the amendments do not seem overly contentious, but we have not had the chance of taking any advice or having a briefing on them. I find the whole procedure quite unacceptable and regrettable.

I will turn to the bill, because we got the amendments at only 30 minutes to midnight. It deals with a whole series of amendments to various legal —

**The PRESIDENT** — Order! I need to interrupt Mr Strong. For some unknown reason, we are having difficulty with his microphone. Although the light is on, Hansard is not picking up his voice through the machine. As a result of the technical difficulties with the microphones, I will suspend the sitting until the ringing of the bells.

**Sitting suspended 5.02 p.m. until 5.44 p.m.**

**The PRESIDENT** — Order! I advise the house that there have been some difficulties with the recording system in the chamber. We currently have a steno reporter recording proceedings in the house. I have spoken to the party leaders, who have agreed that we will adjourn the bill before the house. The minister will then move that the house be adjourned, which will allow our technical people time to resolve the issue. I apologise to members for any inconvenience.

**Debate adjourned on motion of  
Hon. C. A. STRONG (Higinbotham).**

**Debate adjourned until next day.**

**House adjourned 5.45 p.m.**

