

establish the trust as a committee of management of Gosch's Paddock under the Crown Land (Reserves) Act 1978;

notwithstanding the restrictions within the Crown Land (Reserves) Act 1978, allow the trust to grant licences of up to 21 years for Gosch's Paddock, subject to the consent of the Minister for Sport, Recreation and Youth Affairs and the minister administering the Crown Land (Reserves) Act 1978;

require the trust to seek the approval of the Minister for Sport, Recreation and Youth Affairs on decisions when carrying out works in Gosch's Paddock. The minister is required to consult with the minister responsible for the Crown Land (Reserves) Act 1978 on these matters before providing any consent;

require the trust to report annually on its performance on retaining access to public open space in Gosch's Paddock to Parliament under the Financial Management Act 1994;

maintain the various leases and licences in place over land being transferred to the trust's care by ensuring that all rights and obligations under those arrangements would continue as if the trust had entered into the arrangements; and

tidy up an outdated reference in section 16D of the MOP Act. The reference to 'secretary' has been amended to 'chief executive officer'.

In conclusion, this is a sensible amendment to the Melbourne and Olympic Parks Act 1985 aimed at facilitating good governance of one of Melbourne's most important pieces of public infrastructure.

I commend the bill to the house.

**Debate adjourned on motion of Mr KOTSIRAS (Bulleen).**

**Debate adjourned until Thursday, 25 October.**

## ELECTRICITY SAFETY AMENDMENT BILL

### *Statement of compatibility*

**Mr BATCHELOR** (Minister for Energy and Resources) — Just for the edification of the house and to demonstrate that this government is all caring and all listening, at the conclusion of this second reading we will go back to the Emergency Services Legislation and deal with the other second readings at 4 o'clock, as requested by the opposition.

### **Mr BATCHELOR (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Electricity Safety Amendment Bill 2007.

In my opinion, the Electricity Safety Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill will amend the Electricity Safety Act 1998 to:

- mandate submission of and, once approved, compliance with Electricity Safety Management Schemes by major electricity companies, namely electricity transmission and distribution owners or operators;

- harmonise the safety management scheme regime in the Electricity Safety Act 1998 with the Gas Safety Case regime in the Gas Safety Act 1997;

- require registered electrical contractors and licensed electrical workers to rectify their defective electrical work that is unsafe;

- improve the representation of the railway and tramway industries on the Victorian Electrolysis Committee; and

- repeal redundant provisions, including provisions for the approval of electricity safety managers that are no longer required, make statute law revisions and necessary consequential changes.

#### **Human rights issues**

*Human rights protected by the charter that are relevant to the bill*

The bill provides that Energy Safe Victoria may, by written notice, require a registered electrical contractor or licensed electrical worker that carried out unsafe work to rectify it at no additional expense to the customer. Penalties apply for non-compliance with a rectification notice. Section 11(2) of the charter provides that a person must not be made to perform forced or compulsory labour.

The rectification work that a registered electrical contractor or licensed electrical worker may be required to perform is work that the contractor or worker may also be required to perform pursuant to the agreement between the contractor or worker and the consumer. Further, it is work for which the contractor or worker is entitled to be paid by the consumer if payment has not already been made under the agreement.

It is arguable that section 11(2) of the charter is not engaged since elements such as involuntariness and oppression are lacking. A registered electrical contractor or licensed electrical worker can avoid a notice under the bill, and the risk of a penalty for non-compliance, by rectifying unsafe work promptly, as he or she would be contractually bound to do anyway.

In the event, it is considered that work required by a rectification notice issued under the bill is work or service that forms part of normal civil obligations, as provided for in the exception in section 11(3)(c) of the charter.

By providing for the issue of rectification notices, the bill will ensure that defective work that is unsafe is made safe as soon as possible and regardless of whether the consumer chooses to enforce his or her contractual rights. Electricity is inherently dangerous and unsafe electrical work creates significant risks to life and property: for example, from house fires caused by faulty wiring.

#### Conclusion

For the reasons outlined above, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

PETER BATCHELOR MP  
Minister for Energy and Resources

#### *Second reading*

**Mr BATCHELOR** (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The government is committed to ensuring an efficient and secure energy system and reliable and safe delivery of energy services.

As part of this commitment, this bill will amend the Electricity Safety Act 1998 to secure improved safety and reliability of electricity assets.

The key proposal of the bill is to insert new divisions 1 and 2 into part 10 of the Electricity Safety Act 1998. This proposal will require the submission of and, once approved, compliance with electricity safety management schemes (ESMSs) by electricity transmission and major distribution owners or operators. An ESMS specifies the assets or operations to which it applies, the hazards and risks to persons and property arising from those assets or operations, and the safety management system to be followed to minimise as far as practicable those hazards and risks.

This proposal will adopt best practice safety management regulation that facilitates better hazard identification and risk-management activities aimed at preventing incidents and at mitigating the consequences if they do occur.

Most Victorian transmission and distribution companies have seen the benefits associated with voluntarily submitting and complying with an approved ESMS under the existing Electricity Safety Act 1998. The bill will ensure that these benefits are locked in. The benefits include lower compliance costs under the

ESMS regime compared to prescriptive regulations and improved safety performance.

The bill inserts a new division 3 into part 10 of the Electricity Safety Act 1998 to make amendments to the existing voluntary ESMS regime under division 2 of part 10 of the Electricity Safety Act 1998. These amendments are largely as a consequence of the introduction of the new mandatory ESMS regime inserted by new divisions 1 and 2 of part 10.

In addition, the bill will harmonise the ESMS regime with the gas safety case regime in the Gas Safety Act 1997. This includes inserting a new section 103 to provide for the provisional acceptance of an ESMS, based on section 41 of the Gas Safety Act 1997 and inserting a new section 107 to require an ESMS to be maintained up to date, following, for example, developments in technical knowledge and changes in safety risk, based on section 45 of the Gas Safety Act 1997.

By aligning, where appropriate, the gas and electricity safety regimes the bill will reduce the regulatory burden for those entities operating in both the electricity and gas industries.

Furthermore, the bill introduces a new section 120I to clarify that Energy Safe Victoria may conduct audits to determine compliance with an ESMS.

Clause 9 of the bill repeals section 149A of the Electricity Safety Act 1998 which provides for the approval of electricity safety managers — a requirement that is considered redundant.

Currently, section 37 of the Electricity Safety Act 1998 requires that a registered electrical contractor must not permit a person to carry out on the contractor's behalf or direct a person to carry out electrical work which does not comply with the Electricity Safety Act 1998 and associated regulations. As an alternative to prosecution for non-compliance with section 37, clause 12 of the bill provides that, following the issue of a written notice by ESV, registered electrical contractors and licensed electrical workers are required to rectify their defective work that is unsafe. Compliance with such a notice is subject to the right of review by the Victorian Administrative and Civil Tribunal.

The rectification work is to be at no additional expense to the customer. Rectification of unsafe defective electrical work may include the labelling of switchboards, the securing and protection in position of cables and the secure installation of equipment.