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New Act for Puffing Billy

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Mr MORRIS (Mornington) (17:37): It is a pleasure to join this discussion on the Puffing Billy Railway Bill 2022.

There was an interesting comment by the previous speaker about supporting volunteers. I am not quite sure that that is the way many of the Puffing Billy volunteers actually see the outcome of this bill, but that is by the way.

The bill is pretty much stock standard, the sort of thing you would expect setting up any sort of authority of this nature, and it is not really that much different to the old Emerald Tourist Railway Board.

It is interesting, some acts seem to endure forever. I can remember from my first weeks in this place debating the Prahran Mechanics' Institute Act, amendments to the act of 1899, and I think it is still around. It certainly was in those days; it was being amended in those days.

Yet here we have an act, the Emerald Tourist Railway Act 1977, 44 years old, and it is absolutely and completely out of date. It is not that many years ago, 1977—certainly from my perspective—but Victoria is a very, very different place. Australia is a very, very different place, and I think it has to be said this organisation is also a very different place.

Others have talked about the growth of permanent positions; the number is either 70 or slightly under. That of course puts pressure on the volunteer side, and I know that there are reports—and I do not know that they are any more than reports—that there is what has been described as a toxic relationship between the current board and the volunteers. And I would certainly hope that this legislation—not that it is apparent in the words on the papere—will go some way towards resolving those differences.

As I said, it is a pretty stock standard piece of legislation. It establishes the board; provides the objectives, functions and powers; provides for the growth and development of the Puffing Billy Railway—well, you would hope so; requires business and strategic planning; recognises the heritage significance; and, coming back to the volunteers again, recognises the importance of the volunteers. I am not quite sure that it actually does that, but the way the board in future conducts itself will certainly have far more to do with that, with repairing the relationship with volunteers.

As others have mentioned, of course, no matter how outdated this piece of legislation is it probably would never have really been looked at if there had not been that dark history. I am not going to refer to that person by name. I do not think he should be referred to by name in any further part of this debate. You just wonder. We have heard far too many times in recent years of these sorts of incidents, the sorts of abuse that occurred.

The fact that someone with the history of this individual could then come back and have a senior role in the organisation and easy access to victims is just appalling. In the 1950s and 1960s, while I am sure they were very much conscious of the issues and aware of the need to take protective measures, the community standards were no different. You simply wonder why it was allowed to happen.

So the Ombudsman's recommendation, which was a review of the current structure and composition of the Emerald Tourist Railway Board, and it was a little bit longer than that, was—I will not say the minimum that could have been done, but it was one of the absolutely essential aspects to come out of the report.

The minister's response—and the response was reproduced in part in the Ombudsman's report—talked about the sensitive matter and tragic events and was an appropriate response in the circumstances. But further on the minister said:

... I have requested that the department manages and oversees their implementations—

that is, the recommendations—

as soon as possible.

Well, that was in June 2018; this is March 2022. I know we have had some events in between that may have slowed things down a little bit, but I do not think it is unreasonable to ask why it has taken four years. Why has it taken four years?

The Ombudsman pointed to the gravity of the problem and made a strong recommendation to have the review. The review was conducted. Others have talked about the dates. That was early in the piece. And then the government has just dropped the ball.

The other aspect of this that does concern me, and the Scrutiny of Acts and Regulations Committee highlighted this in the Alert Digest, is that the act does not come into operation until 1 July next year. Now, we were told a couple of weeks ago, last sitting week, that it was terribly important to get this bill on for debate today. It could not be adjourned for two weeks; it had to be adjourned for 13 days.

It is not going to come into operation until 1 July next year. But there has been no explanation of that, no explanation at all, from the government. There is an expectation, certainly from SARC but I think from the Parliament as well, that if we are going to debate legislation—we are going to, I am sure in this case, agree to this legislation—the government owes us an explanation as to why it is going to take another 15 months to implement it. Frankly, it is not going to take that long. It should not take that long. It should be a matter of months at most before this new board is operative.

Unfortunately while the minister—I think it was the minister at the time—responded absolutely appropriately to the Ombudsman's recommendation, the follow-up from the government I can only say has been somewhat mediocre.

I want to move on to another question, which is why we need specific legislation for this

railway. We have had since 2010 the Tourist and Heritage Railways Act. We have 21 organisations that operate under that act, yet apparently we need a separate act for Puffing Billy. I do not think that aspect has been covered.

Clearly when you look at VicTrack's so-called blueprint for the future—and it is a damn skinny blueprint in terms of heritage railways—while they note that there is separate legislation for Puffing Billy, the Puffing Billy organisation itself is very much treated as just another heritage railway.

There may well be justification for separate legislation, but it is pretty hard to see from this vantage point. I am aware that there are some arguments around who owns what assets and there are certainly some financial pressures with Puffing Billy, as with other railways, but I am not sure there are any less than at Puffing Billy anywhere else.

The Mornington Railway Preservation Society wrote to me right at the start of the pandemic after their income had dropped to zero, and they detailed their expenses, they were spending \$25 000 to refurbish a steam locomotive. They had obtained some sleepers from the Avon rail bridge project, and they were able to bring those sleepers back to Moorooduc, but it was going to cost \$4000 to get those sleepers back to Moorooduc—a big cost for a volunteer organisation. For public liability insurance to run an operation like that, to run a train, the figure quoted—and this was two years ago—was \$15 000 to \$20 000.

We have not had that explanation as to why this particular railway, as iconic as it might be, should be treated any differently to the other 21 organisations around the state. I would certainly have liked to have seen that.

The legislation, as far as it goes, sets up quite a respectable statutory organisation, and I think it will fill the bill, but perhaps it is not the best outcome that could have been delivered.