

**RAIL SAFETY NATIONAL LAW APPLICATION BILL 2023**

*Second Reading*

Resumed from 22 June.

**MR D.J. KELLY (Bassendean)** [12.45 pm]: I rise to make a contribution on the Rail Safety National Law Application Bill 2023, which will put in place a rail safety regime in Western Australia that is consistent with the regime that exists in other states. This is obviously desirable for any industry, because having consistent safety standards across the country ensures that safety is implemented in a consistent and well understood way.

Historically, every state and territory regulated railways independently, which resulted in a lot of confusion and inefficiency. One of the complications of being a Federation is achieving consistency across states, but after years of discussion, the states agreed in 2011 to establish a national system of rail safety regulation and investigation. To implement this, it was determined that the South Australian Parliament would play a lead role and that the legislation passed in that jurisdiction would become the benchmark for all other states to follow. It was intended that the states would pass legislation that not just duplicated South Australia's legislation but also automatically applied the South Australian legislation to the relevant state. The benefit of that was that any amendments made to the lead legislation would automatically apply throughout the country. Unfortunately, and for reasons that I do not understand, the Barnett government did not go down that path. Other states did, but the Barnett government did not. The Barnett government made a decision to simply mirror the South Australian legislation and passed duplicate legislation in Western Australia. However, that meant that when changes were made nationally, they did not automatically apply in Western Australia. The practical result of that is that eight legislative amendment packages passed by the South Australian Parliament since 2015 are yet to be adopted in Western Australia. This bill will move Western Australia to a regime in which any changes to the legislation in South Australia will automatically apply in Western Australia and will not require separate legislation. That will deliver the consistency of regulation and investigation that members on this side of the Parliament believe is desirable.

Some people might say that we are handing over the sovereignty of the state of Western Australian to the South Australian Parliament. What if something happens in the South Australian Parliament that we do not want? If we simply adopt its legislation, it could possibly be to our detriment. There is a safeguard to ensure that we still have an opportunity to not apply changes made in South Australia if we wish. That will be done by requiring that legislative changes made in South Australia are laid on the table in WA Parliament and that either house of the state Parliament could, if they wish, disallow those amendments. In effect, we will get the best of both worlds. We will get consistency of investigation and regulation, but we will have the opportunity, if there is a significant reason to do so, to step outside the national regime. I think that is unlikely to happen, but it is certainly a far more desirable regime than what is currently in place, whereby, as I already indicated, since 2015, eight legislative amendment packages have been passed that apply nationally, but do not apply in WA. That is very undesirable.

This bill will also implement some local provisions for alcohol and drug testing. It was agreed that drug and alcohol testing would be conducted in accordance with local practices as part of the Rail Safety National Law. The practices of authorised officers, such as police, in each state should be consistently applied. This legislation will simply put in place procedures in this industry that I understand align with drug and alcohol provisions under the Road Traffic Act 1974, which is used by the Western Australia Police Force. Again, that is another very sensible revision provision contained within this legislation.

That is the guts of this legislation—doing what we can to make the rail system as safe as possible. I think no-one in this house would stand up and say that they are not in favour of more safety in workplaces, but it is easy to make that sort of statement. It is often when we get down to the nitty-gritty that people disagree.

One of the issues I will raise in conjunction with this legislation is the overwhelming research that shows that union workplaces, workplaces with significant union representation, are safer than non-union workplaces. All the research shows that is the case, yet there are many workplaces where employers—who are represented in this house by the Liberal Party and the Nationals WA—actively work to ensure that union representation is not present in their workplace. In my former career before I came into this place, many employers and workplaces spent tens of thousands, if not hundreds of thousands, if not millions of dollars to keep union representation out of their workplaces. One of the consequences of that, and all the research shows, is that those workplaces are less safe.

Members opposite might say that that is not true, as they do. They ignore the research, but it is actually the case. For a workplace to be safe, what does it need? I suggest there are three basic things that workplaces need to be safe. This applies across all workplaces. First of all, we need good legislation that requires workplaces to be safe and that allows employees to participate in the regime that makes that workplace safe. That includes things such as the ability to have safety committees and safety representatives and those sorts of things. We have to have the law right, and this legislation is about having the law right in the rail industry. However, just having the law right is not enough; it is only the first thing. Secondly, it needs secure employment. If workers are in insecure employment,

they will not exercise their rights under even the best workplace safety legislation. If a workplace consists of casuals, and there is an ability under the legislation for someone to put their hand up as a safety representative, for example, workers will be reluctant to put their hands up as a safety rep if they know that if they raise a safety issue and their employer does not like the disruption that that causes, as a casual they can be told to not come on Monday. Almost nothing can be done about it. Whatever the legislation says, it is really difficult to prove that that is why a casual has been let go. Insecure work breeds a culture in which people are reluctant to enforce the rights they have under even the best safety legislation. A workplace needs those two things to be a safe workplace. The first is a good legal framework and the second is secure employment. The third thing it needs is union representation.

**Mr P.J. Rundle:** I was waiting for it.

**Mr D.J. KELLY:** The member for Roe is shaking his head. “I was waiting for it”, he says. One of the things, member for Roe, is that unions spend a lot of their time helping workers make their workplaces safe. The member sits there and shakes his head, but he represents a chunk of regional WA where the agricultural industry is one of the most important industries. The agricultural industry is one of the most unsafe industries in Australia. Farmers, their employees and their families die in that industry at rates far and above many other industries. I do not know what to say to the member for Roe. If he is happy to let his constituents die because agriculture is unsafe and he does not want that industry to have union representation, it is a pretty sad indictment of the member. If more employees in the agriculture sector were represented by a union, there would be fewer injuries and deaths. They are absolutely the member’s constituents.

Workplaces have to have good legislation, secure employment and people with the right to be represented by a union. Even if there are safety committees available, people will still be reluctant to put their hand up and raise safety issues if they fear losing their employment. It is as clear as the sun rising in the morning and setting in the evening. It is how it works. I would just say to people, and to the member for Roe in particular, that the legislation that we are passing today to enable there to be uniform safety legislation in the railway industry is only part of the regime that needs to be in place if this industry is going to be safe. Secure employment, as I said, is extraordinarily important.

I was listening to the ABC yesterday and Andrew McKellar, the CEO of the Australian Chamber of Commerce and Industry, was being interviewed about the federal government’s same job, same pay legislation. We will wait and see what the detail of that legislation is when it is released, but the principle that it will encompass is that regardless of whether someone is employed directly or through a contractor, they must be paid the same pay for doing the same work. That is a way of discouraging insecure work arrangements such as the use of labour hire firms in industries purely to save money.

The interview with Andrew McKellar was really quite interesting. I think it was Nadia Mitsopoulos who interviewed him. She put to him that insecure work is an issue and he said that it is not the case that casual employment is less secure than permanent work. I heard him say it and I thought it was ridiculous, because, by definition, a casual can be let go with an hour’s notice and a permanent has a whole range of protections. His argument to substantiate his claim that casual employees were more secure than permanent employees was that, in his experience when he had seen companies make adjustments to their staffing levels, often the permanents were let go first. I thought: does it not tell a tale that the CEO of the Australian Chamber of Commerce and Industry is saying that, in his experience, companies often get rid of their permanents and keep their casuals when they want to reduce the number of staff? What a sorry state we have in this country when employers are getting rid of permanents in favour of keeping their casuals. The issue of secure work to enable people to enforce their employment rights, including their right to a safe workplace, is an absolutely serious one and it needs to be taken seriously.

I would also like to say in the context of this legislation—I am not sure whether I am the first to say it in this house—that on 14 October, I will be voting yes in the referendum to amend the Constitution to put in place a Voice to Parliament. It is an absolutely sad indictment that both the Leader of the Liberal Party and the Leader of the Opposition, who happens to be the Leader of the Nationals WA, have backflipped on this issue. When this issue originally came on the public agenda, they both indicated their support because they thought it was the right thing to do. Members in this place have to show some principles. Clearly, the Leader of the Liberal Party and the Leader of the Opposition have backflipped on the Voice—I saw the Leader of the Liberal Party shake her head—because they now see some cheap electoral advantage in reversing their position on the issue.

**Mr P.J. Rundle** interjected.

**Mr D.J. KELLY:** It is a sad situation. I have said before in this place that the member for Central Wheatbelt and I do not often agree on many things, but I want to commend her for her principled position in maintaining her commitment to voting for the Voice. It puts the Leader of the Opposition and the Leader of the Liberal Party to shame —

**The ACTING SPEAKER:** Member for Bassendean, please stick to the bill that you are talking to.

**Mr D.J. KELLY:** I thank you for your guidance. I think having a constitutionally enshrined Voice to Parliament will enable Indigenous Australians to participate in the life of this country —

**The ACTING SPEAKER:** Member for Bassendean.

**Mr D.J. KELLY:** — including enabling them to enforce their right to safety in the workplace. Safety in the workplace requires people to be confident in expressing and raising their voice. As I have said, in order to have a safe workplace, three things are needed: a good legal framework, which this bill will put in place; secure employment; and union representation. In my view, a constitutionally enshrined Indigenous Voice to Parliament will also assist in that culture. I will conclude my contribution there.

**MR C.J. TALLENTIRE (Thornlie)** [1.06 pm]: I rise to speak on the Rail Safety National Law Application Bill 2023 and offer my full support for this legislation. Other speakers have addressed the background to this bill through a commitment made by the Barnett government to use the process of mirroring legislation, whereas, in fact, the approach of applied law would be a far more effective way of ensuring the harmony, absolute accuracy and reliable updating of our state law to be in sync with the national law.

I will return to that point in a moment, but I first want to address the issue of rail safety from a historical perspective. I am thinking of the role that railways have played in the state of Western Australia. Rail networks throughout the south west of the state in the forest regions have been particularly elaborate. The layout of various train lines that have serviced the forestry industry over the years is absolutely remarkable. I can only ponder the machinery that was available to those workers. I am talking about lines that were constructed in the mid-1800s and well into the twentieth century. Those train lines, which were constructed for the purpose of moving timber, were often done with the most rudimentary machinery and, I would have to say, in the most dangerous conditions. That is why it is important that we have this historical perspective on the evolution of rail safety in Australia and, indeed, around the world.

As an aside, it is important to remind members of this because I know that a lot of us will be attending various celebrations over the next few years when new train lines and train stations are opened. It is important to know that these events can provide their own moments of danger and tragedy. The Manchester–Liverpool line was opened in, I think, 1830 to great fanfare. Of course, the local member for Liverpool was in attendance. It was an interesting time. We have to bear in mind that back then, Liverpool was just getting out of being a slave-trading town. Traditionally, it had a strong degree of support for, first of all, slave-trading and, then, slavery. We have to keep a distinction there. That is something that members need to bear in mind. There is a big difference between the trafficking of slaves, which was phased out in the early 1800s, and slavery, which was still supported well into the 1820s.

The Prime Minister of the day was there on the day of the opening of the Liverpool–Manchester train line. There had been a falling out between the local member for Liverpool and the Prime Minister, although they were members of the same party. Of course, there was a VIP wagon and a passing train. George Stephenson, the great railway engineer, had recently developed a locomotive, which I believe was called the *Rocket*, and it was on display. Members can imagine the excitement and all the steam and smoke. The air might not have been particularly clear, but in all the excitement, the member for Liverpool tried to cross the lines to say hello to the Prime Minister and make amends for a disagreement—I think it was over the Corn Law—but was killed. I think that is a salutary reminder to members here that even on those occasions when there is much celebration—we can imagine how it will be when we open up new train lines and make sure that the public are engaged and coming along to celebrate historic occasions and seeing things for the first time—there is always an element of danger around railways. We do not want to see anything as tragic as that death of a former member of the Palace of Westminster reproduced at the opening of our train lines here.

I will dwell a bit more on the incredible work done by those people who built the rail lines through the forests of the south west, and the danger they put themselves in. Members may be familiar with the train line easement that still exists. It is the one that runs from the Bellevue RSL area to Darlington, through Glen Forrest and Stoneville and further along. It no longer exists as a train line, but is now a beautiful easement used by walkers, dog walkers, joggers and people on bikes. It is a very well-used resource and asset. I know much of it is in the electorate of the member for Kalamunda. He is particularly proud of it. It is so popular that I think there is an issue about how it is managed and how the—not the competing uses, but the varying nature of use is done in a complementary fashion. There is an element of safety in that as well.

People put blood, sweat and tears into the construction of those lines. I think it would have happened in the lifetime of some of the people who worked on lines, especially the ones in the jarrah–marri and karri forests. There would have been a time when they would have done all of the complicated construction work. They would have built the bridges over various rivers and gullies using very basic sawing material, having to do quite complicated engineering with timber that was barely milled. They would use felled trees in creative ways to establish strong engineering features, some that still exist. I will give particular mention to one in a moment.

These people would put themselves in danger at a time when there was nothing like this rail safety law in place, yet they would pursue their work diligently. They would be carrying incredible weights; they would be sleeping

in very difficult conditions, often in very isolated places. I enjoy being out in the bush, and feel quite comfortable there, but I think I would be always wondering where my next meal was going to come from if I was there for an extended period of time. I am sure there was a huge logistical exercise in making sure people in isolated forest country were well fed and well watered. There would be streams and things like that, but it would have been a major task to enable people to undertake their work and deliver it safely. Those people who were working on those train lines, say, in the 1920s—they might have been around 20 years of age; we will keep it there for the simplicity of the maths—would have borne witness to the ripping out of those train lines. In some of the forestry lines it was quite intentional that once the timber resource was exhausted the tracks would be moved on. I think for some it may have been hurtful to see that the work they had put in to establish the train lines was to no avail once decisions had been made about the future of how timber and other goods would be transported.

In 2023, many of those old easements still exist. A lot of the work was not just in constructing the bridges or laying the tracks, it was in putting through the easements, the cuttings, the sidings and the tunnelling. People will be familiar with the Greenmount tunnel. I think some workers were killed in the process of building that tunnel. It is still an eerie place to wander through and is quite disorienting. Walkers can see only a little bit of light at the end of the tunnel. It sounds like an expression that we use, but it is a case in which it is not a metaphorical expression at all. It is a reality. Walkers see the light at the end of the tunnel and try to walk towards it but, occasionally, they veer off and feel the sides of the tunnel. It is quite a narrow place. I know there were some railway workers who were killed when a train was stalled in there and they were asphyxiated by the smoke. There were no exhaust systems in place. It was reliant on the quick and smooth passage of trains that would enable people to get through safely.

We can see how rail safety has evolved over the years. There have been derailments on that line. There was a terrible derailment just east of the Greenmount tunnel—I think in the 1920s—with deaths and tragedy. If we do not get it right when it comes to rail safety, there will be all sorts of problems. In more recent times, I think in the 1990s, there were deaths on the line when a freight train ran into a grain train. There have been various other episodes like that.

The legacy of the rail network really is something to behold. I would like to mention the Mason and Bird company, which was in operation in the 1870s. Mason & Bird is now the name of a particularly good cafe in Kalamunda. I think a lot of people would be unaware of its connection to the rail network back then. Mason and Bird were timber fellers. They had a licence to fell timber on 100 000 hectares in the Bickley Brook area. Famously, they were able to construct a rail line well into the Perth hills and Bickley Brook. Where the existing Victoria dam is located, then down towards the current Bickley Reservoir, there is a remnant of a bridge, which is said to be the oldest wooden rail bridge in Australia. It is an interesting piece of heritage and one well worth visiting. The bridge is a wooden structure, so the rails that are on it are wooden. The system was to load up carts with timber, and then horses would draw those carts down the escarpment, and eventually get to the Canning River at Mason's Landing. Mason's Landing is in the member for Cannington's electorate and a well-known and much-loved landmark in the Cannington electorate. I know the member for Cannington has very generously hosted functions there over the years and there is always good conversation. It is enjoyable to make that connection with the history and think about the significance of that particular spot in our state's history. The Mason and Bird company left that legacy, which helps us appreciate the hardship and the challenges that people faced and what they went through. It is quite remarkable.

We talk about rail safety and think about our magnificent trains: our Public Transport Authority trains, the quality of development and construction of trains here in Western Australia—the new *Australind* and *Prospector* trains as well. I am particularly excited about the new *Australind* trains and the capacity they will have to service the line through to Bunbury. The trains will be able to carry bikes on board as well, which has not been the case before. People will be able to get off at stations such as Cookernup, Harvey or wherever and ride up to the escarpment and enjoy adventure tourism that way. They will be able to do that knowing that the safety standards on our rail network are the very highest in the world.

One feature of the legislation that is a modernisation of rail safety is in the provisions for alcohol and drug testing. A harmonisation of laws that apply to our motorists through the Road Traffic Act will apply to people driving trains. That of course makes perfect sense. We would expect that people who drive trains are totally respectful of the laws around the levels of alcohol and drugs that might be in their bloodstream. I strongly welcome that feature.

The privatisation of our rail network is a legacy from more recent times, and I worry about that sometimes. The parliamentary secretary has carriage of this legislation, and I wonder whether it would be possible to hear a bit about whether there is any risk that privatised rail lines might somehow avoid the strictures of this very important rail safety legislation. On occasion when I ask the operator, Arc Infrastructure, about trains that operate on the line, I find that my questions do not quite get answered. I will give members an example. May I have an extension, please?

**The ACTING SPEAKER (Ms M.M. Quirk):** Extension granted. This is so fascinating! You have got as long as you want.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** That is very kind of you, Acting Speaker.

The problem that I tested out with Arc Infrastructure was around noisy engines. The noise is quite noticeable on the major and very important freight line that runs through the Thornlie electorate. Arc Infrastructure has a very good reputation. It is a very effective operator of the line, and it knows how to manage it to full effect. The trains run up and down there safely, the timings are good, and the network is used to optimum efficiency. But if a person makes a complaint about a particular locomotive that the company is running because it is causing undue noise in the neighbourhood, Arc Infrastructure is a bit unclear about which train or company it is and what its powers are to approach that operator. I find that unacceptable. I have been on its website and had a look at the customer operations portal. This is the same portal that the owners of the locomotives would go to if they wanted to put some additional rolling stock on the line. Presumably, Arc Infrastructure has some capability to say that an operator cannot put a particular train on because it does not meet certain requirements. That sows a seed of doubt in my mind that we do not have full coverage. Therefore, I hope the parliamentary secretary will reassure me that in terms of all other safety matters, there is no question that if there is the slightest problem, the operator of that network, in this case Arc Infrastructure, would be able to straightway step in and get a train off the line because it was dangerous. I hope that that will be the case. Some of the operators on the line are big companies, so we want Arc Infrastructure to be pretty strong, and I am sure there would be all sorts of legal cases if that sort of thing came up, but it could be necessary. Whether we are talking CBH Group, Mineral Resources or whoever, if they are not running the safest most up-to-date rolling stock, somebody needs come down on them. I hope that is what this legislation will enable us to do, as this is very important stuff.

We have had problems with old clunkers on the line, which have caused a high degree of dissatisfaction in the community and left people wondering how to register a complaint. I said that this issue was a legacy of decisions made in more recent times from previous conservative Liberal–National governments. There was a fellow named “reckless Eric” who had a particular fondness for privatising things, and he wanted people to be using trucks instead. He downgraded the tier 3 rail lines, which we have spoken about at length in this place. It was a terrible legacy—one that we still seem to be living with. In fact, I would love to hear that there is a possibility in years to come for the freight rail network to return to government hands. I do not know how many years companies such as Arc Infrastructure have left in their current contracts, but I would imagine it is a fairly considerable time. I will give it this: Arc Infrastructure does a pretty good job of managing illegal trailbike use in the freight line easement. Again, that is a very serious safety issue. Arc Infrastructure does not want to see people going running or using trail bikes in the easement. It seems to fence things off pretty effectively and comes down hard on any offenders, which is good and positive. Indeed, I wish it were possible for local governments and our police service to be as effective at stopping illegal trail bike use. In the past, we have had problems with trail bikes in the freight line easement, but Arc Infrastructure seems to have got on top of that. I hope that situation will continue, and that when I return to the office on Friday, I will not be told of illegal trail bike use in the rail easement. We never know; it is always a possibility.

In preparing for this speech, the member for Maylands said that I love talking about trains, and indeed I do. I looked up the extensive nature of the train lines in the forests, and I drew heavily on *Rails through the Bush: Timber and firewood tramways and railway contractors of Western Australia* by Adrian Gunzburg and Jeff Austin. I can really commend it to members. It is a beautiful coffee table–type book and has lots of photos of locomotives, great bridges and people at pubs. It is a great piece of Western Australian history. It is interesting in a contemporary sense that one of the most popular people on Instagram, who has well over two million followers, is an English boy who has given himself the name Francis Bourgeois. He is a trainspotter with an amazing Instagram page. Would members believe it? A trainspotter has 2.1 million followers!

**The ACTING SPEAKER:** That sounds like a bourgeois occupation, member!

**Mr C.J. TALLENTIRE:** He probably has an accent that suggests that he is not of a working-class background, but he is a great rail enthusiast. He is passionate about the British Rail Class 37 diesel locomotives. As he says, when they thrash, it is a beautiful noise. It is worth going to his Instagram page just to see Francis getting excited by a thrashing class 37 locomotive.

Trains, rail systems and rail networks are a big part of modern societies. They are an efficient way of transporting freight and enabling people to get around, so it is worth spending this time in this Parliament to make sure that all the safety provisions that one would expect are fully in place so all users can be sure that they are at no safety risk whatsoever. That includes people who live alongside the rail network—not only people riding in the trains, driving the trains or helping unload and load trains, but also those with properties that adjoin the rail network, like constituents in my electorate. On this front, the Cook government can be very proud because it is doing great work in building walls to mitigate noise from trains that go through the rail corridor in my electorate. The government is also improving the vibration capacity. In fact, the freight line currently has no vibration absorption at all. When the big trains I mentioned from CBH, Mineral Resources or whatever company go by, people feel their houses shake. With the vibration mat system, that problem will be almost eliminated, which will be a great boost to the area.

Some of those trains carry dangerous goods, which is a serious rail safety issue if there is a rail derailment. This was a grave concern when lead was being transported. I believe lead is still transported through the electorate on a fairly frequent basis, but it is bagged in such a way that the community would not be at risk if there ever were a derailment. At the time, a company called Magellan Resources was highly active on that aspect. I think the company has had changes of ownership since then. If such goods transportation is happening, but done in a way that considers all kinds of possibilities, including derailments, to ensure the community is safe, we are prepared to live with it. I think that is the attitude of the Thornlie community: we are happy to live with these sorts of things as long as the very best standards are in place. We assume with this sort of legislation that such things will come through, with protections for people working on, operating and living near the lines.

At this stage of the development of the Thornlie–Cockburn line, some people are starting to get a bit anxious about noise walls; I have been receiving some emails about that. People, especially those who live on the south side of the easement, are worried that they might not get the same quality of noise-mitigation wall as those living on the northern side of the easement. As the local member, I will work with the community to ensure that absolutely every one of my residents enjoys the very best wall for noise mitigation. Residents will benefit from the noise vibration matting system I talked about earlier, the shifting of the freight line a little further north and the quieter, smoother running trains. People will probably support me in my suggestion that companies like Arc Infrastructure need to be as responsive as possible to any complaint about locomotives being put under special strain. Maybe that is the problem: there is a slight gradient and train drivers are having to, as the fellow Francis Bourgeois said, “thrash” the trains. It is not an attractive noise at three o’clock in the morning.

As a government, we have taken other highly commendable safety measures. We have eliminated level crossings, and Nicholson Road now goes over the train line. We have got rid of that level crossing and a pedestrian level crossing between Elliot Place and Cameron Street, which means that diligent train drivers who want to respect the laws no longer need to sound the horn at three o’clock in the morning because they do not pass through a level crossing anymore. These are great measures. I am very pleased to support this legislation, and I look forward to us all enjoying the very best of rail safety standards.

**MS J.L. HANNS (Collie–Preston — Parliamentary Secretary)** [1.34 pm]: I rise very excitedly to contribute to this bill today. I am a proud advocate of rail heritage in Western Australia, and I look forward to speaking about that today. I rise in support of the Rail Safety National Law Application Bill 2023. Obviously, the bill will minimise legislative inconsistencies relating to rail safety and support the timely application of rail safety amendments so rail operations will be regulated consistently and seamlessly across Australia. I will speak to that point in a little more detail shortly.

I will also refer to how the bill will provide greater certainty to rail operators, rail safety workers, the national regulator and the national investigator, which will encourage industry participants to better understand their shared safety responsibilities and accountabilities. These are two very important aspects of the bill that I will speak to today.

The bill’s purpose is consistent and seamless rail operations. I want to contrast that with the history and development of the rail system in Western Australia and Australia more broadly because it is an interesting history—let us put it that way. Just a short time ago, somebody said to me that we could say that Federation failed in reference to the rail system in Australia. Although Federation occurred in 1901 when we became a nation rather than individual colonies, as they were termed in 1901, the rail system unfortunately was not similarly united.

Here are some quick and interesting facts about the rail network. There are 41 000 kilometres of track spanning the continent of Australia. It is an incredible piece of infrastructure across the nation. Australia’s first railways were constructed by private companies to facilitate the movement of goods and people across Australia. At the time, our population was quite sparse, and colonial settlement was concentrated in capital cities, notwithstanding the thousands and thousands of years of previous occupation by Indigenous Australians; I want to make sure that people appreciate that I am speaking about the period in the late 1800s. Colonial governments obviously developed their rail networks in areas where population was sparse, but goods and people needed to be transported from state to state.

The problem developed because each state simply chose its own rail gauge system—in other words, the width of the tracks. In the lead-up to Federation in 1901, the colonial statesmen, as they called themselves, outlined a grand plan to link each capital city by rail. Western Australia and the Northern Territory had no rail links to other states at the time. The main impediment to linking state capitals was the incompatibility of the rail gauge systems. The engineering of the standard-gauge system, which many people would be familiar with, was brought here from England and Europe and modelled on what existed there at that point. The standard-gauge system was adopted in New South Wales. The broad-gauge system found its origins in Ireland and was adopted in Victoria and parts of South Australia. The narrow-gauge system was chosen for Queensland, Tasmania and Western Australia.

It was the narrow-gauge system, which the member for Thornlie spoke about before, that really started to develop the timber cutting and mining industries in Western Australia. Interestingly, I believe that travelling from Brisbane

to Perth in 1917 required changing trains six times on the journey. That really highlights the problems with the national rail system. I think the thing that really brought the rail system to a head, or really started the federal government's investigation of this particular problem, was that during World War II large quantities of personnel and goods needed to be transported throughout the country to assist in the war effort. It was after that event that the national rail system was looked at more broadly. That is a really interesting aspect of the historical development of the rail system in Western Australia in reference to this bill.

I have mentioned several times before that I grew up in Yarloop. The timber industry was the foundation of industry within Yarloop and, obviously, many other communities around Western Australia. I will always remember the timber mill's whistle going off when it was smoko; everyone would down tools and stop. The humming of the saws that we would hear would stop and it would go quiet. My grandparents owned the general store in Yarloop and my nanna would spend all morning cooking pies and pasties, which we sold from the back of my grandfather's Toyota Corolla hatchback.

**Mr D.A. Templeman:** I hope you were appropriately restrained.

**Ms J.L. HANNS:** There were no seatbelts—not in the back anyway. We were allowed to sit in the back of the car. Those seat buckles were terrible when they got hot in the sun. It was a world of pain when I sat on one of those.

**Mr D.A. Templeman:** You still have burn marks, do you?

**Ms J.L. HANNS:** Have you still got burn marks?

**Mr D.A. Templeman:** No, I don't. I haven't looked recently.

**Ms J.L. HANNS:** We digress, minister.

I want to bring my contribution back to rail safety. I remember my grandparents speaking very sadly about the Mornington train tragedy that occurred in 1920. Obviously, the timber mills milled the timber on the escarpments and the timber was transported down to the flatter parts of the land ready to be milled and exported or used. The accident that I refer to, the Mornington train tragedy, occurred on Saturday, 6 November 1920. It remains the rail accident with greatest loss of life in Western Australia. I want to thank the Harvey historical group for the information it provided about this accident on its website. I will read an excerpt from that —

Around 9pm a Millars' Timber & Trading Company train pulled by the *Jubilee* steam locomotive left Mornington Mill loaded with railway sleepers and proceeded down the Darling Scarp to the stacking yards at Wokalup. An engine driver, guard, fireman and a traffic manager made up the crew. As there wasn't a passenger van, nine mill-hands perched themselves on the sleepers to catch a lift to Wokalup, contrary to Company policy.

The train gathered speed descending the scarp and ran out of control on a bend. The *Jubilee* and wagons derailed approximately 4km from Wokalup burying men beneath the debris

That occurred on Saturday, 6 November at around about nine o'clock. At 10 o'clock, one of the survivors raised the alarm at the Wokelup Hotel and word of the accident spread through the community. A train left Mornington mill with 150 men on board to assist in the recovery of the train and the people who were injured and killed. On Sunday, 7 November, the volunteers worked until about two o'clock to assist those who were alive and recovered those who had perished in the accident. At 3.45 pm, the body of the last victim was discovered. The bodies were held at Wokelup station prior to their removal to Bunbury. On the morning of Monday, 8 November, an inquest was held into the deaths of the nine deceased. Those killed were Thomas Wilton, a fireman; John Paulson, the guard; and mill hands John Leitch, Ellis Lake, James McNamara, William Malacari, Frank Winfield, Edward Delaney and Walter Maggs. That afternoon, on the Monday after the inquest, seven funerals were conducted in Bunbury. The remains of John Paulson, Ellis Lake and Walter Maggs were interred in the Church of England section. Edward Delaney, Frank Winfield, James McNamara and Thomas Wilton were interred in the Roman Catholic section.

I want to give some background about the workers. Although it was 100 years ago, this is the human cost when rail safety standards are not met. James was a returned soldier from World War I. He served as part of the royal—what was it termed? I am trying to say the Australian Army, but it was not Australian back then. The royal British Army?

**Mr R.R. Whitby:** Australian.

**Ms J.L. HANNS:** Thank you, minister. He was very unlucky—wrong time, wrong place. He happened to be working in that area on the day. He was a casual worker and not permanently attached to the company. Wally Maggs was a resident of Mornington for only a couple of months. Proprietors from the boarding house spoke highly of him. Being a gifted musician, he was very popular with his workmates. His widow arrived from Adelaide on the day that his remains were laid to rest in Bunbury. These are real people with real families and real stories. This is the incredibly important part about getting rail safety right. These workers who do these jobs are very important, whether that was historically in industries like the timber industry, or today when moving passengers, even on our internal rail networks within the Metronet system and Transwa more broadly. Both houses of Parliament actually carried

resolutions of sympathy for the relatives of the Mornington victims, given the incredibly sad and tragic circumstances in which those people lost their lives. At John Leitch's funeral, the pallbearers were members of Parliament and members of the typo union. As I said, it is incredibly important that we get rail safety right. That is a really tragic example of when things go terribly wrong.

I mentioned that I would speak at length on rail heritage. One of my favourite places to visit in Yarloop was the pattern workshops. They were the wood patterns that were used to create parts of the machinery for the locomotives and to build and service the engines. Very sadly, that heritage was lost during the Yarloop and Waroona bushfires in 2016; I had to get my maths right. I have spoken to the Minister for Heritage about this previously. There is a real romanticism around rail heritage. It does not take many people in a room to talk about steam trains before some people get very excited and reminisce about their past.

I want to acknowledge a fantastic organisation called Rail Heritage WA and its subsidiary the South West Rail and Heritage Centre. Rail Heritage WA was the national winner of the Association of Tourist and Heritage Rail Australia's steam locomotive restoration award for 2023. That was given to it in honour of the restoration work it did on steam locomotive G233, known as the *Leschenault Lady*. I have spoken at length about the *Leschenault Lady* in Parliament previously. I want to reiterate that that train is a huge icon in the south west. People love that train and travel from all over Western Australia to go on carriages that are pulled by the *Leschenault Lady* at the South West Rail and Heritage Centre. The restoration of the *Leschenault Lady* took five years, and I want to again put on the record my appreciation of the people involved in that restoration. The project cost \$60 000 in total, \$20 000 of which was provided by the state government as one of my election commitments in 2021. That last \$20 000 enabled the restoration to be completed and the *Leschenault Lady* to run again on the 150<sup>th</sup> anniversary of rail in WA, so it was an incredibly special day to attend that event. I got to wave the flag as the *Leschenault Lady* rolled on the tracks again for the first time in many years, and I can tell members that it was the best free steam bath I have ever had! As the train whistled past me I was literally soaked in steam, and it was an incredibly special day.

I will say a very quick thankyou to all the people involved in that project: Colin Piacentini of Piacentini and Sons, a local business that helped with the restoration; Piavanini Welding in Collie; and Philippa Rogers, who is president of Rail Heritage WA. I also want to acknowledge the thousands and thousands of hours—I think almost 2 000 hours—of volunteer time that went into the restoration effort. Thank you for the huge contribution to rail heritage in Western Australia that all those people made.

[Member's time extended.]

**Ms J.L. HANNS:** Still on the topic of rail heritage and history, I want to very briefly mention the role Midland has played in the history of rail in Western Australia. I refer to a fabulous article that appeared on ABC News online titled, "Midland's history stretches back thousands of years before the railways put the area on the map". It is a great read and it talks about Indigenous use of land where rail heritage now exists in Midland. It also talks about the impact of rail and its role in Western Australia's history.

Obviously, Midland rail workshops was an incredibly wonderful asset in terms of local manufacturing and a huge success story for Western Australia until its demise. I am sure the member for Mirrabooka will speak about that at length, but I want to very quickly make reference to a man who worked at the workshops. It closed, after 90 years, on 4 March 1994. That day was heartbreaking for no-one more than it was for Kevin Mountain, who started working at the workshops at the age of 16 and was 58 when the final whistle blew. He explained to the ABC reporter that that day was a very traumatic day for him, having worked there for so long. He said —

"I had no advice from the management what to do, so I went to work as usual, starting at 6.30am," ...

"I opened the time office and I had it ready for the men to come in at 7 o'clock.

"I got a phone call about quarter past eight, saying I had to report to the flagpole at nine o'clock, where I was going to lower the flag and which I did, and I lowered flag and that brought the end of the workshops."

I just want to remind the chamber that that is a legacy of Richard Court's Liberal government, attacking everyday, hardworking Western Australians involved in manufacturing across nearly 100 years. It is absolutely a shame.

I would like to mention a couple of other rail heritage groups and volunteer groups that do amazing work around this particular passion of mine. I send a shout-out to the Hotham Valley Railway in, I think, the member for Murray-Wellington's electorate. As a kid, whenever I got the opportunity to go on the Hotham Valley Railway, I took it. Back in those days the steam train was coal-fired, so they burned coal to create the steam to generate the engine. I was always really careful about where I sat because my first ride did not end so well, but for subsequent journeys on the Hotham Valley Railway I had certainly learnt my lesson! If you opened the window at the wrong time and put your head out, you got either your eyes or your hair full of coal dust, and that took quite some time to get rid of! That, for me, was a lasting impression of the Hotham Valley Railway, but the steam, the whistle blowing and the trees whipping past at speed as you travel through the magnificent jarrah forest is certainly something that a lot of people remember very fondly.



Having grown up in Yarloop, another really interesting rail heritage attachment of mine is for the main public transport that my grandparents used. My nanna lived to 100, but she never got her driver's licence. She said, "I can ride a horse bareback; I don't need to worry about cars, because whatever I need I can walk to the shops to get." She was pretty salt-of-the-earth! But we often used the *Australind* rail service to go up to Perth. My nanna owned the general store in Yarloop; she ran the drapery side of it and my grandfather ran the newsagency and banking side. One of my favourite memories of the *Australind* trips with my grandmother is of travelling up to the old Boans warehouse store in Perth and doing shopping for the drapery—picking out the sheets and manchester and items for the dressmaking side of her shop. One of my favourite sections was the button section, but obviously the best part was the cafeteria. I seem to remember there was jelly with a layer of cream or something, and that was my favourite part of the trip to the Boans cafeteria!

I want to talk about the *Australind* because on 19 November this year that service will be temporarily halted in order to carry out Metronet project work on the Armadale line, but at the same time the government will be building new railcars for the *Australind*. That will be a fantastic outcome for our community. The current *Australind* railcars entered revenue service on 16 November 1987. I do not know whether many members know this—certainly, I was surprised—but prior to those railcars entering the service in 1987, the general public was asked to suggest names for the service. I was a teenager at the time, and I do not remember this happening, but I do not doubt my source—Rail Heritage WA. Members will like this; submissions for names for the new train included Darling Range, Aurora, Flying Kangaroo, Koombana Queen, Spirit of the South West, Lady Bunbury, Lady Darling, Bunbury Bullet, Bunbury Explorer, Knight Rider—my personal favourite!—Bunbury–Perth Flyer, Australind Express, Australind Flyer, and Australind II—which is nearly *Australia II*, but not quite. The winning name was John Forrest, but that was kiboshed because when the first railcar travelled along the line, the name "John Forrest" had been hidden with cardboard, which fell off during the journey to reveal the name. People opposed the name, so the name *Australind* was retained in perpetuity. I do not know whether the Minister for Transport is going to run a competition to rename the line or keep it as *Australind*, but that is certainly some interesting history. When that railcar was launched it was lauded as "The train that thinks it's a plane", because it was so ahead of its time and travelled so quickly. We talk about rail safety; I think it managed to get up to 150 kilometres an hour while being tested before they ran out of line, so it was safely limited to running at, I think, 105 kilometres an hour. I talked about the fact that rail manufacturing was abolished under the Richard Court Liberal government, but we should not despair, because the Cook Labor government and the Minister for Transport are returning railcar manufacturing to Western Australia. That is not before time, I must say! I really look forward to the *Australind* service being upgraded, the new cars being online and travelling as a passenger on the new service for the first time. I know that the member for Bunbury is very keen on that, as is the member for Murray–Wellington.

I segue into the fact that my kids, surprisingly enough, are also avid lovers of railcars and rail heritage.

Debate interrupted, pursuant to standing orders.

[Continued on page 4203.]