

RAIL SAFETY NATIONAL LAW (WA) BILL 2014

Second Reading

Resumed from an earlier stage of the sitting.

MR W.J. JOHNSTON (Cannington) [2.58 pm]: I have already outlined the extent of the bill—another 245 pages of Liberal government laws. I suppose we have to ask whether this bill has been through the regulatory gatekeeping unit. That is a genuine question that the Minister for Transport could answer. As he is also the Minister for Finance, he has responsibility for the regulatory gatekeeping unit. Is the regulatory gatekeeping unit keeping regulations?

I wanted to raise some matters about rail safety in my electorate. The rail freight line forms the eastern boundary of my electorate of Cannington, which is an unusual boundary. I would have thought that the Electoral Commission would have used Roe Highway as a boundary but it put the electorate boundary a couple of hundred metres to the east, using the freight rail line, which is no trouble except that it splits the suburb of Thornlie. The southern end of Thornlie used to be split three ways between the former seat called Southern River, the former boundary of the seat of Gosnells and the boundary of Cannington. After the last redistribution, although my electorate was not changed, the rest of Thornlie was put into the member for Gosnells' seat after being taken out of the seat of Southern River. That is an unusual situation. About 350 houses in Thornlie are in my electorate and everybody, including the residents, would expect those houses to be with the rest of the suburb of Thornlie in the member for Gosnells' seat.

I now draw attention to Partridge Way and Lyrebird Way in Thornlie, which back onto the rail freight line. On becoming a member of this place, I wrote to the former Minister for Environment and the former Minister for Transport to ask questions about residents' exposure to particulates from the diesel locomotives that used the freight line. It was an issue that had been raised with me by residents. I was surprised to find that there is no limit applied to diesel exhausts or particulates from diesel locomotives. Let me put this in context. There are limits on particulate exhaust from diesel trucks but not from diesel locomotives. In my view, there is a clear gap in the regulatory environment. I believe this is a safety issue. It is certainly a safety issue for residents along the freight line in Partridge Way and Lyrebird Way who have to cope with their backyards being covered in diesel particulates from the freight trains that pass behind their back fences. What is worse for those residents is that going back, say, to the 1980s when some of these people moved into that area, the rail freight line might have had a train a day, or even two or three trains a day. Now, with the growth in industry and in the Western Australian economy, the freight movements have expanded enormously. It is a bit like my residents complaining about the airport. People say, "The airport has been there for 60 years; you came afterwards." That is true, but the nature of the airport has changed over the last 20 years. It is the same with the rail freight line. There certainly was a rail freight line there for a long time but the nature of the operations on the rail freight line are very different today from what they were in the past.

It is not like that great scene in *The Blues Brothers* when Elwood brings Jake back to the apartment and the L trains are going past their window. The apartment was in Chicago. Every time an elevated train went past their window, the entire apartment shook. Every 60 seconds, there was another train. That is not what it was like. I am not saying that it was a rural idyll in Thornlie, but it was not like it is today. It is a major change for those residents, particularly the ones in Partridge and Lyrebird Ways. The increasing volumes of rail traffic along the freight line through Thornlie have significantly impacted on their lifestyle.

I imagine the member for Gosnells might say a few words in this debate because his residents are also in Thornlie, on the other side of the rail line. I will not say who is worse off, but I will make the observation that the distance from the north-bound rail line to the back fence and the back door of residents on the western side of the freight line is very close. It is a very short distance. This is a major problem for those people. A number of residents have raised that with me. When I do my street corner meetings, one of the issues raised with me is the fact there is no standard in Western Australia relating to particulates from those trains.

I have read newspaper articles by Mr Acting Speaker (Mr P. Abetz) about the issue of the freight line in the former configuration of the member's seat of Southern River. I am not currently aware of how close residents are to the rail freight line in the Acting Speaker's seat of Southern River. I think they are probably a bit further down with the reconfiguration of the seat. I remember seeing some commentary about these issues in the media a number of years ago from the member on behalf of his constituents. They are important issues.

Equally, there is another issue that directly relates to rail safety, and that is the question of what is being transported on the freight trains. When lead was being exported from Fremantle, it travelled through Thornlie on its way to port. I wrote to the City of Gosnells about that as it is responsible for the emergency management plans. In each community, the local government is the coordinator; I forget the proper title. The member for Midland can probably correct me on the title; I think it is the "chair". The chair of the emergency management

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committee in each local government is the local government, and they are designed to coordinate all the other agencies. Although no-one would expect a local government to have all the resources to deal with rail accidents, the committee does the scenario planning et cetera. I wrote to the City of Gosnells to say that I hoped it had a plan to deal with lead being transported along that line. Many other chemicals are transported along that line. There needs to be a proper, coordinated safety plan. Everybody understands that the economy of Western Australia is what underpins our wonderful lifestyle. We need to ensure that industry can operate to generate wealth for the benefit of the community. That operation cannot be done without regard for the community, or else there is no point to the development. Given the increasing volumes on that line, it is an absolutely essential issue to make sure that there are proper safety arrangements in place to guarantee the security of those residents. As the volumes on the freight line increase, that will become increasingly important.

I often hear people say, “We have these plans; they’ve been there for a long time; residents need to take account of the plans when they make a decision to buy in one location or another.” These are all things that are said. There is value in all of those comments, but of course we know that the Stephenson plan in respect of the freight system in Western Australia has been rejected by the Liberal Party, going back years and years. For example, the Stephenson plan recommended a bridge at the end of Stock Road to link the south side and the north side of the Swan River to allow trucks to travel across that bridge. That was never built, and never will be built. The Stephenson plan called for a freight road to run north from Fremantle to join with what eventually became the Mitchell Freeway. That is another road that has never been built, and never will be. The reason for the decisions to reject those important pieces of transport infrastructure, which would have aided commerce and industry in this state, was the interests of residents in the locations that would have been impacted on had those roads and that bridge been built. It is a bit unreasonable for people to say that the western suburbs do not have a road going through them, so they live there, and for those same people to then say that the people in Thornlie knew the railway line was there. There should have been a big road going up through the northern beaches of Perth if the Stephenson plan had been implemented, but it was never built because the residents objected to it. I am not saying that they were wrong to object to it; I am just saying that it is also perfectly reasonable for people in Thornlie. Just because they are working people who do ordinary jobs or survive on pensions or through the combined effort of their families through small business, why should the impact that industry has on their lives not be considered? In just the same way as the Liberal Party rejected the Stephenson plan and would never implement it, it is right for people in Thornlie to say that if there is to be this major piece of economic infrastructure literally in their backyard, they should have some guarantees that their safety and security are properly considered. In the same way, those residents are all affected by noise and vibration, and that will be an increasing issue in the future and we will have to see what plans we can put in place to help them ameliorate the impact they will bear.

I make the point that my own house that I live in is a block and a half from the metropolitan railway line. Because my house is over 100 years old, when the trains go past, my house rattles at the front. I must say that is the joy of living in a 100-year-old house and it is fabulous to live 200 metres from the train station, so I am not complaining about that, but I am making the observation that my house rattles when a train goes past. That is nothing like a freight train going past a person’s back fence. Let me make it clear: a freight train rolling past someone’s back fence bringing iron ore from Yilgarn down to the Fremantle bulk terminal makes a real shake, and residents, particularly in Partridge Way and Lyrebird Way in Thornlie, know it when a train is passing. They know it from the diesel fumes, they know it from the noise and they know it from the vibration. At some point, a solution will have to be found, because we currently do not have one.

I will now move on from representing my constituents to just asking a couple of quick questions of the minister. First, I note that this legislation will supersede the Rail Safety Act 2010, which I understand from the minister’s second reading speech arose from the National Transport Commission’s model rail safety law, which, as the minister said, was published in 2006. I note from the third paragraph of the minister’s speech that in 2009 the Council of Australian Governments voted to establish a single national regulator for rail safety. The point I am getting to is that I am wondering why, when we dealt with the Rail Safety Act 2010 in the Parliament to implement the 2006 NTC model rail safety law—which, when I scan back, seems to have been dealt with in 2010—we had already had the COAG agreement of June 2009 to introduce a single regulator. The minister got a couple of questions from the member for West Swan, so I will imagine he will answer those, and it would be good if we could get an indication of why we needed to implement the model law in 2010, four years after it was published by the NTC.

[Member’s time extended.]

Mr W.J. JOHNSTON: In 2006 the NTC published the model law, in 2009 COAG agreed to a single national regulator, in 2010 we brought in the model law that was agreed to in 2006 and now in 2014, four years later, we bring in the single regulator.

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I would also be interested to know from the minister whether this decision to move to a national regulator is just a matter in respect to the rail transport industry or whether Western Australia is moving towards a broader joining with the national regulatory models. I make the observation that we do not regulate our truck system in this way; we have not joined the national scheme for road freight, but we will for rail freight. I wonder whether this is a precursor to moving to the national system for road, and, if it is not, why are we doing it for rail and not road? It would seem that if the national scheme is being picked up for one part of the transport competition, the other part should be picked up, because, as we all understand, rail freight and road freight are directly competing against each other—seaborne transport is also potentially a competitor, but in Australia it is generally trucks and trains. If there is to be a single regulator for one half and the national arrangement for rail safety is taken up, will it also be done for road safety? Has there been an analysis of the potential savings for the harmonisation of rail safety compared with the potential savings in harmonising road safety? It may well be that we can get a bigger bang for our buck by harmonising the road freight safety system rather than harmonising the rail freight safety system. That is an issue I thought about as we were dealing with this bill.

I have not had the opportunity to read all 251 pages of the October 2014 third report of the Economics and Industry Standing Committee entitled “The Management of Western Australia’s Freight Rail Network”, which was tabled today. I have of course read the findings and recommendations, and the question I have for the minister is: will we be able to more effectively manage the freight rail network through this rail safety national law so that rail lines that could be available become available through this system? Of course, at the moment in the interpretation applied, as I read the Economics and Industry Standing Committee report—as I say, I have not read the whole report but I have read a number of chapters, as well as the findings and recommendations and the executive summary—the economic interests of the operator, the lessee of the freight rail network, seems to be contrary to the interests of the broader community. Will this rail safety national law help us to deal with the issues raised? Many of the issues raised by the lessee relate to its perception of safety on those lines, so will this allow us to have a more effective regulatory regime that will get us better operation of that government-owned infrastructure that we are currently being denied access to because of contractual arrangements?

I want to also comment briefly on the heritage and tourism rail lines operated by volunteers, but I make the observation that I have not had anything to do with the operators of those lines here in Western Australia. Like every other member of the chamber, I have kids who have enjoyed a ride on one of the trains, but I have not personally been involved in the operations. Many years ago when I was a director of the Australian Bicentennial Authority, we provided a grant for the Australian Capital Territory branch of the Australian Railway Historical Society to rebuild its trains because the volunteer members found they could do all the maintenance on their steam trains, except the boilers. They needed many hundreds of thousands of dollars, even in 1986, to get outside agencies to do the work. The interesting thing I was going to mention was that the volunteers would get the engines ready, shunt them around their yard, connect up all the train carriages, shunt them down to the end of their lease area and then get out so that State Rail Authority drivers could drive the train. The volunteers were not allowed to drive them; only New South Wales SRA drivers could drive them. Even though those enthusiasts were massively interested in the trains, they could do everything except drive them and that seemed very unfair. I wonder whether the minister can tell us whether there is flexibility for people interested in these things to drive trains while making sure of the standards. We want people to do things that they are good at, as long as they meet proper minimum standards. I hope the minister can let us know that that will continue to be the case.

I note also from the minister’s second reading speech that the Rail Safety National Law (WA) Bill will pick up most of the Rail Safety Act 2010. It would be good to know the specific variations between the existing arrangements and the new arrangements. The explanatory memorandum contains comments—I am sorry; I cannot find the exact words—that it is not a significant change in the regulatory regime because it has been covered by the 2010 legislation.

Mr D.C. Nalder: That is right.

Mr W.J. JOHNSTON: If there is variation, can the minister let us know specifically what it is. I am not the shadow spokesperson, but I am using this speech to make some important points on behalf of my community. I am not going to say that I am an expert on all the legislation.

We do not want the commonwealth running everything here in Western Australia, and that is well understood. Given that we are holding out on road freight, why have we given in on rail freight? Why will Canberra run the show now rather than we running it ourselves? What is the ideological reason for that? I do not intend to unnecessarily delay the house but I wanted to get on the record some very important issues relating to my community. I have some ideas about how we can solve some of those problems. None are easy to solve and some will be exacerbated by the building of the Thornlie line extension at some future time. Who knows when that will be? Some members—I am not trying to drag the Acting Speaker (Mr P. Abetz) into the debate—at certain times have promised all sorts of things around the Thornlie line extension. It is a logical extension. The

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Kenwick deviation was not commonsense but the completion of the Thornlie line extension through to Cockburn will be, and there will be some issues when the Thornlie line extension is built at that southern end of Thornlie. It should not be just a matter of putting the grade separation at Nicholson Road, although it is very important, but it is not all that needs to be done. Obviously, there is an ideal opportunity to use the rail freight corridor but there may need to be some interaction between the metropolitan line and the freight line. All those issues will have to be resolved, particularly for the people who live in Thornlie. With those comments, I commend the bill.

MR D.A. TEMPLEMAN (Mandurah) [3.25 pm]: I rise to make a contribution to the Rail Safety National Law (WA) Bill 2014. I acknowledge that the main purpose of the bill is to establish the Western Australian component of the national scheme for the regulation of rail safety. Railways have a very strong sense of romanticism for many people in our community. For those people who worked on the railway system, as did my good mate who now lives in Two Rocks, Mr Les Couzens, a locomotive driver with Western Australian Government Railways for a number of years, the thrill of being part of a steam era, as he was, was exciting. Les was part of the steam era towards the end of that time. The immense pride he and many like him, including those involved in the Midland Workshops, felt and still feel for the railway system in which they worked was remarkable. We need only look at some of the Western Australian towns throughout the state, particularly during the early part of the last century through to perhaps the 1970s and even into the early 1980s, to appreciate that the railways played a very important part in the vibrancy of those towns. I come from the railway town of Northam, where I was born. Northam, itself, was a major junction for trains heading to the goldfields as well as to other parts of the wheatbelt. My nanna Templeman, my father's mother, worked for one part of her life at the Grand Hotel, which is opposite the old Northam railway station. She told me many stories about the railway workers and the vibrancy that a dynamic rail industry brought to the town of Northam and many other inland towns of Western Australia.

As we know, passenger rail used to run to Geraldton and to Albany and, of course, through to Northam and into the inland towns of Western Australia. Many sidings and many small communities existed primarily to keep the Western Australian railway system operational. Of course that is not necessarily the case in Western Australia. For various reasons, railway lines have closed or been decommissioned. Big workforces that were required in towns such as Narrogin, Northam, Merredin and some of the other bigger centres were drastically reduced for efficiency reasons and because road transport became a major competitor.

It is fascinating to note the history of railway development in Australia generally. There was a time last century when people travelling from Perth to Sydney or to Melbourne passed through four or five railway gauges on their journey. I can remember in 1979 travelling on the then Trans-Australian Railway with my nanna Templeman, as her partner was a railway worker and she was able to get some reduced fares for us. We in fact got on the Trans-Australian Railway at Northam and went to Kalgoorlie. Then at Kalgoorlie we travelled to Port Augusta and changed trains to travel on a narrower gauge to Port Augusta. Then we changed again at Port Pirie and again en route to Adelaide before we eventually left Adelaide on the *Overland*, as it was called then—I think it still is called the *Overland*—and travelled on a different gauge through to Melbourne. That was the trip. I think we changed gauges at least three or four times on that trip in 1979. We have seen the regulation of the standard railway gauges but now, of course, we are making sure that there is standardisation of the total jurisdiction regarding rail safety. This is at a time when we have in many parts of Australia increased rail infrastructure, particularly for public transport of patrons, in constantly bigger and bigger numbers.

The day the southern suburbs rail was opened in Mandurah by Hon Alannah MacTiernan and then Premier Alan Carpenter will always be a proud moment for me personally, as the member for Mandurah and having been a member of this place now for nearly 14 years. I do not think that people who do not live in a place can quite recognise the jubilation in people when they are connected using a piece of infrastructure such as rail. I can just imagine the euphoric response of people back in the early 1900s through to the 1920s and 1930s when inland towns in Western Australia were connected to the rail line, because the people of Mandurah were euphoric only seven years ago when the Mandurah rail opened on 23 December. It was symbolic for many reasons. It was a symbolic connection to the Perth metropolitan area; it was and is a symbolic and important economic connector for people who use the service for work; and it is an important social connector for people who have family and loved ones in various parts of the metropolitan area. I am reminded nearly every day in Mandurah that people are very grateful that we have a world-class rail connection to the southern suburbs. Of course, quite rightfully, the Labor Party will be credited for the delivery of that rail. The now federal member for Perth, Alannah MacTiernan, particularly will share in much of that accolade. I remind people that I was a member of this place, as were a number of other members, when in those early years of the Gallop government we were hounded by the then Liberal–National opposition and significant members of the conservative establishment in Perth who derided the vision of Premier Gallop and Alannah MacTiernan for the southern suburbs rail. People such as Willy Packer and others constantly said that it would be a waste of money. They used terms such as, “It is well before its time” and “It will be a white elephant.” Have they not been found wanting in their comments today?

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The electrification of the northern suburbs rail line and the extension by the then Labor governments occurred in the 1980s and early 1990s; and then the addition of more than 72 kilometres of rail for the southern rail system was an important and significant investment in rail infrastructure. Of course we know that the southern suburbs rail in Mandurah has been paid off. The Minister for Transport's comments on the southern suburbs rail bewilder me when he uses the line about us never delivering the rail to the centre of Mandurah. I am puzzled by those comments. The minister was not a member of this place at the time of the early planning and discussions. It is interesting to note that the land that was identified for the now Mandurah terminus was the only land left available in the Mandurah precinct to fit in the rail infrastructure reserve. I think that is what the minister is getting at when he asks why the rail was not taken to the so-called Mandurah CBD. One thing he needs to understand is that the Mandurah CBD area is less than 500 metres in length. That is not a big CBD. The minister pushes the comment that we did not get the rail into the CBD. Mate, I am sorry, but the fact is that Mandurah CBD, as it is known, was even back then and still is a tiny portion of land. That is what the minister is on about when he keeps saying that we never took the rail to the centre of Mandurah. If we had taken it to the centre of Mandurah, the only area that —

[Interruption.]

The ACTING SPEAKER (Mr P. Abetz): Will we expel the member in his absence?

Mr D.A. TEMPLEMAN: I think you, Mr Acting Speaker, should call to order that phone!

Even the parcel of land on Peel Street would not have accommodated a rail station. It was considered, but I think the minister will find that in early considerations it was acknowledged that there would need to be a tunnel from the now existing terminus all the way along Peel Street and Allnutt Street, and I think the cost of tunnelling would have been problematic because Mandurah had a problem with its generally high watertable. Honestly, the minister bewilders me with this thing about the centre of Mandurah. The interesting thing is that the centre of Mandurah has changed now and gravitated towards the existing railway station.

The ACTING SPEAKER: Member, I remind you that the bill is not about the Mandurah railway line but about national regulation and safety. It is very interesting, I must admit.

Mr D.A. TEMPLEMAN: I want to put that on the record because the minister tends to do this in question time quite often, and I need to put him at rest. LandCorp's investment now is quite significant around that whole centre, and members will find that that is indeed the centre of Mandurah.

However, speaking about safety, I have to tell the minister that when governments build rail systems, I think people vote with their feet and they want to be involved. They jump on board, and there are literally thousands of safe boardings on the southern suburbs rail at the Mandurah terminus. However, I understand this government has no plans to provide any new station between Mandurah terminus and Warnbro station in the medium term. In the upper house only yesterday, in estimates —

The ACTING SPEAKER: Member, I want to draw you back to the bill, please.

Mr D.A. TEMPLEMAN: I am talking about safety. It is very important; it is about safety.

The ACTING SPEAKER: They might fall off a station that does not exist!

Mr D.A. TEMPLEMAN: It is about safety because Mandurah has a population of 88 000 people with a hinterland population of 90 000-plus. Only one station services that population, yet the government has no plans, as determined by the Standing Committee on Estimates and Financial Operations in the last day or so, until at least 2025 for the consideration of any station in the northern Mandurah area. I am telling the minister now, for the safety of patrons and people who want to access the rail line into the future, a new station is required in north Mandurah. I have argued and I will consistently argue that a Lakelands station is needed. However, the minister's department and his experts and his government continue to say that the catchment is not big enough. This is based on an assumption that needs to be challenged—that is, not every new station needs to be a whiz-bang \$50 million initiative. We should be considering new stations that cater for little parking but very good public transport linkages, as we have on existing lines at Ashfield, Dalglish and Claremont. Lakelands should be considered for a new station.

[Member's time extended.]

Mr D.A. TEMPLEMAN: The government's planners focus on only the big stations. They keep saying it has to be a 30 000-patron catchment before they will consider a station. I challenge that. Lakelands is a prime example of an area where a much less expensive piece of infrastructure could be delivered to relieve what I think will become safety concerns for the Mandurah terminus into the future if we do not provide not only additional parking for patrons but also another station to the north of Mandurah. I will leave that point there. Minister, I will not let up on this. I invite the minister to come down to Mandurah early one normal workday not only to see the number of people seeking parking there, but also to get bowled over just before 9.00 am by the many seniors

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who use this railway station. We have an interesting example of safety; it is about safety. This is a very interesting phenomenon and I think it happens only in Mandurah. If the minister goes to the station just before 9.00 am, he will see all the people waiting for their free travel that is made available at 9.00 am. It is amazing. I guarantee that at 9.00 am on a weekday before the turnstiles will be 60 or 70 people waiting for the clock to tick over to nine o'clock because the first train leaving after 9.00 am is at 9.02 am. I have seen this phenomenon. He will get bowled over by people with walking sticks waiting for that 9.02 am train. That is great, but it raises issues of safety for us. I appreciate, Mr Acting Speaker, your leniency about making that point.

I will now make a point that is perhaps more relevant to the bill; it is about how the national scheme of regulation affects heritage rail provision in the state. The minister would be aware that the Peel region is home to the Hotham Valley Tourist Railway experience, which has trains moving between Pinjarra and Dwellingup and also out of Dwellingup along the line to the east. I cannot remember the name; it starts with E. The line is only about 10 kilometres I think, but they use it as a brief day experience. When we had the devastating fires in Dwellingup, some of the infrastructure was lost. It was replaced, but it severely dented, if you like, the rail infrastructure and in some ways severely affected the aspirations of particularly the Boddington shire to reinvigorate the line that runs from Boddington to Pinjarra via Dwellingup. I know that the shire president and councillors have always believed that it would be a great heritage rail experience if the Hotham Valley service could be extended through to Boddington, but that would be a significant infrastructure cost because it would mean that the existing raiing reserve and infrastructure would need to be dramatically improved. However, I put in a bid for the Hotham Valley entity because it is an important part of the tourism attractions of the Peel region. Indeed, every Wednesday and Sunday, particularly during this time of year and the winter period, it is a very popular experience. It is a great experience for workers, ex-railway men and women, who were part of the golden era of railways in Western Australia, and particularly the steam era. It is nostalgic and romantic and a very important living history aspect of rail transport in the Western Australian context.

I have been reassured, and I am sure that the minister will reassure us again, that ensuring Western Australia is part of this national approach to rail safety regulation will not have a detrimental effect on the very popular heritage rail initiatives that continue to operate successfully in the state. I hope the minister gives us that assurance. It is important that the minister understands just how revered the Hotham Valley experience in the Peel is. I want to finish by saying that I acknowledge the volunteers, both past and present, who have been part of the Hotham Valley experience in the Peel region for their commitment and dedication to the rail experience and bringing that to families. Seeing kids' eyes when the puffing locomotive pulls up to hitch on and take them up to Dwellingup is quite an experience. One gets a tremendous thrill just from seeing their eyes, because it is a window to the past and a very wonderful part of our history. We want to see that sort of activity, tourism opportunity, continue. I hope during the minister's time as Minister for Transport he will continue to support these initiatives, because they are important parts of our heritage and culture and they give so many families who visit or live in the Peel region and take part in that rail experience a great thrill.

MR C.J. TALLENTIRE (Gosnells) [3.50 pm]: I rise to speak to the Rail Safety National Law (WA) Bill 2014. Of course anything that improves rail safety is important. If rail safety can be brought about by ensuring consistency across jurisdictions, it is a good thing and a commendable goal of the legislation before us. Much of this issue is around consistency at the jurisdictional level, but I want to bring to the minister's attention my rail safety concerns about the lack of consistency in the day-to-day operations of trains that run along the part of the rail freight network I am familiar with—that is, the rail freight line, as the member for Cannington explained, that runs along the boundary between our respective electorates and has trains going from Forrestfield to Kwinana. It is an increasingly busy section of track that is administered and effectively operated by Brookfield Rail. There is a whole discussion to be had about the merits of the decision to outsource the responsibility for the management of that track to an outside company. Brookfield Rail is the operator of the tracks and other companies operate the trains that run along those tracks, and the state government is the landlord and has ultimate responsibility for the train line. I think on most counts Brookfield Rail would say that the rail reserves belong to it and that it controls access to them, but that is only until things get a bit difficult; if there is something a bit contentious, will Brookfield Rail spend money, for example, to upgrade the noise mitigation walls that will be desperately needed on people's properties as the frequency of trains increases? I think it is very important that the minister starts to think about this issue. The extension of the passenger network—something we all know is absolutely essential and much needed—and the increased volume of freight going along the freight lines mean that it is vitally important that the minister and his advisers take to cabinet the issue of government responsibility to ensure that owners of properties adjoining the rail freight line and the future Public Transport Authority passenger line do not have their quality of life damaged or reduced in any way by the rail line extension and the increased volume of freight trains.

My impression is that most people with properties along the rail freight line—my constituents—are pretty stoic about train noise, vibrations and the level of risk they are exposed to from the nature of the goods in the train

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wagons that use the line. We are working with people who are very prepared to cooperate with the state government and Brookfield Rail to ensure a harmonious ongoing relationship. My house is on Debenham Street, Thornlie and effectively backs onto the train line. Fortunately I have the Aylesford Reserve between my back fence and the train line, but I can hear and certainly feel the vibrations from freight trains going past. Further down, I have constituents on Kidman Court and Greenway Avenue whose homes are probably closer to the rail line and they feel the vibrations proportionately more than me, no doubt about it.

We have noticed that a lot of the nuisance is down to the quality of the rolling stock, and this is an opportunity for us to ensure that we can really improve things. I commend Co-operative Bulk Handling Ltd; I think the new CBH rolling stock has gone a long way to improving things. It is fortunate, because CBH has had to deal with some record harvests in recent times of 13 million tonnes. I am not sure what the projections are for this year; it might be 13 million tonnes again. A lot of that grain—not all of it, by any means, but a significant amount—comes along the Forrestfield–Kwinana freight line. The new silver grain freight wagons that have been specially designed for the job seem to be much quieter. That is the rolling stock that contains the freight. There is also the issue of the locomotives. Some of the locomotives pulling massive loads are much quieter than others. Then an old clunker will come along at two o'clock in the morning and it is disruptive. It is not a problem for me because I am further back from the rail line, but for the people who live in Kidman Court and Greenway Avenue I think it is more significant. Their houses are older as well. As the member for Cannington said, they are the people who moved into the area before usage of the rail line expanded. Now we have everything from iron ore and lead to chemicals for the gold industry—all manner of materials going along that freight line. The volume of traffic has grown exponentially and I am sure that the Brookfield Rail website has an explanation or indication of how the volume of traffic has increased.

Moving further west along the freight line, still in my electorate, residents of Elliot Place, Tarradee Circuit, Carakine Grove and Nyandi Court are generally in newer properties and are suffering from vibrations more than some of the older properties, which raises questions about the application of the building code. It just goes to show that the issue of safety and the regulation of the construction and operation of train lines is many-faceted. I think there are commendable features of this legislation, but we need to recognise that there are other areas of government that have to be looked at to ensure that people who live in a rail corridor are respected, their quality of life is maintained and their personal safety is not endangered.

One of the biggest issues, which gets to the heart of rail safety, is the sounding of sirens by trains when they go over level crossings. I began by talking about how this legislation intends to create a degree of jurisdictional consistency across the country, but something that is not consistent at an operational level is the sounding of freight train and PTA passenger train sirens; there are all kinds of variations. There is variation in the length of the sounding of the siren, the intensity or decibel output of the siren, and the location where the siren is sounded. There is variation on those three elements all the time, which leads to a high degree of frustration amongst residents of the streets that I mentioned. I must say that this also happens along the Armadale line.

I have talked to some of my constituents who live in a very well run and happy Department of Housing complex at 7 Fremantle Road—I think there are at least 60 villas in that complex and some great people live there. I recently visited Mr Fred Skinner who had called me out to demonstrate the inconsistency with which this key safety initiative of making sure a train sounds its siren as it is going over a crossing is applied. That siren can be an irritation to residents who have to endure the noise. Sometimes they think it is not a problem at all and that they can live with it, but then there are other times at two o'clock in the morning when they find that it is a real nuisance. However, leaving aside that issue, if we have this level of inconsistency, what does it say about the value of sounding the siren from a rail safety point of view? Does it mean that sometimes people hear the siren sounded when the train is actually 10 metres from the level crossing? In that case is there any benefit in sounding the siren because if a person were endeavouring to go over the crossing at that time, the siren would be sounded too late and tragically their lives would come to an end. We need to ensure that we give good, clear direction to the operators of freight and passenger trains. Rail safety relates to people who operate trains travelling through the night across the Nullarbor Plain, but rail safety in our urban areas is crucial.

It is absolutely remarkable just how many trains go along the line between Perth and Armadale each day. The boom gates operate with amazing reliability. People are very understanding when they get caught up by a train, which they are very likely to do if they want to across the Armadale line. They accept that the boom gates come down and it all seems to work reasonably well. However, I know that this is an issue that the minister is considering at the moment because my friend and colleague the member for South Perth is lobbying this matter as much as I am. We are looking for the creation of grade separation at the Nicholson Road crossing. Presently, the freight line goes over Nicholson Road and creates an increased risk to all concerned; it is a rail safety issue. I fully applaud the initiative of grade separation. Indeed, grade separation was central to our Metronet proposal. If we were to achieve a Public Transport Authority station at Nicholson Road, we had to have grade separation

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so that the boom gates were not constantly going up and down at a very busy crossing that is three lanes in each direction—it is a very wide piece of road. I understand that the federal government has given a commitment to providing 50 per cent of the required funds for grade separation at that Nicholson Road crossing. This gets back to my previous point about the sounding of sirens, because once we eliminate a rail crossing, we eliminate the need for sirens to be sounded. The people who live especially in Nyandi Court and Carakine Grove were very concerned about the implications of frequent PTA passenger trains going along their back fences on their way to the Mandurah line at Cockburn. They see that there will be a benefit in that they will no longer have to endure the sirens—I have spoken about the inconsistency about with which those sirens were sounded—because once we have achieved grade separation, the trains will be able to roll through smoothly. That will be combined with the continual upgrading of the rolling stock that will be presumably newer, safer and more reliable in terms of its ability to break should there be some emergency. The locomotives will be more reliable and quieter, and no doubt efficient as well. I mention again the member for Cannington who referred to less pollution in terms of diesel particulate. There are all kinds of benefits if we keep pushing for the constant upgrading and application of the latest in terms of rail standards; that is a good thing and a positive step forward.

On the matter of grade separation, an important point must be made, and I hope that the member for Southern River's optimism about this is not misplaced. I mentioned that the federal government is putting up 50 per cent of the money and the state government is putting up the other 50 per cent. In the state budget in May next year we need to see that 50 per cent come through to pay for the grade separation on Nicholson Road. I hope that we will not be let down yet again because it is something that will make a big difference to the quality of life and the commuting time of many people. It will set us well on the way to allowing that extension of the Thornlie line through to the Mandurah line as well. It is essential that we get on and do it and I think the time is right. If the federal government is prepared to put up 50 per cent of the money, it is time the state government came up with it as well. I know that in May next year, the member for Southern River and I will both be anxiously looking through the budget papers to see that that money is there and that the payments can be made.

I will elaborate a little further on this need for noise mitigation to be part of any rail upgrades or continuation or increase in the volume of freight on the line. We need to make sure that noise mitigation rules are just a natural part of the way we do business.

[Member's time extended.]

Mr C.J. TALLENTIRE: When the rail freight network was handed over to Brookfield Rail, it should have been included in the contract that as certain threshold levels of freight transport were reached, we would then improve the noise mitigation on either side of the tracks—that seems only reasonable. The people who live along those tracks accept that there is a certain volume of traffic going along the line, but it gets to a point where Brookfield is no doubt making more money through increased traffic volumes along the tracks, while their neighbours are suffering the consequences of that traffic through increased noise and vibration. I really hope that the minister is studying this issue hard to work out how we can make sure that we have the very best in noise and vibration mitigation applied to the freight network.

In my reading of the bill so far, I have seen no reference to another aspect of rail safety: the access to the rail reserve. Brookfield has responsibility for that reserve and gets very upset if somebody strays onto it. In the lead-up to the last state election while campaigning with my colleagues, we wanted to take a photo and talk about the extension of the Thornlie train line and we needed to gain access to a part of that Brookfield Rail reserve. I do not think it was very enthusiastic about us doing that so we respected its wishes, of course. It is interesting that Brookfield Rail is concerned about access to that reserve. From my experience, it does very little about trail bikes that access the rail reserve at different times. When we talk about the trail bike problem in my area and many areas of Perth, the rail reserve is one area where that dreadful nuisance is most prevalent. I think Brookfield Rail could do much more to restrict and control access to the area, thereby preventing and stopping people from taking their trail bikes along the train tracks or the adjacent rail reserve. Perhaps it could work with the state government on its long-promised state trail bike strategy, something that is yet to see the light of day. A comprehensive draft document was produced by the Carpenter government. Years have gone by and there is still no progress on that state trail bike strategy. Brookfield Rail, with its concerns about rail safety, is also a part of this. It should be pushing for rail safety to be a key component of the strategy. It would want to see it implemented as quickly as any of us.

Finally, I would like to address the issue of duties of persons loading or unloading freight under clause 54. I find it very interesting. I have a personal interest in this. As a Co-operative Bulk Handling Ltd worker in the early 1980s, I recall working at the Shackleton wheat bin. One year I decided I wanted a break from the position of weighbridge officer. I did not want to be in the sampling hut; I preferred to be outside loading the rail wagons. My first duty was to pull back the tarpaulins on the wagons. We would start that job at six o'clock in the

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morning, I think. We would feel the heat of the day bite into us by seven o'clock. We looked at the train wagons that we were yet to load and it seemed like there were as many to load as we had just loaded. It was an important task, nevertheless. I am sure that there are people right around the state engaged in some form of loading rail wagons. When I see clause 54, "Duties of persons loading or unloading freight", it makes me realise that the content of the bill before us is very vague and general. As a young CBH worker, I was not without some degree of responsibility. We will probably re-visit this clause in consideration in detail. The clause states —

A person who loads or unloads freight on or from rolling stock in relation to the transport of the freight by railway must ensure, so far as is reasonably practicable, that the loading or unloading is carried out safely and so as to ensure the safe operation of the rolling stock.

I think that is very vague and very broad. It seems to me that this clause, along with other clauses in the bill, puts an enormous responsibility on owners and operators —

Ms J.M. Freeman: Most things in safety legislation are reflected in regulations and codes of practice. That is what you are looking for. They will be much broader in the regulations.

Mr C.J. TALLENTIRE: One would hope that there would be more detail in the regulations. Reading that clause, if I was back in my old job working on the Shackleton wheat bin, I would have thought that I had a huge responsibility to ensure that the rolling stock was up to scratch. I was not qualified to check that the bearings and things like that would not be a problem and could not reassure someone that it was not likely to cause a derailment further down the track, literally. It is a particularly vague piece of legislation. I trust the member for Mirrabooka that there be will be more detail in the regulations that surround this legislation, it will be clearly spelt out who is responsible, the duties of persons loading or unloading freight will be better defined and it will not be down to the seasonally employed casual worker to determine what is a safe piece of rolling stock and what is an unsafe piece.

I offer my support for this legislation. I hope that the minister and his advisers have been able to take careful note of the issues that I have raised, especially around the issues of consistency. I say again that this bill has been brought to this place on the basis that it will achieve consistency across jurisdictions. I am concerned about the inconsistencies that I see on a daily basis. Indeed, we can see the inconsistency of the application of the rules surrounding sirens on an hourly basis when we stand on the tracks in either Thornlie or Gosnells. Clearly, there is a problem. It has not been clearly defined. I do not think that is fair on the train drivers. I do not want to blame the drivers who have responsibility for respecting these rules. So far my investigations reveal that they have not been given that clear guidance. There is a job for someone in the minister's position, through people in the Office of Rail Safety and other places, to deliver for the Western Australian community the safety that we are entitled to.

I conclude my remarks and look forward to further debate on this bill.

MR P. ABETZ (Southern River) [4.16 pm]: I would like to make a brief contribution to the debate on the Rail Safety National Law (WA) Bill 2014. The issue of rail safety is obviously very important. National consistency in regulations certainly helps the freight component of the rail traffic that goes through my electorate. At this point, there is only freight; hopefully, before too long we will have some passenger trains as well.

Ms J.M. Freeman: After Mirrabooka.

Mr P. ABETZ: Canning Vale definitely comes first.

The issue that has been raised by the member for Gosnells about trail bikes on rail reserves is certainly a great concern to me. In my electorate there is a wire mesh fence between the railway line and parks and then also near a footpath and residences. When Brookfield Rail is contacted, generally within two working days the fence is repaired. It is constantly cut by people who ride their trail bikes. I know that the rail people are very concerned about it, the residents are concerned about it, Brookfield is concerned about it and the police are concerned about it. The real difficulty is in catching the culprits because they ride quite fast and they are on trail bikes that have no identification plates of any sort. The police have a quad bike on loan. When using that quad bike, the young people race along. The danger to the kids on those bikes is such that police stop chasing them because they would hate for somebody to come off and end up being involved in an accident. Parents need to take much greater responsibility to ensure they know what their kids are getting up to and address that.

One of the other issues that is of concern is sirens and their use. The trail bikes are even used on the track at night. Even when there is no level crossing near the houses behind Canning Vale, sometimes at night the drivers toot their horn at the trail bikes. The residents wonder why drivers are tooting their horns at two o'clock in the morning. I certainly hope that when the passenger service comes through, we will get some —

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Mr W.J. Johnston: Do you know the drivers have to blow their horns because it is at a level crossing?

Mr P. ABETZ: Yes, at the level crossing, but further down, where there is no level crossing—the Ranford Road bridge where they go underneath—sometimes they toot their horns there because somebody is on the rail reserve, which is only right and proper. I certainly hope that when the passenger service comes through there will be a physical sound barrier, such as a built-up concrete wall. It will make it a lot harder for anybody to cut and then get in there.

In terms of safety, the freight line carries lead, cyanide, petrol, diesel and so on. Sometimes people's perceptions of safety differ. There was a park meeting in my electorate one time because people were worried about lead being transported through it. I made it very clear to residents that I would much rather have lead coming through in sealed containers and all of that than I would cyanide. If ever we were to have a derailling of a cyanide tanker, we could be in deep, deep trouble.

Mr F.M. Logan: Absolutely.

Mr P. ABETZ: Absolutely. Similarly, if a petrol tanker rolled over and exploded, I would not want to be in the house next to the railway line. If a container full of lead were to tip over, even if the lead were to spill out of the container, because it is dry it is very easy to clean up. The great thing about lead is that once-only exposure to lead is actually not particularly damaging to health; it is long-term exposure over time that causes the most damage, as we know from the situation in Esperance. Hopefully the rail safety national law will also ensure that there is national consistency in the regulations governing the transport of different dangerous freights.

[Quorum formed.]

Mr P. ABETZ: I am glad there is a quorum now to hear this worthy contribution!

The other issue I want to raise about rail safety is the importance of grade separations. The members for Cannington and Gosnells mentioned the rail crossing on Nicholson Road. If I am correctly informed, it is the very last of the level crossings of the freight trains in the metropolitan area that has significant traffic going across it. It is good to know that the federal government has listened to my pleas, and possibly other people's pleas, for funding. Two years ago we had the federal shadow Minister for Infrastructure and Regional Development, Warren Truss, out there—it was before the last federal election anyway—urging him, together with Ken Wyatt, the member for Hasluck, and the member for Tangney, Dr Dennis Jensen, to try to impress upon him the importance of getting some funding for that. We were thrilled to see that in the last federal budget there was \$18 million set aside for that. I will lean very heavily upon both the Treasurer and the Minister for Transport to ensure that we do not even have to wait until the next state budget. I hope there will be an announcement before the next budget; that it will be a promise. As Liberal Party promises can be trusted, I am sure that it will eventuate.

The issues of noise and particulates were also mentioned by the member for Cannington. The interesting point is that not only are there no particulate regulations for locomotives but also there are no regulated noise levels for locomotives. The member for Gosnells mentioned that the Co-operative Bulk Handling Ltd trains are incredibly quiet. They are the quietest trains on that line. They are often hauling quite substantial loads, yet they chug along fairly quietly with minimal vibration.

Mr F.M. Logan: It is called brand new.

Mr P. ABETZ: Yes, they are brand new. If they are maintained well, they should continue to chug along with minimal noise. Some of the old locomotives appear to have no muffler on them whatsoever. They make such an enormous din that some residents say that a locomotive running on its own without pulling a train makes more noise than a fully laden grain train. One would hope that the noise issue could also be addressed.

The other aspect is that the vibration from rail traffic is a sign that something in the rolling stock, or in the tracks, is not in order. I have mentioned in this place before that when I was at Tom Price a few years ago, when our son worked up there, I noted that when the big, heavy iron ore trains went past I felt zero vibration standing right next to the rail crossing. As my son was working on the rail expansion project for Rio Tinto, I asked him about it. I told him that the trains down in Canning Vale rattle like anything. He told me the issue is that train wheels get slightly out of round. They get flat spots from heavy braking at times, and the track itself also gets slight indentations in it. Rio has a machine that shaves a thousandth of a fraction off the track to keep it exactly smooth. The company also ensures that the wheels are machined regularly so they maintain perfect roundness and that way there is zero vibration.

In my electorate of Southern River the rail line runs behind houses in Canning Vale. About four years ago there was a major issue for people who had built houses there when it was a new area. They knew they had built next to a railway track and they did not mind the increasing number of trains, but they said, "Our house now rattles. We wake up at night from the vibration. We never used to wake up before. Something has changed." It was only

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after persistently pursuing Brookfield Rail and getting onto the operators of the trains that the maintenance issues were finally addressed. The vibration complaints then disappeared. In the last couple of months I have started getting a few complaints again about certain trains causing vibrations. The vibration actually causes more stress to the rolling stock. That can also contribute to premature mechanical failure, which has a safety dimension to it.

With that, I will conclude my comments. I support the bill. One would hope that the Rail Safety National Law (WA) Bill 2014 will help keep our freight system, from the eastern states coming through to Western Australia, operating efficiently with minimal difficulties with variations in regulations. That will contribute towards keeping more of our freight on rail and fewer trucks on the road.

MR F.M. LOGAN (Cockburn) [4.30 pm]: I also wish to contribute to the debate on the Rail Safety National Law (WA) Bill 2014. It is interesting that the members for Southern River, Cannington and Gosnells have all raised the same issues about the same railway line. The railway line they were talking about runs from Midland and part of it goes to Kwinana and the other part goes to the Fremantle port. It is exactly the same rail line that runs through the parliamentary seat of Jandakot and it also runs right the way through the seat of Cockburn, where it divides into two, with one part going through the member for Fremantle's seat, but the bulk of it staying in Cockburn. The issues that the members for Southern River, Gosnells and Cannington have raised are identical to those I have raised in this house on many occasions. The last one, as the minister knows, was the issue relating to the rail bridge at Beeliar, of which the fascia collapsed three years ago. It remains collapsed and fenced off, with both Brookfield Rail and the City of Cockburn pointing fingers at each other about whose responsibility it is. This is a reflection, I might add, of the problem we talked about earlier in this house that relates directly back to the Economics and Industry Standing Committee report on the management of the freight rail network in Western Australia. It is that issue that is leading to the problems that have been highlighted by the three members who spoke before me, particularly with the southern rail network between Midland, Kwinana and Fremantle. The issue is that a botched privatisation has left the below-ground train freight network as a monopoly in the hands of what is now basically a Canadian company registered in the Cayman Islands—that is, Brookfield Rail. When Brookfield Rail is approached to address these issues, many of which have been highlighted by the members for Southern River, Cannington and Gosnells, not only is there a rejection of any responsibility by Brookfield Rail; quite often, it will not give a response at all. Letters get written to the CEO—no answer. The CEO was confronted coming out of an Economics and Industry Standing Committee hearing and reminded about the particular issue of the Beeliar rail bridge. He said he knew all about it and would get onto it—but nothing. That is because, as was pointed out in the report handed down earlier this morning in this house about the management of the freight rail network, the Public Transport Authority does not enforce regulatory control of the monopoly owner of the below-ground rail network. Brookfield Rail, as the lessee of the below-ground rail network, knows this, does nothing and gets away with it. Minister, just one issue is the Beeliar rail bridge. Still nothing has happened on it. Neither the PTA, Brookfield Rail nor the City of Cockburn have got back to me on the minister's attempts to address the issue, so I ask that he intervene again and push this thing along.

The other issue, which did not occur when the current Minister for Transport was in office, but which I have raised on many occasions with previous ministers—including, I might add, those in the Labor Party when we were in government—is the issue of access to that freight rail line. The problems are identical to the ones that have already been addressed. There is a maintenance road that runs beside those freight rail lines in the southern corridor and it is easily accessible from any main road that the railway line crosses. At some points there are now gates put up to stop vehicles getting onto that access road, but the gates are just two posts and a bar across them—a piece of rolled steel joist. That might possibly be strong enough to stop a four-wheel drive, but it certainly does not do anything to stop motorbikes getting onto the access road, and in many cases it does not stop four-wheel drive vehicles either. The situation in the four electorates whose representatives the minister has just heard from is that people, particularly younger people, roar along the freight rail line access road on trail bikes, which they use as their own personal road to get from one part of Cockburn to another, and it is exactly the same in those other electorates. They just use the railway access road as their private road. It drives residents absolutely berserk. On a weekend all they can hear is the screaming noise of dirt bikes roaring along those access corridors along the freight rail network—that happens right through the southern suburbs. Even worse is that some of the people riding the trail bikes use the access road as a means of gaining entry to people's homes. They ride bikes along to the back of people's homes, park the bike outside their back fence, jump up on the seat and hop over the fence. The next minute they are breaking into the house. They jump back over the fence, onto the motorbike—gone. I had meetings with WestNet, when it was the operator of the below-ground rail network, with the police and with the City of Cockburn, pulling them all together to try to find a solution to the problem. The operators of the rail network have at all times said that they need to have that maintenance corridor open and they would not do anything about it. At one particular meeting the police sergeant was so angry I thought he would throttle the representative of the below-ground rail operator—that is how angry he was—because the police are frustrated by the fact that they cannot get the below-ground rail operator to do anything about this. As I pointed out, this is not just an issue for my electorate; it is an issue for electorates represented by members on

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both sides of the house, right the way through the southern suburbs, and it has to be addressed. It is a shocking problem and a blight on the southern suburbs of Perth.

The other issue about rail safety that I wish to draw to the minister's attention is that touched upon by the member for Southern River, and it is something about which people over the years have just ducked their heads. The member for Southern River talked about the type of freight carried on that railway line, particularly between Kwinana and Midland. A significant proportion of the freight that comes out of Kwinana to the goldfields is diesel, petrol, sulfuric acid, sodium cyanide and other chemicals. The carriage of sodium cyanide fills me with horror, honestly, minister. We are transporting in huge tankers one of the most dangerous chemicals known to humans through one of the most populated areas of metropolitan Perth. There have been spills of this specific chemical in the same types of tankers on rail lines in the United States, so it is not as though it cannot be released. It can be released and there have been accidents in the United States with exactly the same chemical. If one of those tankers went over and there was a release of the sodium cyanide, once it came into contact with the air, it would immediately become cyanide gas and drift across the suburbs of Perth killing everyone in its path. The scale of such a disaster would be monumental. Department of Fire and Emergency Services plans for the movement of dangerous and noxious goods apply to the railway lines. The minister should ask about those plans and about an emergency response. Hardly anyone knows about them. Access to the rail corridor for firefighting and chemical emergency services is difficult. Access seems to be a lot easier for motorbikes than for emergency vehicles because, remember, the gates, where they exist, are locked. Who has the key? Brookfield Rail has it. On many occasions the railway line runs right past schools; for example, it is immediately adjacent to Beeliar Primary School. In fact, the line is right next to the bridge. Beeliar Primary School is on one side next to the bridge, which is falling down, and sodium cyanide tankers go over the bridge. That is why I raise concerns in this house about not only the bridge, but also the traffic used on that railway line. The minister can ask any one of the other local members—I am not too sure about the member for Southern River, but I am sure he does not know—such as the members for Cannington and Gosnells what the emergency response plans are for a chemical or noxious goods spill on the railway lines that pass through our electorates. I do not know. They are not well known. The local council may know. Certainly a lot of the local councils do not know anything about them.

Mr P. Abetz: Emergency services does.

Mr F.M. LOGAN: Emergency services does but the member for Southern River does not and I do not. We do not know what the planned responses are. As I pointed out to the minister just now, access to that railway corridor in those types of vehicles is very difficult. A proposal was being prepared by the Public Transport Authority as part of the overall future development of the freight rail network that came to our attention on the Economics and Industry Standing Committee about an east-west corridor link—another railway link into Kwinana. Given what I have put to the minister and the serious possibility of a major catastrophe in the southern suburbs of Perth, should there be an accident with the types of chemicals carried on that railway line, I urge the minister to consider an alternative route for transporting those chemicals. They have to be carried by rail somehow. An alternative proposal is on the minister's desk relating to the east-west link from Kwinana to the wheatbelt. As I say, minister, that concept has been discovered by the Economics and Industry Standing Committee as part of its inquiry into the management of the freight rail networks in Western Australia. I urge the minister to again dig out that report on the east-west link and look at the possibility of creating an alternative rail route into both the Kwinana port and the Rockingham grain port, for a number of reasons; not just because it is a more efficient way of bringing grain to the terminal in Rockingham but also because it is a less dangerous route for the transportation of noxious chemicals, particularly dangerous chemicals such as sodium cyanide. It would keep that material away from the densely populated areas of Perth where an accident could lead to a major catastrophe.

I would like to address a couple of other matters while I am on my feet relating also to safety and that comes back to the Economics and Industry Standing Committee's inquiry into the management of Australia's freight rail network. One of the issues raised was the safety standards of the tier 3 rail lines.

[Member's time extended.]

Dr K.D. Hames: I thought the member for Mandurah had gone but he is still there!

Mr F.M. LOGAN: Yes; the member sitting in the member for Mandurah's seat is a far more handsome chap, but does not have the same sense of humour!

The issue I am addressing now relates to the tier 3 rail lines. As I said earlier in my contribution on the tabling of the committee's report into the management of Western Australia's freight rail network, I was very critical of the Public Transport Authority, the Commissioner of Main Roads and, indeed, the minister, although I do not sheet all the blame home to the minister—previous ministers must share that blame—about gaining access to information that is in the public interest. The standard applied to the safety of the tier 3 rail lines has been mentioned in that report. As late as only yesterday in the Legislative Council, Hon Darren West asked a question

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of Hon Jim Chown, parliamentary secretary to the Minister for Transport, about the safety review of tier 3 rail lines. Hon Darren West asked —

- (1) When was the review completed?
- (2) Has the government now considered the findings in the report?
- (3) ... will the minister table a copy of the report?
- (4) ... when will the government consider the findings in the report?

On the Minister for Transport's behalf, Hon Jim Chown replied that the review was completed in August this year; that the government—that is, the minister—had considered the findings in the report; and in answer to part (3) on whether the minister will table the report, the minister's answer is no. What do we have to do, minister? Do we have another committee of inquiry to subpoena the minister to make this document available to the general public and to people who are interested in the use of tier 3 rail? What is so secretive about these things? It is in the public interest and in the long-term interests of the state for those reports to be made available. As the minister knows, the Economics and Industry Standing Committee inquiry tabled a series of documents in the house today, many of which the minister and his predecessors refused to make available to the general public, refused to table in Parliament and in some cases refused to give to the committee itself. Certainly the Public Transport Authority had no mind to provide some of that information, particularly on the lease documents for the rail freight network, to the Economics and Industry Standing Committee and, as I said earlier, seemed to completely misunderstand the role of Parliament and the role of parliamentary committees. It is as though the minister's response was somehow more important than a request from Parliament. It is beyond me to know how, after having been public servants for so many years, those members of the PTA could have come to that conclusion, and it is beyond me that they are public servants yet do not know how Parliament works!

As I pointed out to Parliament earlier, the Economics and Industry Standing Committee had a continuous battle to get certain documents made available. Thank goodness that battle is over and that many of those documents have now been tabled and made available to the public, whereas the minister and his predecessors would not have done that. Here I am again reporting to Parliament this afternoon on yet another review and report, this time on the safety of tier 3 rail lines, that the minister is refusing to make available.

I urge the minister to read carefully this report from the Economics and Industry Standing Committee. It points out all the major flaws and problems associated with the privatisation of the rail freight network in Western Australia. It points out the lack of details and consideration that should have been applied to the lease by the government of the day, and particularly by the public servants of the day, to ensure that the interests of the public, the government and the state of Western Australia were protected. That clearly has not happened. When I then draw a line from those criticisms about the lease, the privatisation and the splitting of the rail network to above and below ground and the fact that the below-ground section of the lease is now controlled basically by a monopoly—a Canadian multinational registered in the Cayman Islands—it is no wonder that there are the problems at the micro level in our electorates that have been referred to today. The operator of the network, Brookfield Rail, simply does not believe that it is responsible to members of Parliament who complain about issues such as fascias on rail bridges falling down, rattling trains, noise and other safety issues related to that rail network in the southern suburbs. It is no wonder that members have these problems, all of which stem from the botched privatisation of the Westrail Freight network in 2000 and the mismanagement—clearly set out in this Economics and Industry Standing Committee review—of that lease by the Public Transport Authority. The PTA's weakness and timidity in dealing with Brookfield is absolutely staggering! It is one thing to put into a lease that there will be a light touch to the management of the lease; it is another thing to be timid and weak and to fail to protect the state's interests. That is what the PTA is employed for!

Finally, I want to touch on the issue raised by the members for Southern River, Cannington and Gosnells about noise and vibration. It is a pity that the member for Jandakot is not in the chamber because he has a problem in his electorate, and that problem is also mentioned in this Economics and Industry Standing Committee report titled "The Management of Western Australia's Freight Rail Network". In the area where the southern corridor freight rail network passes through the seat of Jandakot, particularly the area immediately adjacent to the freeway near Glen Iris Public Golf Course, the problem is identical to those raised by other members of this house this afternoon. The people who live adjacent to the railway line at the Glen Iris golf course estate raised the issue of vibration, damage to their houses and noise caused by the passing of trains on the railway line immediately below them in a cutting at South Lake and Jandakot. The issue has been going on and on for years. There is a solution, minister, to that problem. That problem could have been addressed when Brookfield was working on that specific section of rail line, which I think was early this year or late last year. At that time it re-banked the railway line and I think reinforced the sleepers along the railway line, which involved the piece of engineering equipment that comes along and lifts the section of the rail line and then spreads the per-way stones around to give it a better base. At that time the anti-vibration carpet, or whatever it is called, is put down.

Mr Bill Johnston; Mr David Templeman; Mr Chris Tallentire; Mr Peter Abetz; Mr Fran Logan; Dr Kim Hames

Mr D.C. Nalder: It is matting.

Mr F.M. LOGAN: The matting, rather, could have been put down at that point and those issues in Jandakot, hopefully, could have been addressed right at that time, as the company was working on the rail line and had lifted the actual rail line itself to reinforce the per-way underneath. It did not do that because it had no obligation to. The members of the Public Transport Authority, who well know about this issue in Jandakot, did not tell the operator, Brookfield, to do it. Obviously the PTA felt that it had no power to force Brookfield to do it. Even worse, the PTA did not bring the matter back to the Minister for Transport and say, “Here is this long-term problem. Here is a way of fixing it. Here is the cost. Shall we do it?” It did not do that either. As far as the PTA is concerned, the railway was there before the residents were and they knew what they were facing when they moved in—hard luck! As I said, it is a pity that the member for Jandakot is not in the chamber to address this very issue in his own electorate.

Debate adjourned, on motion by **Dr K.D. Hames (Minister for Health)**.

House adjourned at 5.00 pm
