

GOVERNMENT RAILWAYS AMENDMENT BILL 2021

Second Reading

Resumed from 17 August.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [12.50 pm]: It is a pleasure to stand up and discuss the Government Railways Amendment Bill 2021. I am searching in the deep recesses of my brain to remember the briefings that took place on this bill. It seems to have been sitting on the notice paper for a very long time without progressing. The bill, which will amend the Government Railways Act 1904, was introduced in the last Parliament and, as I recall, went through this place, but did not progress through all stages in the other place, so it is back here again.

The bill was introduced on 8 September and follows a train-surfing incident and an event on the Fremantle Railway Bridge in 2018. Legislation was introduced previously but failed to progress through the Parliament, so we are dealing with it again. The bill will allow an increase in penalties to reflect the seriousness of the offence of trespass on rail property and activities associated with that trespass and the inappropriate use of rail equipment. Trespass incidents on trains and rail infrastructure, such as rail lines, have an adverse impact on rail safety and also on rail workers. We must not forget the horrific circumstances of train drivers, for instance, who are involved in deliberate suicide attempts, or suicides, by people by train. That must be very difficult for those people to deal with, not to mention the community of people who support them and the family of the person who is unfortunately deceased or seriously injured. These types of events have long-lasting implications for families. I will speak later more broadly about rail safety and folk who lost their relatives in a tragic event many years ago at Yarramony in the northern part of the member for Central Wheatbelt's electorate, just outside my electorate. Those three families are still dealing with the effects of that tragic incident decades later, as are other families who are caught up in these types of unfortunate tragic events.

The occurrence of trespass continues to increase. Incidents reported to the Office of the National Rail Safety Regulator have indicated that these types of incidents increased from 328 in 2016–17 to 992 in 2020–21. It is a significant increase in a type of trespass that sometimes leads to tragic consequences. I believe that the average cost to the Public Transport Authority to prosecute a case of this nature is in the vicinity of \$2 000 to \$3 000. Maximum fines will be amended from \$200 to \$5 000 for those who seek to trespass on rail networks. I raised a query in one of two briefings on this legislation I have been involved in about the efficacy of a trespass fine when individuals have no intention of ever paying the fine. I am not sure whether the increase in itself will be a panacea, but it shows an intent, and it is important to show intent that reflects the level of seriousness with which the Parliament and the people of the state regard the types of behaviour involved in trespass offences. The bill will introduce a modified penalty provision that is not to exceed 20 per cent of the maximum penalty imposed by the court. It will also delete provisions for the removal of passengers without an appropriate ticket. I think that is a hangover from days gone by. The parliamentary secretary is nodding her head and either she or the Minister for Transport in summation will be able to explain a little more about that and why that needs to be dealt with. The opposition is generally supportive of this bill, but I raise the issue of how efficacious imposing a higher fine will be. We support the move to increase safety and acknowledge the long-lasting effects on people when they are hurt, have witnessed or have been involved in some of the tragic events we have seen over the years.

TrackSAFE Foundation, a community awareness association and part of the Australasian Railway Association, is the organiser of Rail Safety Week. At one stage it looked as though this debate might come around about that time, but it was delayed again. TrackSAFE is very much on board with Rail Safety Week and organises the annual community awareness week. A letter I received from TrackSAFE explains some of the activities. It is worthwhile highlighting some of those for the house. The letter states —

Rail Safety Week is an annual community awareness week held in Australia and New Zealand, designed to engage the community in safe rail practices. During Rail Safety Week, rail operators, police, government and community organisations unite by organising activities such as media events, safety demonstrations, webinars and virtual events, along with engaging schools and community groups to raise awareness of the importance of rail safety.

Over the last six years there has been on average 83 fatalities on the Australian rail network, with 71 of these people taking their own life. Annually there are almost as many attempted suicides as actual suicides on the rail network, coupled with an average of 27 injuries at level crossings or as a result of trespass, as well as around 1,880 level crossing and trespass near hits.

That is a significant number of incidents. It continues —

Beyond the human loss, injury and grief, these incidents can cause trauma and work-related stress to both the rail staff and recovery staff involved with incidents. These events, and the cumulative impact of near hits, can result in an absence from work and the risk of acute and chronic health and wellness issues

for staff. Safe Work Australia have grouped train drivers with first responders as one of the most at-risk occupations for work-related mental disorders.

That encapsulates some of the issues we are trying to deal with in this legislation to ensure that rail safety is improved as a benefit for the whole community.

I want to talk about suicide and one particular incident I have raised in this house before with the minister in a parliamentary question. It involves the case of Marlon Johns. Marlon Johns was asked to move on from the Fremantle train station and, tragically, that night he was killed on the railway track near the station. As a result of that, his family members were adamant that his death was not a suicide and should be investigated, and they had held out hope that a coronial inquest would be held to investigate the circumstances surrounding his passing.

This matter was brought to my attention by an organisation called WAMN News and their reporter Ivan Leung, who I believe has now moved on to other work. Ivan did a lot of work in bringing to the attention of the public the circumstances surrounding the death of Marlon Johns. I will not read extensively from these news reports, but I refer to an article by Ivan Leung dated 12 April 2021 headed “Exclusive: Marlon Johns’ family threatening to sue Western Australian Government for negligence”. I refer also to an article by WAMN News reporter Nelson Liu dated 15 November 2021 headed “Exclusive: Former transit officer confirms trainline discrimination as Marlon Johns’ mother claims son allegedly targeted before death”. The allegation was that Public Transport Authority staff had discriminated against Marlon Johns, an Indigenous man, and that had contributed to his passing. A statement from the Public Transport Authority was also reported by that reporter on that day. It stated that the PTA refuted the claim that racism had been involved in that situation.

A week later, on 22 November 2021, Ivan wrote another report headed “Exclusive: Calls for greater cultural awareness training for transit guards following Marlon Johns tragedy”. It states —

Indigenous Australian advocate and Nagalla Maya CEO, Mervyn Eades, has commented on the impact of Marlon Johns death.

He stated that the recent WAMN report on Mr Johns’ death “was tragic, it was sad”.

After a night out, Mr Johns was hit by a train at Fremantle station.

“A life was lost, and there is answers that need to be given to the family,” said Mr Eades.

Last week, a former officer from the Perth Transport Authority (PTA) —

I think that should have been Public Transport Authority —

alleged that there is a culture of discrimination within amongst transit guards.

“On a scale of one to ten it’s sitting at, probably a six, but anything above one’s not good,” said the anonymous source.

The ex-guard also believes that more regular training in cultural awareness is required for PTA guards.

“Every three to six months they do retraining in their batons, and their handcuffs, how to use that, they need to do then six-monthly retraining on cultural awareness and fairness.

“Cultural awareness and fairness, they need to include that.”

To reiterate, transit guards are quite unique. Outside of members of the Western Australia Police Force, few other people have the powers that are given to transit guards to use force, demand information, move people on, and I believe even arrest people. These powers are quite significant. However, the oversight of transit officers is done not through the mechanisms that are used for members of the Western Australia Police Force—namely, the police operations complaints centre, and also the Corruption and Crime Commission, which has oversight of misconduct allegations. The PTA does not have the same level of oversight. The Minister for Transport might be able to explain how the PTA provides training and oversight of transit officers. I would also be interested to get information from the CCC at some stage about how it views these types of incidents.

Out of fairness to the PTA, and in the interests of providing balance, it is important to also put on the record the view of the PTA, which is contained in another WAMN News article —

“The Public Transport Authority has a zero-tolerance policy towards racism—or any other form of discrimination. All our transit officers undertake cultural awareness training by a recognised provider, and we have a very multicultural workforce, including indigenous officers.”

It was not just Ivan who was following this story. I have seen other reports on the Marlon Johns tragedy. I refer to a report on the National Indigenous Television program *The Point* on 20 April 2021 by Karen Michelmores and Lindy Kerin. They talk about the family of Marlon Johns and how his father wanted answers about what had happened to his son, because he cannot sleep at night thinking about it. This report was written seven weeks after the death, which occurred, as I have said, at Fremantle station on Sunday, 28 February. The circumstances as outlined in the report are —

Marlon and a friend had been on a Saturday night out in Fremantle and were planning on catching the last train home.

What happened next is the subject of conflicting accounts.

Marlon's friend has told family that four security guards approached the pair as they were sitting on the platform waiting for the train. The friend says one guard recognised Marlon, calling him by name and referring to Marlon's troubled past with the law. The guards demanded they leave the station.

Angry and upset, Marlon took off.

His friend never saw him again.

Marlon's mother is reported in the article as having asked the authority to view the CCTV footage of his interaction with the transit guards. The family had been hoping that they would be given a coroner's inquest. Unfortunately, they received the news quite recently, on 3 August 2022, in a letter from coroner Magistrate Jenkin, that their request for an inquest had been denied. The coroner wrote —

Section 25(1) of the *Coroner's Act 1996* (WA) (the Coroners Act) provides that where possible, a coroner investigating a death must find the identity of the deceased and the manner and cause of the death. The purpose of an inquest is to establish facts relating to the death, not to attribute criminal or civil liability or blame for the death.

It goes on to say further —

Having regard to the documentary evidence already before me, I am satisfied that all proper lines of inquiry have been exhausted and that an inquest is not necessary.

I will proceed to finalise the investigation into Mr Johns' death and issue a written record of investigation into the death without holding an inquest, known as an administrative finding.

It went on to say —

I am not satisfied it is necessary for me to comment on the PTA's policies concerning persons thought to be experiencing a mental health episode and therefore, an inquest is unnecessary.

Unfortunately for the family, that was the end of their hope that there would be an inquest into the death of their son, brother and relative.

I have received an email from Samantha, Marlon's sister, who has asked that I make her views known, so I will read the email as it is written. It states —

We have been careful not to speak out up to now as we did not want to influence or jeopardise the process with the Coroner. Now that the Coroner has denied an inquest into Marlon's death, we want change to be sure that our children and others can use public transport in Perth safely and without fear of intimidation and discrimination.

We requested to view the PTA CCTV footage (minus audio) and were told by CIS that we probably wouldn't want to see it 'as Marlon is punching stuff'. Eventually we got to see the footage and could see that Marlon and his mate (a lifelong friend) were seated at Fremantle train station, looking at their phones waiting for the last train at about 2am on 28 February 2021. There was a couple on another seat, perhaps making out. Marlon points at them. They get up and knock on the office door of the Transit guards and speak to a guard. Two male and one female guard approach Marlon. Marlon's mate remembers the female guard calling him by name and presumably making an assessment and a judgement. Marlon can be seen getting up looking at the camera and pointing to the exit, as if to say 'What have I done?' Three transit guards walk him off the platform and he is talking to the female guard but not standing close enough to her for the behaviour to be aggressive or intimidating. The altercation happens at the front of the train station and Marlon walks off and jumps the fence to the train tracks. The CCTV camera footage follows him over the fence then zooms out and moves to the front of the station. Was the camera manually handled to follow his movements at this stage? Do the Transit Guards not have a duty of care to passengers? We understand the Railway Response unit attended at 2.39am.

The female Transit guard later denied insulting Marlon.

It should be noted that the couple who complained to the guards at Fremantle station had to knock on the guard's office door and ask for help, the guards obviously didn't consider Marlon's behaviour to be out of the ordinary. PTA commented that Marlon's behaviour was aggressive but it was not aggressive until he was told to leave the train station.

We understand Marlon was trespassing on the tracks but this is not an isolated case when it comes to Perth transit guards interacting with the public and kicking them off the train station, unlawfully. If Marlon

had been allowed to board that train, this would not have happened. PTA rang Marlon's Mum to offer their condolences but we have not been able to meet with them and ask questions.

Our request for a Coronial Inquest was denied, based on a letter sent by CIS on 3 August. We had just 7 days to appeal to the Supreme Court.

That is the statement that Samantha wanted to be read into the record, and I have done that. As I said, there probably needs to be a further look at some of the practices involving the Public Transport Authority. I am not making any prejudgement about what the outcomes of that would be, but I believe we need an assurance that the use of the extremely unusual level of powers of transit guards is being monitored.

I also want to talk about another matter concerning rail safety. I am sure that the minister will remember this one, as the Leader of the Nationals WA, the member for Central Wheatbelt, raised it with her some time ago. It concerns the level crossings in mainly, but not exclusively, country Western Australia. I mentioned earlier the tragic incident that occurred just out of Jennacubbine all those years ago. I want to acknowledge the work that Lara Jensen, Merrilea Broad and others have undertaken to build a campaign. Other campaigns in New South Wales and other states have been built around some of the incidents that have occurred. Maddie Bott is a New South Wales nurse whose fiancé was one of two men killed when a train hit their truck in New South Wales. She campaigned relentlessly and had an e-petition with over 21 000 signatures taken to the New South Wales Parliament calling for improved safety at level crossings. A Facebook group called Improve Train Lighting And Passive Level Crossing Safety has a national following, and members have posted videos that show rail crossing signage that is obscured by vegetation and footage of trains passing through crossings that are virtually impossible to see in poor light, such as at dusk or dawn or when the sun is in people's eyes. I have had discussions with rail safety researcher Dr Brett Hughes and I would like to acknowledge the work that he has done. He devised a best practice train lighting concept, the Yarramony Lights concept, which is an example of what can be done to increase the visibility of trains during the daytime and to ensure that people are aware of the danger.

There are many rail crossings in my electorate where one of the dangers is that the trains are very infrequent. In fact, they are so infrequent on some of the lines that people forget that they carry trains from time to time. I wrote to the minister about one such crossing on Miling Moora Road and she was kind enough to respond, and I thank her for the response. She pointed out that it did not meet a particular index and therefore the treatment of that line was suitable. That is another one of those cases in point, as the trains are quite infrequent. That infrequency is almost as dangerous as having trains pass every few minutes. When a train passes every few minutes, people know to look out because there is a very strong likelihood that a train will be passing through the crossing. When trains pass only during the haul out from the local CBH bin, which might run for only a couple of weeks a year, people virtually ignore the danger. I believe that there is an opportunity to increase safety at all these crossings. We can look at some of the work that Dr Hughes has done and at some of the suggestions that people like Lara Jensen and Merrilea Broad have put forward over the years. As I said, they have been campaigning at a national level to bring this to everyone's attention.

The Shire of Yalgoo, which I assume is the local government for these people because their families were going to an event in the wheatbelt when the accident occurred, took to the Australian Local Government Association national general assembly in June a motion calling on the federal government to introduce legislation to improve safety lighting on trains and fund low-cost solar-powered warning systems at passive level crossings. I will read motion 15 from the Shire of Yalgoo, Western Australia, as outlined in the transcript —

This National General Assembly calls on the Australian Government's work with state and territories to immediately introduce legislation through the rail safety national law to improve safety lighting on trains and fund low-cost solar powered warning systems at passive level crossings.

There is then an explanation that states —

In Australia each year, there are, on average 14 level crossing crashes and 200 near misses. In the 2020–2021 financial year alone, research compiled by the Office of the Rail Safety National Regulator ... identified 34 level crossing collisions with vehicles resulting in four fatalities and four critical injuries. Passive level crossings represent serious dangers to regional motorists and have for decades claimed many lives and resulted in life altering injuries.

Recommendations for enhanced train visibility and improved passive level crossing safety measures have been made by three State Coroners (WA, NSW, and Victoria) following high profile crashes over several decades.

Of immediate concern is the minimal requirement by the Rail Industry Safety and Standards Board ... Standard AS7531 Lighting and Visibility sets out a minimal requirement for train conspicuity. Specific standards are not prescribed under the Rail Safety National Law, and the onus is on the rail transport operator to eliminate a safety risk "so far as is reasonably practicable".

States, Territories and Local Governments must work with the Commonwealth, including the Office of the National Rail Safety Regulator, to identify the measures that will dramatically improve rail safety. The Rail Industry Safety and Standards Board specifies requirements for the colour and requirements of lights at the front of trains and the delineators along the sides of trains. Locomotives are fitted with warning horns to warn of their presence. This is supplemented by flashing white lights at the front of trains.

States, Territories and Local Governments will need to better understand what is required now and what improvements can be made over time with an increase in funding and stronger regulation. The installation of solar powered warning lights and bells that activate when trains are within a kilometre of a crossing will assist to avoid serious accidents and save lives.

That made it through the national gathering of local governments and was accepted by the delegates. I think that goes to show that there is widespread concern among local governments right across the country about these matters. We know that trials are going on in some states. The February issue of *Rail Express* magazine documented the successful trial of a rail crossing protection system in Queensland that relies on wireless technology and solar power, eliminating the need for costly cabling and mains power to keep those installations going. That is being trialled and adopted by the Queensland government. The New South Wales government has announced two trials at regional level crossings, which will include LED flashing lights and innovative signs. The NSW government has moved to reduce the speed limit from 80 kilometres an hour to 50 kilometres an hour at level crossings in response to the petitions that I spoke about earlier.

We know that the previous government recognised the need. The federal budget, announced on 29 March, allocated \$180 million in funding to make level crossings safer. Under this system, the commonwealth will partner with the states by funding priorities identified by the states, but this will need the states to make an approach to the commonwealth and put some things forward. We, as an opposition, have been calling on the government to get involved in that. We welcome the funding that the federal government has put in place. We called for the state government to match some funding in the state budget, but we did not see that in the last budget. We would like to see some work done on passive rail crossings into the future, and we will continue to call for that. We are concerned that that funding might disappear, given that the federal government is reviewing its budget. We ask that the state Labor government do what it can, in communicating with the now federal Labor government, to ensure that this funding remains in place and that Western Australia captures its share of that funding and puts in place some measures to increase the safety of level crossings. The Leader of the National Party, the member for Central Wheatbelt, has written to Catherine King, the Minister for Infrastructure, Transport, Regional Development and Local Government, to ask that these matters be considered and that the funding continue. Hon Catherine King replied in part that she will be advocating for ongoing support for improvements to safety at level crossings. That is encouraging. We hope that that message is being reinforced by the minister who is responsible for rail safety in this house, the Minister for Transport. We hope that she is adding her voice to the calls to the federal government to continue that vital commitment to fund this infrastructure. We do not want to see that funding disappear.

On 14 October, the Leader of the Opposition, Mia Davies, again explained to the press just how important this funding is so that we can increase the safety of level crossings right across the state. We know that there can be tragic consequences; families are left to grieve the loss of loved ones from these avoidable incidents. Such incidents would be avoidable if the train could be seen, if there was good warning of a level crossing and if people were aware that a train was there. It is not rocket science; it just needs commitment and effort. We need the government to be concerned enough to get on board and ensure that some of the more than 100 passive level crossings on operational lines in Western Australia receive attention to ensure that rail safety is increased for everybody. As I said earlier, it is not just road users who suffer; train drivers also suffer when accidents occur. Their mental health can suffer as a result of the traumatic things that they witness. It is in no-one's interest to allow that type of event to occur when, with a little expenditure and a bit more effort, they could be avoided. I call on the minister and this government to do all they can to support the very good work done by the Broad and Jensen families, and by families in the eastern states. The federal government, both in the past and apparently now, has made a financial commitment to this. I urge the Labor government to consider advocating for funding—please join in with that. I ask ministers who are in the house to please put forward in cabinet the view that this is important and that funding needs to be put towards improving the safety of level crossings right across our state.

With those comments, I will conclude my contribution on this bill. I again say that the bill is supported by the opposition. I do not think it will have too much trouble passing through both houses this time, so, hopefully, we will finally see this bill enacted into law during this term of Parliament.

MS C.M. TONKIN (Churchlands) [1.27 pm]: I rise to speak in support of the Government Railways Amendment Bill 2021. This bill will promote the safety of our rail network by providing some significant disincentives for those who might risk their own safety and that of others.

Safety in our rail system was drummed into me as a child. My father, Haydn Tonkin, was an electrical draftsman with the Western Australian Government Railways for most of his working life, and much of his work related to the design and commissioning of signals and/or boom gates at level crossings around the state. My father took his work very seriously because he wanted to prevent the terrible human consequences of level-crossing crashes. My father would drive his own car to visit the various level crossings on which he was working, and he would often take me or my brother with him during our school holidays. I am sure that this would not be allowed today, but I think my admitting to it now will not unduly affect my father, who retired from the WAGR in the early 1990s and passed away in 2005. Through these travels with my father, I learnt a lot about safety and how important the signalling network was in that context. I certainly knew how to negotiate a level crossing safely long before I learnt to drive. The education my father gave me on safety, particularly on country passive crossings, was rivalled by none.

Whenever there was a level crossing crash, my father was deeply affected out of concern for not only the motorists who were killed or injured, but also the train drivers who had to deal with this trauma. I remember vividly when the son of some close friends of my father was seriously injured in a rail crossing smash. My father had a strong emotional reaction to that because he felt that he was a part of the team responsible for making sure crossings were safe. In that case, it was the fault of the young person concerned; nevertheless, my father took that very much to heart and wanted to see safety improved. My father was particularly proud that there had been no level crossing crashes at the level crossings on which he had worked to increase safety. That is something he proudly took to his grave.

We are the party and the government for the railways. With that commitment comes a strong commitment to safety, as indicated in this bill. I recently received a copy of a 1994 speech by the then Leader of the Opposition, Jim McGinty, MLA, from a constituent of mine, Pauline O'Connor. Pauline knows that I love history and was delighted to share this rather prophetic speech with me. The speech titled "On Track for 97" traced Labor's role in reopening the Fremantle line, which was closed in 1979 by the then Liberal government following years of neglect. Mr McGinty proudly identified that it was Labor that reopened the railway and electrified it and extended it north along the freeway reserve. Perhaps most telling is a schematic included at the end of the speech titled "Perth Public Transport Vision 2020"; in large measure, it sets out the vision that the McGowan Labor government is bringing to fruition under Metronet. It included the lines to the airport and Ellenbrook, as well as the extension of rail lines north to Joondalup and south to Mandurah, all of which have happened or are happening. WA Labor's vision for and commitment to Metronet is longstanding and backed by a record of delivery—not just talk, delivery.

As Jim McGinty pointed out in his 1994 speech, investing in the electrification and extension of the rail network is not easy, but it is a commitment that WA Labor and our government is committed to—it is in our DNA! That commitment includes ongoing investment in extending the rail network. We have just seen the Forrestfield–Airport Link open and work has commenced on various elements of Metronet. It also involves successfully bringing back railcar manufacturing to Western Australia. Shutting the Fremantle line was in part due to the fact the old diesel engines had been completely neglected under the then Liberal government, and without further investment, closing the line became necessary. We have also capped fares to two zones, making this form of public transport more affordable, and increased service frequency safely through the implementation of signalling technology. These are the necessary ingredients to make travel by train very appealing to our community.

I have lived in Vienna and Copenhagen, and both have great metropolitan rail networks. The things that make them great are the very things that we are building into Metronet. Both Vienna and Copenhagen have extensive networks, affordable fares and, very importantly, a frequency of services so that nobody thinks twice about waiting for the next train because they know there will be one in just a few minutes. Recently, I was with the honourable Minister for Transport at Claremont station where she was announcing the increased frequency of services with the opening of the airport line. I believe it is six minutes between trains during peak hours and 7.5 minutes outside those peak hours. The frequency of services makes travel by train really, really attractive.

Part of the development of Metronet is the removal of level crossings, including on the Armadale line extension to Byford. This would have my father cheering from beyond the grave because for him it would be not only a matter of improving traffic flow, but also a significant improvement in safety.

The Government Railways Amendment Bill is yet another plank in making our railway network safer. Trespass on the rail network is a serious offence, impacting the safety of the trespasser, the public and railway workers. This bill is very necessary following an incident in 2018 when an individual jumped off a Transperth train into the Swan River. The government committed to increasing the fine for trespass at that time. Unfortunately, the passage of that amendment bill was delayed through the Council and it was not passed before the 2021 election. Given that the current fine for trespass under the Government Railways Act 1904 is only \$200, increasing the penalty to \$5 000 will certainly deter people from being foolhardy in acts of trespass and reduce the risk of serious injury accordingly. The amendments will increase the maximum fine under section 48 of the act to \$5 000 and will provide a significant penalty for more serious trespassing incidents, and reflect the cost of prosecution. The new modified penalty provision is consistent with section 45(3) of the Public Transport Authority Act 2003 to ensure that a modified penalty

that may be prescribed for an offence under the act will not exceed 20 per cent of the maximum penalty that could be imposed by a court.

The Public Transport Authority is required to comply with the Rail Safety National Law (WA) Act 2015 which requires specific railway incidents to be reported to the Office of the National Rail Safety Regulator. The Office of the National Rail Safety Regulator plays an important role in rail safety throughout the country and in this state.

The amendments, in total, will act as a deterrent to offenders and reduce the number of occurrences of trespass, together with the risks associated with the offence of trespassing on our railways. I commend this bill to the house.

MS M.J. HAMMAT (Mirrabooka) [1.39 pm]: I, too, rise to make a contribution on the Government Railways Amendment Bill 2021, and am very excited to do so. I think all government members are excited to speak about rail because there are so many great things we can talk about in this context. At the heart of it, this bill has a very serious purpose in that it will increase the fines for people who are found to have trespassed on the rail network. That arises out of a quite serious incident that I am sure many people will recall from 2018—I certainly do—when an individual jumped off the roof of a Transperth train into the Swan River as it went across the Fremantle Railway Bridge. That was quite a shocking image to me. I am sure that many other people would have seen that vision and sucked in their breath in fear of the outcome of that reckless stunt. This bill is one part of trying to deter that kind of reckless behaviour. It is worth noting that the bill was introduced into this place in 2019, but it was not able to be passed in the Legislative Council before the 2021 election.

This bill will increase the penalty to \$5 000 for deliberate, premeditated acts of trespass. Obviously, the intention of doing that is to reduce the risk of serious injury. It is an important bill. Another thing worth noting is that the occurrences of trespass on the rail network have generally been increasing since 2016. I think other speakers before me have noted that the consequences can obviously be quite serious for individuals who undertake that type of behaviour. If a serious injury or death occurs, it has a profound impact on the people who are inadvertently caught up in those events, particularly train drivers. I think the member for Churchlands spoke about the impact it has on train drivers. That is the kind of event that stays with people for a long, long time. It is an important bill for ensuring that we put in place appropriate deterrents for people who might think that it is fun to engage in risky and reckless behaviour.

I want to talk about a few things in my contribution today. I was going to talk about trains and train lines because, of course, there is so much great subject matter on that topic. However, before I do that, I want to reflect on the behaviour that we see, often from young people, that is risky and potentially quite dangerous for them and the community. The state government has an appropriate role to play in mitigating that type of behaviour that many people might undertake. When it is particularly dangerous and impacts on the community at large, it is appropriate to have a response. The Acting Speaker will be interested to know that I have been doorknocking in my electorate, in Girrawheen, which is a part of the world that she knows well. I have knocked on over 150 doors in the last few weeks and talked to many residents in the suburbs about the issues that are important to them. One issue raised with me over and over again is the widespread use of dirt bikes in that community. They are used on not only roads, but also to ride across ovals, on footpaths and in public open spaces, often near children's playgrounds, and often while young children are playing there. In many cases, I saw dirt bikes being used in that way while I was there.

The ACTING SPEAKER (Ms M.M. Quirk): I hope you can fix what I failed to do.

Ms M.J. HAMMAT: I am looking forward to the Minister for Police resolving this issue. It has been a longstanding issue for the residents of Girrawheen and I know it was raised with the Acting Speaker when she represented that part of the world. It certainly has been represented very strongly to me as well.

The residents I spoke to, particularly on Montrose Avenue, talked about a fatality that happened some time ago but the impact of which was felt strongly by those people who witnessed the accident. The person was not wearing a helmet and passed away, unfortunately. The local residents rushed to assist but were unable to provide lifesaving assistance. I could tell from the conversations I had with the residents just how profound an impact that incident had on them. This underlines how that type of risky behaviour can often have a wider impact on the community. It is not hard to imagine that when dirt bikes are used on footpaths and playgrounds, there could be another serious incident that involves members of the community, and potentially young children. Many of those bikes are unlicensed and they are a general nuisance. Beyond being a general nuisance, it is clear that they are a hazard to not only the people who ride them, but also the community. I want to assure the people of my electorate, particularly those in Girrawheen who have raised this issue strongly with me, that I have heard their concerns. That is partly why I have raised this in Parliament today and wrote to the Minister for Police to see what assistance he could give to help alleviate this serious issue that is occurring in my community. I think that underlines the type of behaviour that we see from time to time, often from young people, who perhaps do not assess the risks to themselves and others in a sound way and why we need a response from the state government.

In the case of rail trespass, it is entirely appropriate to have a response from the state government that includes increasing the fines and penalties. Of course, it is not the only response from the state government on this most serious of issues. In relation to rail trespass, the government funds extensive education campaigns to alert —

[Interruption from the gallery.]

The ACTING SPEAKER: Sorry, can you stop a minute, member. I can hear a voice upstairs that is perhaps a bit loud, so if the member upstairs could desist, that would be great.

Ms M.J. HAMMAT: As I was saying, the state government has invested in a fairly extensive education campaign. That campaign is designed to raise awareness about how potentially dangerous rail trespass is. It is important to have an education campaign to make people think twice about undertaking a deliberately risky act, like jumping from a train going over a rail bridge or people thinking they will take a shortcut across the rail lines. That is an important way we can ensure that the number of serious incidents on our rail lines can be reduced, hopefully.

As many members have done before me, I want to talk a little about the work of this government and previous Labor governments on making sure that Western Australia has world-class rail. It is a great time to be talking about rail. I know that many people on the government benches in this place, but also many people in my community, are very excited that we have recently opened the new airport line. That is the first new bit of rail since Labor opened the last lot of rail, which was the Mandurah line in 2007. Opening the airport line has been a significant achievement. That has added 8.5 kilometres to the Perth rail network. It was a massive project. We have heard the Minister for Transport speak about it. It cost \$8.1 billion, which was substantially funded by the state government, but also with federal government contributions. I, for one, was really excited to see the Prime Minister here riding on that new line. It was very heartening to see that we have a federal government that understands the value of infrastructure projects and the importance of public transport as not just a way for people to move about the city, but also something that is very good for the economy and the environment. I am sure the member for Forrestfield will talk more about the airport line. It will do amazing things for people in the communities who have access to it, live near it and rely on it for work, whether they work near the line or catch that rail to get to the airport if they are FIFO workers. It will have a profound impact on many of the communities near the three train stations of Redcliffe, High Wycombe and the airport.

I also want to acknowledge that it has been very exciting for the people in my community of Mirrabooka, who are perhaps unlikely at first blush to be catching that particular bit of rail. I think people are genuinely excited about this project because they are excited about government projects that speak to our place in a future world and a future economy. We know that opening the airport line has created 153 full-time equivalent jobs with customer service, transit officers and railcar drivers. During the construction phase, it created approximately 2 000 jobs. People understand that our investment in rail is a real investment in our economy and in our infrastructure, and it speaks to the hope and optimism as moods of the state.

Previously, when I have talked about rail, I have mentioned—I will do it again because I think it is important—one of the things that comes to me strongly as I doorknock my way around my electorate is that people well remember the betrayal of the Liberal–National government in the Court–Kierath years when that government closed the Midland railway workshops. I have had a number of conversations with people who raised that with me because they are still very unhappy about the way that government approached that issue. It is the same for the Fremantle rail line; people remember well the steps that those members in the corner of the chamber took when they were in government that were really about undermining our rail network and our public transport system. People remember that prior to the election, the Court–Kierath Liberal–National government made a commitment that it would not close the Midland railway workshops, and when it was elected, that was one of the very first things it did—it broke a promise and it broke a commitment.

In doing that, that government put out of work a significant number of skilled tradespeople, many of whom had worked at those workshops their whole lives. Some of them had worked there for generations. They worked there; their dads had worked there, and, quite possibly, their dads also before them. It was by and large dads, because, in the day, it was mainly men who did that work. A really important legacy of the Midland railway workshops is that it underscored the skilled trades that helped build the Western Australian economy at the time. People trained in those workshops and then often went to other industries or other parts of the economy, applied those trades in a whole range of areas and helped build the Western Australian economy. None of that was appreciated by the Liberal and National Parties. They did not care about any of that. They said that they would do one thing, and when elected did something completely different. They put many people out of jobs and decimated the commitment to apprenticeships and traineeships in this state. People have not forgotten that, even though it happened many years ago. People in my community remember that behaviour in particular, and they tell me that the Liberal and National Parties cannot be trusted because they say one thing and do another.

People in my community are excited by the opening of the new rail line to the airport partly because they understand that this is a government that keeps its commitments. This is a government that said it would build Metronet, and

that is exactly what it is doing. This is a government that is committed to jobs, it is committed to infrastructure, and it is committed to doing the big projects that help build our state. Even people who may not catch trains on that bit of rail line understand that this is a government with a vision, and that is very energising for them.

In that context, it is impossible to talk about rail without talking about the notorious Mirrabooka light rail, which the people in my community also remember well. Again, the former Barnett government promised it would build a light rail to Mirrabooka prior to the 2013 election, I think. It also said it would build rail to Ellenbrook. The member for Swan Hills will also be well familiar with this commitment.

Ms J.J. Shaw: Absolutely!

Ms M.J. HAMMAT: It promised these things and what did it deliver? It delivered nothing—not one centimetre of rail. It did not take them long! Before the election, it gave a commitment to build the MAX light rail. It was only nine months after the election that it said it would have to defer it, and it was deferred for more than three years, kicking it past the next election. Basically, the government was never really serious about it at all. In 2016, it was again delayed for another three years. People in my community remember that well. It was a government that promised one thing and then did another. In this case, it did nothing towards delivering the rail project. People at the time were very excited about the commitment, but, of course, they got empty, hollow promises once again from the Liberal–National government. The Liberal and National Parties have no commitment to building public transport, no commitment to building rail and no commitment to building our state. I think this is very clear to the people I represent, because they have seen time and again the Liberals and Nationals say one thing about public transport and rail but then do something completely opposite.

The third thing I want to talk about is in a very similar vein. I refer to our commitment to build not only railways but also railcars and to use our development of a rail network as an opportunity to facilitate manufacturing in our state. Many members are excited about the Bellevue manufacturing facility; I certainly am. I have talked about it before, so I do not want to dwell on it too long in my comments today, but I think it is worth repeating how exciting this project is. Again, it takes a Labor government, does it not, to have the hope in the future, the vision and the confidence to build not only rail networks but also railcars as well? We have opened the railcar manufacturing facility in Bellevue, and earlier this year we saw the first railcars roll off that production line. The WA government ordered 246 Metronet railcars and six *Australind* railcars, which is the biggest order of railcars in Western Australia's history. It is significant to see railcars being built, tested and maintained right here, creating more than 200 local jobs, and I am very excited about those jobs because they are skilled manufacturing jobs. That is good not just for the manufacturing of railcars, but also for ensuring we have a manufacturing base in this state. That project allows us to train people and create a critical mass of work to ensure that we have the skilled trades we need to apply to other industries—in much the same way that the Midland railway workshops did all those years ago. If we invest in trainees, invest in apprenticeships and invest in ensuring we have the industry and work available, we can build not only that manufacturing facility but others as well.

[Member's time extended.]

Ms M.J. HAMMAT: We have already seen that. Following that leadership from the state government, one of the things announced last year, maybe in October, was that Rio Tinto will follow the government's lead and have the Bellevue manufacturing facility build Rio Tinto's railcars here in Western Australia, not in China where they are currently manufactured. That is a really exciting project. It demonstrates that this government understands that building rail is not just building infrastructure. The government is doing a number of things that are good for the economy, good for our society and extremely good for the individuals who rely on those services. That is one of the things we need to understand when we consider this bill, which underpins that commitment.

I also reflect on the overall utility that comes to the community from having a sound rail transport policy. Rail is more than just a mode of transportation. We know that when we build rail, we also encourage other forms of active transportation. People are more likely to cycle or walk to catch connecting rail journeys, and that brings with it a number of health benefits. We know it is good for the environment. When we build rail, we assist in taking vehicles off the road, thereby substantially reducing emissions. Investing in rail is good for the economy, but it also makes our cities more liveable. It creates less pollution, and people find it easy to get around. This transportation is often affordable. It is impossible to talk about rail without also acknowledging the incredible commitment this government has made to keeping rail fares low by capping them at \$5. For many Western Australians, that means an opportunity to move about our public transport system in an incredibly cost-efficient way. Good public transport is also a key underlying asset for helping people to find and keep jobs. Having access to appropriate transportation means that people can accept jobs and get to work. This is something that the people in my electorate of Mirrabooka spend a great deal of time thinking about. Finally, as I have been saying, the other great benefit of rail manufacturing is that it speaks to our sense of confidence.

Debate interrupted, pursuant to standing orders.

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