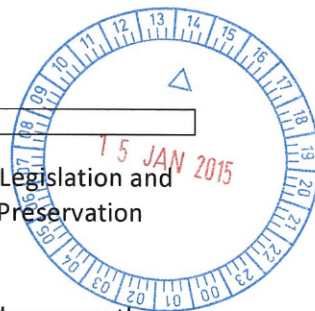


E-MAILED
15/01/15



I write in response to a letter received from the Standing Committee on Uniform Legislation and Statutes Review inviting a submission from the Western Australian Light Railway Preservation Association Inc on the above legislation.

The Association has operated the 610 mm gauge light railway in Whiteman Park, known as the Bennett Brook Railway (BBR), since 1984. In 2000, the Railway became subject to the current Rail Safety Act 2010. Generally speaking, the Railway has found the task of compliance challenging, partly because of its complexity but mainly because all work on the Railway is performed by volunteers on a part time basis, outside of normal working hours, including administration.

In Victoria, a number of tourist and heritage railway operators were specifically excluded from the legislation. If the proposed WA legislation does not contemplate this option, then the Association would ask for exemptions from specific requirements that do not enhance the safe operation of the Railway but which do impose an additional and difficult to justify burden of compliance. I refer specifically to the provisions of the Bill relating to the following requirements.

The requirement to develop and implement; a drug and alcohol management program; a security management plan; an emergency management plan; a health and fitness management program; a fatigue risk management program.

The Association recognises that the Regulator will have the power under the Bill to approve applications for variation of or exemptions from, certain matters, including the above, and this has provided some comfort that the requirements of the Bill will not be applied to the same extent against operations such as the BBR as they will be against mainline interstate rail operations. However, if the Regulator refuses the application, ultimate appeal lies to a Court. This will inevitably involve the Association in expense and additional work. It would be preferable if the legislation could in some way make provision in these circumstances for a totally non profit, volunteer rail operation such as the BBR to be given special consideration, rather than leaving matters totally at the discretion of the Regulator.

There is no doubt that requirements of the Bill, applying as they do to operators of interstate rail operations as much as to organisations such as the BBR, have caused tourist and heritage rail operators across the country, considerable angst.

We thank you for the opportunity to make a submission. We would be prepared to attend at Committee hearing if more information or further clarification is required.

Sincerely

Ross Parker
Vice Chairman
Western Australian Light Railway Preservation Association Inc