

## RAIL SAFETY NATIONAL LAW APPLICATION BILL 2023

### *Second Reading*

Resumed from 30 August.

**MR D.A.E. SCAIFE (Cockburn)** [10.12 am]: Yesterday, prior to private members' business, I spoke briefly on the Rail Safety National Law Application Bill 2023, and gave members a potted history of the Fremantle line when it ran all the way to Robb Jetty and the abattoir. It will not surprise members to know that that was not really what I wanted to speak about on this bill, but I did what was necessary to get us through to private members' business.

With the chamber's indulgence, I will move to the bill itself and some of the rail issues I would like to raise on behalf of my constituents. As I noted yesterday, this bill is important because it will harmonise rail safety laws across Australia, and that will provide greater certainty for rail operators, rail users and workers.

I want to speak about the operation of the Kwinana freight railway, which passes through the suburbs of Yangebup and Beeliar in my electorate. At the outset, I say that the freight line is an essential piece of infrastructure for Western Australia. It carries hundreds of bulk and container trains, which carry important export commodities, like grain, across the state, and many goods that we import and rely on to support our standard of living. However, the line is also the cause of some problems in my electorate. As the population of Cockburn has grown, housing in Yangebup and Beeliar has encroached on the rail corridor. One of the stories of the development of Cockburn is urban encroachment on what were previously industrial precincts. Most significantly, in my neighbourhood of Beeliar, the Beeliar housing development, which began in the early 2000s, has encroached considerably on the buffer zone for Cockburn Cement, which means that Beeliar and Yangebup residents experience significant dust and odour issues because of the operations of the Cockburn Cement plant. The reality is that Cockburn Cement has been there for a long time, since the 1950s, but the expansion of urban development closer to the industrial precinct has led to issues.

Similarly, the encroachment of urban areas like Beeliar and Yangebup on the Kwinana freight line has caused issues. As a result of the encroachment, we now have housing in Yangebup and Beeliar on either side of the freight line, and those areas are affected by significant noise problems, which became worse as the line became busier. One area that is particularly affected is around Coppito Circle and Wauhup Circle, which are on either side of the rail line in Beeliar. Not long after I was preselected as the Labor candidate for Cockburn, in late 2020, I was approached by Gino Curcuruto, a resident of Coppito Circle. Gino came to a mobile office that I ran with the federal member for Fremantle, Josh Wilson, MP, and raised with me his concerns about noise from the rail line. Gino complained that the trains passing by his house caused noise and vibrations that kept him and his family, including his young daughter, awake at all hours of the night. I spent quite some time at Gino's house waiting for trains to go past so I could experience the issues firsthand. His house is significantly affected by noise from the line. I think it has become worse because the line has become busier.

I welcome things like record grain harvests because they are a boon for our state, but they also mean that traffic on the rail line, and the part of the line that runs through Beeliar and Yangebup, has become very busy in recent years from CBH trains passing through. This means that people like Gino and his wife, Cecilia, experience significant disruption from the line. The noise is magnified for their house and perhaps for the houses on either side of it because the houses are raised on an embankment along that section of the line. The houses sit on the same level as the line, so nothing breaks the noise from the train line. There is no mound of earth or noise wall, and there is not really any fencing. The fencing that is there is too low to block any rail line noise from their house.

As I indicated, I took Gino's complaints very seriously. I went to his house and met with him on a number of occasions. I held a mobile office at the end of his road to talk to other residents. I made representations to the Minister for Transport and to the operator of the rail lines, Arc Infrastructure. As a result of those representations, Arc Infrastructure met with Gino and other affected residents at my office, and after that meeting, Arc Infrastructure announced that it would invest in upgrades to the line infrastructure around Beeliar Drive.

I put on the record that I appreciate Arc Infrastructure's efforts and how it has always been responsive to residents' concerns and my representations. I also put on the record that I recognise that Arc Infrastructure's efforts have not resolved the issues that Gino and his family face. I know that not only because Gino has continued to raise complaints with me, but also because I was most recently approached by another constituent, Mark Gazia, who lives on Wauhup Circle, which is on the other side of the line from Coppito Circle. Mark has diligently raised his concerns with me, the City of Cockburn and Arc Infrastructure. Although Arc Infrastructure has provided an explanation for some of the recent increases in noise along the line in Beeliar, it has not been able to resolve those issues. I will continue to advocate on behalf of Gino and Mark and other residents in Coppito and Wauhup Circle in the hope that a satisfactory resolution can be delivered. I have been up front with my constituents and I recognise that eliminating noise from the rail line is difficult. It is particularly difficult in the section where it passes through Beeliar. However,

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I want to put on record my dissatisfaction with the level of noise that residents of Coppito and Wauhop Circle experience and I am asking Arc Infrastructure to take further steps to attenuate the noise from the rail line in that area. I am agnostic about what those efforts might be. I am not an engineer by any means, so I will leave it to the experts. I certainly urge Arc Infrastructure to take the concerns of those residents seriously and to invest in upgrades to the rail line along that section to lessen the disruption that is currently being experienced by my constituents.

I would now like to move to another significant rail issue affecting my electorate, which is, of course, the construction of the Thornlie–Cockburn Link, or as I like to call it, the “Cockburn Line”. I was pleased to recently see an announcement from the Minister for Transport that work is commencing on the construction of 11 kilometres of new rail for the Kwinana freight line between the Kwinana Freeway at Jandakot and Spencer Road Bridge at Canning Vale. The construction of the new section of freight line will allow the old section of the line to be removed to make way for the Cockburn line passenger rail to be constructed.

My investment in the Cockburn line is obvious. It is another significant piece of infrastructure for my electorate and the community. It is going to cement Cockburn Central as the metropolitan capital of Perth’s southern suburbs—the second CBD. The Cockburn line will drive activation in Cockburn Central by making it easier for people to access existing and current services like Cockburn Gateway Shopping City, the Cockburn Aquatic and Recreation Centre and the future Jandakot wave park, which I know residents of my community are very excited about.

On that note, Cockburn Central is a precinct that has a lot to offer. As I said, it has the shopping centre, the future wave park, the Cockburn ARC and an industrial area alongside it. However, if any members have been there recently, they would have been seen that there is a lot of vacant land there and a lot of work that still needs to be done because that precinct has not reached its potential. My hope is that the Cockburn line will create another impetus for the government, private sector and the City of Cockburn to drive activation of that precinct. Given that the new train line will unlock ease of access to Cockburn Central for people across the southern and south-eastern corridor of Perth, I think it will make Cockburn Central the logical location for businesses seeking to service that southern corridor. I am also confident that that ease of access provided by the new train line will attract larger service providers to the area in sectors like health and education. I can say that I have been working closely with the Minister for Lands in recent months to make sure that we maximise the prospects of using the land around Cockburn Central for those sorts of offerings.

I am really hopeful that in the future we will be able to attract a tertiary level education facility to Cockburn Central. It seems to me that it is the logical location for a satellite facility for one of our state’s universities. In that respect, I note that the federal government is running an independent review into providing accessibility to university studies to outer metropolitan and regional parts of Australia. As part of that review, I think that that independent panel should give really serious consideration to Cockburn Central as a convenient location with available land, transport infrastructure and a series of complementary services like Cockburn ARC and the shopping precinct that would make it an attractive location for a university satellite campus that could service students who live in Kwinana and Rockingham, but even as far away as Thornlie, Armadale and Byford by virtue of the new rail link. We know that those areas are underrepresented when it comes to young people attending university. I think establishing a facility in Cockburn Central would go a long way to making sure that students in those underrepresented working class areas can access university education without having to go all the way to Joondalup for Edith Cowan University, Bentley for Curtin University or Crawley for the University of Western Australia.

The final issue that I would like to touch on is a topic that the couple of other members have mentioned, that is, this government’s commitment to rail manufacturing. It is a point of pride for me to be part of a government that has brought rail manufacturing back to Western Australia. As other members have said, it was the Court Liberal government that shut down the Midland rail workshops. That was an absolutely shameful era in the industrial policy of Western Australia. Those Midland rail workshops produced generations of highly skilled workers, stable secure jobs and apprenticeships for young people. That meant that those young people went on to become the skilled workers of the future to work in our manufacturing industries. The loss of the facility was significant. Of course, the government made the commitment quite early on a number of years ago while it was still in opposition that it would bring rail manufacturing back to Western Australia. That was dismissed by the Liberal–National government at the time. I think the former member for Scarborough Liza Harvey was particularly very dismissive of the prospect. It was really gratifying for me to go on a tour of that facility a couple of months ago to see the new rail assembly facility in Bellevue, which is leased by Alstom Group Australia. It is a really impressive facility. I think we are doing something like 55 per cent of the value of the total chain that it takes to manufacture a rail car at that workshop in Bellevue. This is high-tech advanced manufacturing and is producing exactly the types of jobs that this government committed to provide and is doing that at the same time as bringing back an industry that the Liberal and National parties gave up on.

I want to pay tribute to someone who I know has been mentioned in this place before, a bloke named Neil Byrne. Neil was a great friend of mine and of many people in this place. I was also fortunate to do my early years as a lawyer with his granddaughter Courtney at Slater and Gordon. Neil was an absolute lion of the labour movement. He was

**Extract from Hansard**

[ASSEMBLY — Thursday, 31 August 2023]

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one of those unassuming characters who just beavered away at the hard work without any expectation that he would get anything in return for it. When Neil was talking about the railway workshops and bringing back rail manufacturing in those early days, I think even some of us probably thought that it would be unlikely that we would see that in the future. However, Neil was steadfast in his advocacy. He did not get to live to see the final facility, which is a shame. I am sure there is something already there like a plaque, but maybe one day the facility itself should be renamed the Neil Byrne Memorial Rail Manufacturing Facility. That is certainly something that I would love to see. On that note, I conclude my comments and commend this bill to the house.

**MR P.C. TINLEY (Willagee)** [10.29 am]: Bills like the Rail Safety National Law Application Bill 2023 that is before the house today are, on the surface, almost administrative in their nature and often go past unnoticed or without too much comment. It has been very interesting to hear the contributions from other members, which ranged around the impact of rail in their communities. We just heard from the member for Cockburn about existing lines getting upgraded. He talked about the impact of increased urban development and industrial activity that creates a burden on the community in some parts but obviously has a net benefit over a long time.

I want to take my comments on rail safety, railways and their contribution to the community to a more national thinking. This is harmonisation legislation, done under the Council of Australian Governments, whereby a host jurisdiction identifies the needs and starts the legislative change. Others follow suit in accordance with the agreements reached at COAG, of which this bill is one. There are a lot of swings around on police involvement in drug and substance testing for the purposes of safety. In relation to Western Australia, this legislation creates an interesting issue because one of the most important pieces of rail infrastructure to Western Australia is, of course, the national railway—the Trans-Australian Railway. There is no better evidence of its importance than the recent floods that knocked it out for a significant period and the shortages and concerns it created for our community. As we went through the COVID-19 pandemic, we also realised how important it was to keep those links with the east coast. We often talk about harmonisation in the form of this legislative response but, in part, it comes at the end of a long history of the integration of Federation. Rail is a very good expression of the evolution of that integration. In fact, the Trans-Australian Railway as we know it is almost a metaphor for the tenuous connection between the largest state in the commonwealth of Australia—the only state facing the Indian Ocean—and a third of the continent. That rail line takes on a significance—if you like, a tether—to the east coast as in some form or other, it was the only connection. We often hear stories of federal members of Parliament having to go to the east coast by rail for weeks on end as that was the only way to travel—by rail or ship. That is not so much the case now with air travel, but we still have a very limited link.

We often talk about harmonisation. There is no better example of disharmonisation than the rail gauge mistake. Everybody knows that the Trans-Australian Railway, famously, could never meet up because different gauges were used. It is often thought that that was a singular mistake of engineering or administration but, in fact, it is not; it was a quirk of Federation. Prior to Federation, each of the colonies had jurisdiction over their own domain, particularly in relation to rail. In fact, there were three different gauges of track throughout Australia. As I said, it is a circumstance of European settlement rather than a mistake. The colonies acted independently and there was no standardised gauge. In fact, the idea of standardisation at any level did not come out until post-Federation. As the economic growth of each state improved, it created interoperability issues between states and the capacity to trade and move goods around, particularly agricultural goods, which were always hampered by an inability to move volumes more easily. There were obviously break points along the line, which made it very inefficient as product was moved from one gauge to the other. The lack of uniformity and interoperability created a challenge around the efficiency of transport.

Just very quickly for the record, three gauges were identified. The standard gauge was four feet, 8.5 inches or 1 433 millimetres. It was the most widely used gauge globally and used in the eastern states of New South Wales, Victoria and South Australia. These states developed more rail networks that were more closely connected to international trade routes. With development of the country from the east coast to the west, it achieved that sort of attention. The second gauge, a little less common, was the broad gauge, measuring 1 600 millimetres wide. It was also used in Victoria, but it was influenced in large part by that famous British engineer, Isambard Kingdom Brunel. For those who understand engineering history, he was quite the icon. He designed things like the Great Western Railway in the United Kingdom. He was such a talented engineer, he designed the first propeller-driven ironclad ship, the *SS Great Britain*. He significantly influenced the engineering decisions made by various states in the commonwealth.

We all know of the narrow gauge. Queensland, Western Australia and Tasmania adopted narrow gauges for their rail networks. As the name implies, it is obviously narrower than the standard and broad gauges. They were often chosen because they reduced construction costs and provided capacity to navigate challenging terrain. This piecemeal approach might sound chaotic but it is very understandable when we consider the development of the country and how each of the colonies made their decisions as they independently moved towards their own economic objectives.

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As I said, the consequence of having different rail gauges is obvious—the efficiency of the transport systems between states. We should not forget that at the time, we did not have a very large interstate road network; rail and coastal shipping were the two main ways of moving mass goods around. Obviously, the interoperability issues affected time and cost. It would be fair to say that they also hindered the development of a national transport network. During the First World War, they also had military implications. The capacity to move troops and/or logistic support from one side of the country or from north to south was significantly hampered. National security implications largely drove the idea of an ambition of a national railway.

The construction of the Trans-Australian Railway began in 1912. As I said, it was built in response to the growing tensions in Europe and the potential for Australia to be left vulnerable in the Indian Pacific, and particularly made it vulnerable on the west coast with the Indian Ocean. The Trans-Australian Railway project created providence during World War I and was seen as strategic infrastructure that was required for the defence and growth of the nation. There were two main sections of the railway, built from opposite directions—east to west and west to east—at simultaneous times. The east to west section was started at Port Augusta and moved west and the west section simultaneously began construction in Kalgoorlie. The two sections of the Trans-Australian Railway met at a point called Ooldea, approximately halfway across the continent. It was connected in 1917, just as the war was coming to an end. It was obviously a major achievement for its day and was celebrated. It marked the first time we had a continuous rail link between the west coast and the east coast.

Over time, many narrow broad gauges were converted to what we now know as standard-gauge rail. Apparently, some legacy gauge lines still exist today. As I said, the significance of this was fairly obvious. It was a significant milestone in Australian transportation history. It obviously improved connectivity. It, of course, was of strategic importance to the security of the country and allowed for the economic impact of Western Australian goods finding their way to the markets of the east coast. Almost a metaphor, it created a symbol and sense of unity. Do not forget it was 1917, after Federation, and it was all bedding down. We started to develop a national identity. As the colonies transformed from the various colonial identities to a more national one, Western Australia developed its own.

While debating legislation in this place we often spend time considering the nature of this community called Western Australia. What is it to be Western Australian? What is it to understand our own narrative and sense of place? The railway lines and the rail system that support the city of Perth, which contains nearly 75 per cent of the total population of Western Australia, and, more importantly, the transcontinental railway, contribute to that Western Australian identity. We often talk about Perth as the most isolated capital city in the world, but we are really not. We are isolated from Canberra by distance, but we are closer to Jakarta than Canberra. Our connection and identity is informed by those historical and geographic circumstances. We embrace our connection to the Indian Ocean. Similarly, our parochialism is fed in large part by our isolation and our location between the desert and the sea. Our isolation has protected us, too. In very recent memory, if we reach back to COVID, the success that closing down the state to prevent the disease taking more Western Australians was in large part due to our isolation and capacity to separate ourselves from the rest of the country. Many here have talked about the secession movement, which also represents a part of our personality, by which we see ourselves as rather separate.

That is why the rail line had a significance well beyond the simple laying down of track and the inclusion of Western Australia in the Australian narrative. It is really important that we understand the significance of these things. As we grow in identity and change our self-view, if you like, things like Metronet take on a significance as well. They impact our psyche. As we grow a really good, strong, robust mass transit system, we will see people identify more with their village—their area. Do not forget that this city is 147 kilometres long, so the capacity to move around it is really limited other than by using cars. Increasing the amount of rail that can move a lot of people in a short time with efficiency is fundamentally important to people viewing themselves as being part of a modern, vibrant, livable city. That is fundamentally important.

But with every technology comes consequences. In Western Australia, like the rest of Australia, as the rail networks grew, so did issues of protecting users of the transport system. I wandered through the very engaging website of the Office of the National Rail Safety Regulator and discovered that a significant number of incidents have occurred. I will reach back to a reporting period. One thing this bill deals with is the drug testing regime and the capacity for each state to apply relevant laws and regulations. The drug testing regime is instructive to our understanding. Since 2015, over 291 000 tests for drugs and alcohol have been done in the rail system of Australia. Particularly interesting is that there have been a number of refusals over that period, but not very many in percentage terms—124. Interestingly, the number of positive drug tests was 954 and the number of positive alcohol tests was 895. As a percentage of 290 000-odd tests, that is not a bad number. One is too many, of course, as we always say. Anybody in charge of a machine such as a train needs to be in their right mind. I wholly support appropriate tests and regimes to keep people safe and the train system moving because the consequences of a piece of machinery like a train derailing or having an accident are significant. Also on the ONRSR website are numbers of fatalities—which can

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be a consequence of having a rail system. We have seen massive tragedies around the world in less regulated jurisdictions where there have been some very significant, and almost quite routine, rail derailments and accidents that have killed hundreds of people. We have been a little bit better looked after in Australia because we have a strong regime, but one death is still too many. We can have a real problem. One thing I focused on just in fatalities, not injuries, was the category of suspected suicide and/or trespass—that is, a fatality by misadventure or deliberate suicide. It was sobering to read that from the period from 2016 through to 2021, 497 people were killed on railway tracks around Australia. Although I could not find numbers for Western Australia, I am sure we would take a proportionate amount of that, probably as much as 11 per cent, which is our proportion of the population.

[Member’s time extended.]

**Mr P.C. TINLEY:** More locally, when we talk about these things, we should always record those who have gone before us and been part of the tragedies of this state. We do not have to go too far back to find some significant things. We still get them in the very well regulated train system we have here. There was the Midland train collision of 1994 between two passenger trains near the station. It resulted in the deaths of seven people and numerous injuries. There was the Wubin train collision of 2001, with the *Indian Pacific* and a freight train derailing near Wubin. There were injuries, but no deaths, thank goodness. There was the Geraldton train derailment of 2008. Several wagons of a goods train came off the track near Geraldton. Again, there were no injuries or deaths, thank goodness. There was the West Kalgoorlie train derailment of 2016, in which the driver of the train lost his life, so there was one death. There was the Subiaco train collision of 2020 between a passenger train and a freight train. There was extensive damage to the passenger train, and some injuries, but no deaths. It can even happen in the metropolitan area in quite well regulated circumstances. Our capacity to keep the public safe and everyone moving around is fundamentally important.

I move to a more local level and pick up again what the member for Cockburn was talking about. In my area there were the implications for traffic management and traffic growth when we, appropriately, deleted Roe 8 from the metropolitan region scheme. I was always consistent in my requests for having a district traffic plan because one of the issues in a growing area like the south of my seat, and the member for Cockburn’s seat, is the changing demographics and increasing densification. We needed to make sure the traffic moved laterally east to west to the freeway, and the seat of Willagee was no less in need of that. North Lake Road takes on an increased importance for my constituents as they drive along the road behind Adventure World—for those who want a location in mind—and then curls and heads east through South Lake to the Cockburn Gateway Shopping City. This government is taking great strides in creating a good traffic management arrangement with the Armadale Road Bridge and improvements to the intersections in that area as Cockburn Central grows. Consequential impacts occur where that road crosses the same rail link that the member for Cockburn talked about. As that rail runs through my electorate, I have those same noise issues that impact on the built-form communities there. But the traffic is increasing, particularly when we have a bumper harvest delivered to market. It travels on trains through that area at all sorts of times, which is obviously a point of necessary deconfliction. This forms a level crossing as it crosses the road at North Lake. When the trains come through there at peak hour, it absolutely closes down the place for a short period of time admittedly, but it takes a long time for that packet of traffic to proceed. I have made representations to the minister for a grade separation at that level crossing. A single road over a single rail corridor would alleviate that arrangement. When linked to the Armadale Road Bridge, as we improve elements of Stock Road, it will create the feeder requirements to ensure quick and easy access to not only the road system, but also the train stations at Cockburn Central and Murdoch for a growing number of people in my seat and surrounding seats.

Although the Rail Safety National Law Application Bill 2023 on its surface might seem quite perfunctory and administrative in nature, it will, like every piece of legislation that comes through this place, have consequential impacts. These debates in Parliament act as reference points in the history of Western Australia, and we should always identify how they add to the idea of what it is to be Western Australian.

I will finish on the idea that our identity is contributed to by the built form, the infrastructure, and the way we see ourselves. If we see our community and economy as a modern, vibrant and liveable place with an attitude of progression taking our rightful place here on the Indian Ocean as representatives of the commonwealth of Australia with our connections to Indonesia, this one small piece fits inside and nests alongside the sort of identity that we want to create for ourselves and our children.

I commend the bill to the house.

**MS C.M. TONKIN (Churchlands)** [10.52 am]: I rise to make a brief contribution to debate on the Rail Safety National Law Application Bill 2023. Rail safety loomed large in my life growing up because of my father’s work for the Western Australian Government Railways that involved the design of railway crossing signals at many level crossings throughout the south and the south west of the state. My siblings and I were well schooled by my father in observing road safety at level crossings. I am therefore delighted to speak in support of this legislation because rail safety is very important and keeping it current and consistent between the states is crucial. The issue

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of consistency of approach to rail safety between jurisdictions is the key consideration being addressed by this bill. However, a lack of consistency has its roots in the separate development of railways across the states. In fact, the problem of differing railway gauges is the stuff of story, myth and legend in Australia. My good colleague the member for Willagee has certainly set out some of those historical considerations.

The railway gauge dilemma has been used as an analogy for other issues of interoperability between jurisdictions, including in relation to e-commerce in government procurement. I can remember when I represented the Queensland government at the Australasian Procurement and Construction Council in the late 1990s and early 2000s, there was much heated debate about the importance of not repeating the problem of the different railway gauges between the states by failing to standardise e-commerce interoperability. I dare say that the debate generated more heat than light because it was a wrongheaded analogy in the first place—but I get back to the railways.

The saga of different railway gauges—narrow, standard and broad—across Australia began in the mid-1800s. At Federation in 1901, trade barriers between the states were removed and trade problems associated with the three different gauges for railways became apparent. Rail freight was crucial to facilitating interstate trade at the time of Federation and well into the twentieth century. However, by the outbreak of World War II in 1939, there were 13 break-of-gauge locations, one of which was at Kalgoorlie. Incoming goods and passengers were off-loaded at Kalgoorlie and transferred to narrow-gauge rail carriages. My grandparents and their family came to live in Western Australia from Melbourne in the late 1930s and they, along with their belongings, would have been off-loaded at Kalgoorlie and then transhipped to Perth. It was not until the late 1960s that Perth was connected to Sydney by standard-gauge rail, and it took until the 1990s before all mainland state capitals were connected by the one standard gauge.

This bill seeks to deal with a more modern rail gauge dilemma. Historically, every state and territory regulated its railways independently, resulting in many inconsistencies between jurisdictions and inefficiencies for industry. Following a number of years of discussion, in 2011 the Council of Australian Governments agreed to establish a national system of rail safety regulation and investigation. South Australia was appointed as the host jurisdiction of the legislation, and the Rail Safety National Law (South Australia) Bill 2012 was passed in 2012. However, instead of using the applied law to implement the Rail Safety National Law as law of our jurisdiction as other states and territories did, the Barnett government chose to implement the Rail Safety National Law in Western Australia using mirror legislation. We did not quite join up the standard gauge at the border. This requirement has seen the Western Australian rail safety national law fall out of step with the Rail Safety National Law as it applies to all other jurisdictions. Since 2015, eight legislative amendment packages have been passed by the South Australian Parliament that are yet to be adopted in Western Australia.

This bill will see Western Australia move to an applied law approach to ensure that there will be no legislative inconsistencies between jurisdictions. The Rail Safety National Law Application Bill 2023 will apply the Rail Safety National Law with modifications as the law of Western Australia and repeal the Rail Safety National Law (WA) Act 2015 and subsidiary legislation. This reform will provide for greater consistency with the Rail Safety National Law as it applies to this state. The bill will minimise legislative inconsistencies relating to rail safety and support the timely application of safety amendments so that rail operations are regulated consistently and seamlessly across Australia. This is crucial. We cannot afford to have anything but the latest and best safety regulations available in this state. This seamless approach across Australia will provide greater certainty for rail operators, rail safety workers, the national regulator and the national safety investigator, which will encourage industry participants to better understand their shared safety responsibilities and accountabilities. This bill will update the Rail Safety National Law and incorporate amendments made to the national legislation between 2015 and 2023. It will also reduce the delay between future amendments to the Rail Safety National Law applying in Western Australia and all other state jurisdictions. The Rail Safety National Law sets out the functions and powers of the national rail safety regulator and provides for effective management of safety risks associated with rail operations. Rail safety law covers, amongst other things, accreditation, registrations, safety management systems, and compliance and enforcement measures. Part 2, division 1 of the bill includes an applied legislation mechanism that provides for the timely application of changes to the Rail Safety National Law (South Australia) Act 2012 to the Rail Safety National Law (WA) Act 2015. This bill uses an applied law adoption mechanism to preserve the sovereignty of the Western Australia Parliament. This is a mechanism that the government has been using and moving into other legislation. Moving from mirror law to applied law for rail safety is consistent with the recommendations of the Legislative Council's Standing Committee on Uniform Legislation and Statutes Review for other national scheme laws operating in Western Australia. These laws have been debated in this Parliament since I have been here, including the Legal Profession Uniform Law Application Act 2022, the Fair Trading Amendment Act 2022 and the Marine Safety (Domestic Commercial Vessel National Law Application) Bill. This approach to legislation is really important and this important reform is progressively working its way through this Parliament. The bill will provide greater certainty to industry, the national regulator and the Australian Transport Safety Bureau and ensure rail operators and rail safety workers are not disadvantaged by having to meet different requirements in

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Western Australia. These people work across Australia. Our railways work across Australia. This is why this legislation is very important. The bill preserves the sovereignty of the Western Australia Parliament by providing for the tabling of amendments made to the Rail Safety National Law by the South Australian Parliament, with the capacity for either house of the WA Parliament to disallow those amendments following appropriate scrutiny. This is a very important aspect of this legislation and this approach to legislative reform to have consistency nationally across the jurisdictions.

However, there is an exception to the nationally consistent approach under this bill and that is the application of local provisions for alcohol and drug testing. It is important to note that as part of the Rail Safety National Law, drug and alcohol testing is conducted in accordance with local practices, which makes an enormous amount of sense, because it is a different authority that applies that law. The participating jurisdictions acknowledged from the outset that applying the provisions that exist already within their jurisdiction would ensure that authorised officers such as police do not face additional operational burdens. Under this legislation, drug and alcohol testing will be conducted in accordance with Western Australian practices. The local provisions of the bill were drafted to align with the drug and alcohol provisions under the Road Traffic Act 1974, which is used by WA police. This is another piece of elegant legislation that brings us easily into line with the national framework and ensures that our application of this national law and any updates are made in a timely and consistent manner. I commend the bill to the house.

**MS A.E. KENT (Kalgoorlie)** [11.06 am]: I rise today to add my contribution to the Rail Safety National Law Application Bill 2023. I continue the comments of my colleagues who spoke before me and outline that this bill will apply the Rail Safety National Law with modifications as a law of Western Australia, and repeal the Rail Safety National Law (WA) Act 2015 and subsidiary legislation.

I am blessed to be the member for Kalgoorlie. As people in this house are aware, the goldfields holds a significant part of the state's history in its hands. Railways were incredibly important to the gold rush years, and I will share a few interesting facts about railways in the goldfields. Bicycle, horse and buggy, and camel were the early means of transportation in and around the goldfields, until the advent of the car in the twentieth century. The development of the region was boosted by the provision of transport infrastructure. The completion of the Eastern Goldfields Railway from Perth to Coolgardie and Kalgoorlie in 1896 sealed the dominance of Kalgoorlie as the administrative centre of the goldfields.

*The Coolgardie Miner*—yes, Coolgardie had a newspaper back then—reported in 1895 —

It is not too much to say that next to the camel, the bicycle is one of the most important factors in the development of the Goldfields, and as it eats nothing, and never bucks or shies, its value as a locomotive medium is incalculably enhanced.

From that day, the opening of the Eastern Goldfields railway all things were changed: all the colony was bound together by hooks of steel.

In Kalgoorlie–Boulder from 1897, the Loopline became the main passenger transport to the mines and at the time was the busiest railway line in Western Australia.

In March 1897, much to the annoyance of Boulder business owners, the railway department, without any consultation with Boulder businesses, announced that it was building a railway from Kalgoorlie down Boulder Road and out to the mines. The Boulder community was concerned that the rail would totally bypass the Boulder town and disadvantage their businesses. The railways department conceded and agreed to build a station on the corner of Burt and Hamilton Streets, which was at the end of the main business precinct. Originally named Boulder station, it was locally referred to as the Loopline station. The Loopline train service made it easier to haul the ever-increasing quantities of machinery, equipment and fuel around the Golden Mile and provided some very out-of-the-ordinary stories and services for the community. The Loopline provided an irregular stop near Williamstown to pick up or drop off people who had been playing two-up in the bush hideout. Sometimes the driver joined in for a few games before continuing the Loopline journey! The Loopline was an essential service during the peak of the Golden Mile deep mining activities and the traffic was record breaking. During its peak, up to 100 steam trains a day moved through the station. The station master must have had very stressful times controlling up to one train every three minutes.

Let us move from the Loopline to one of the most famous trains that runs through Kalgoorlie–Boulder, the *Indian Pacific*—an epic railway journey in every sense of the word. Taking in the remotest parts of Australia, its route provides a link from west to east through the beating heart of the continent, connecting the cities of Perth and Sydney across a staggering 4 352 kilometres. Since a transcontinental railway first commenced operation on those tracks in 1917, it has been celebrated as one of the country's most significant engineering feats, traversing a vast and beautiful landscape from the shores of one ocean to another. In fact, the train takes its name from the Indian Ocean on the west coast and the Pacific Ocean on the east coast. Although the *Indian Pacific* passenger service did not officially commence until 1970, the railway had been a carrier of stories and a tangible time line of Australia's complex history long before then. A railway journey across Australia between Sydney and Perth became possible

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from October 1917 when the Trans-Australian Railway was completed between Port Augusta in South Australia and Kalgoorlie in Western Australia. That section of line was 1 692 kilometres long and took five years to build, with most of the construction occurring during the First World War. It traversed remote and arid areas of Australia and crossed the vast Nullarbor Plain. Although a transcontinental railway journey between Sydney and Perth was possible from 1917, it required numerous changes of trains and travelled a lengthy route via Melbourne, Adelaide, Port Augusta and Kalgoorlie.

Australia's first passenger train to cross the continent on a single gauge was a major event in 1970. Following a dinner at the Wentworth Hotel in Sydney, a ceremony was held at Central Station where a plaque was unveiled by the Governor-General, Sir Paul Hasluck. A large crowd watched the *Indian Pacific* depart at 10.50 pm. It was hauled by 46 electric locomotives from Sydney to Lithgow and then by diesel-electric motive power for the remainder of its journey. As the train made its way across the country it was cheered on by crowds of people in towns and by trackside observers. Various locomotives have hauled the *Indian Pacific* throughout its history. When it first commenced in 1970, it was hauled by locomotives belonging to the different railway systems over which it passed. Western Australian Government Railways hauled the train from Kalgoorlie to Perth. Initially K-class units were allocated to work the *Indian Pacific* but later the L-class became the dominant motor power on the train over that section. It now caters for luxury travellers making a holiday journey across Australia by rail.

In 2020, the *Indian Pacific* celebrated 50 years of its maiden voyage. The romantic notion of rail travel was not lost on couple Derek and Jeanne Kell, who met on the *Indian Pacific* in 1973 and were married a year later. Mr Kell said the fiftieth anniversary crossing was a second honeymoon for the couple who are now grandparents. He stated —

We both boarded the train, unknown to each other, and we gradually got talking and just felt we liked each other ...

By the time we got to Perth, I asked Jeanne out and the rest is history.

The way I see it is we met on the train and now on the 50th anniversary of the train, it's now like we've come full circle where we started from.

Ms Kell said her husband took his time before finally talking to her at Rawlinna! She said —

On a journey like this you get to meet people and everyone's so friendly, you just naturally talk to people and get to know them a little bit better and strike up a conversation ...

Although it remains a popular bucket list item for many tourists, the train is also a lifeline for residents on the Nullarbor. At Rawlinna, home to Australia's biggest sheep station with up to 50 000 sheep shorn every year, residents rely on the train for grocery and mail deliveries. Rawlinna pastoralist Nicole Gray said that the town of three people grows to 230 every Friday night and Monday morning. She said they rely on the train a fair bit because the isolation and the hardship out there is a bit of a downer, but it is a beautiful place to live. Along with lots of other people, the journey on the *Indian Pacific* is on my bucket list. I hope to travel on this amazing train one day. Of course, these train journeys would not be made possible without legislation such as this.

This bill will minimise legislative inconsistencies relating to rail safety and support the timely application of rail safety amendments so that rail operations are regulated consistently and seamlessly across Australia. It will provide greater certainty to rail operators, rail safety workers, the national regulator and the national investigator. This will encourage industry participants to better understand their shared safety responsibilities and accountabilities. This bill will see WA move to an applied law approach, ensuring that there are no legislative inconsistencies between jurisdictions. Importantly, the bill will preserve the sovereignty of the WA Parliament by providing for the tabling of amendments made to the national law by the South Australian Parliament and the capacity for either house of Parliament to disallow those amendments following appropriate scrutiny. I commend the bill to the house.

**MRS J.M.C. STOJKOVSKI (Kingsley — Parliamentary Secretary)** [11.17 am]: I rise to give my contribution to the Rail Safety National Law Application Bill 2023. As many before me have stated, this bill is essential for providing consistency across Australia. A few speakers have ventilated how our rail system has had numerous different gauges across Australia, making it incredibly difficult in the past to travel from one state to another. I will not go into those issues, because they have been well ventilated. This bill will repeal the Rail Safety National Law (WA) Act 2015 and ensure the timely application of rail safety amendments and minimise any discrepancies between the states.

In 2015, the Barnett government chose mirror legislation to implement the intergovernmental agreement on rail safety instead of using applied law like every other jurisdiction did to implement these changes. The result was that WA obviously started falling behind and becoming out of step with the rail safety law as it applied in other jurisdictions. The state is currently eight legislative amendments behind and these include amendments that clarify terms, provide for the release of documentation and provide penalties for the falsification of documents. However, the one that really got me, probably because I was in this place when we had to deal with COVID-19, was that it made it a lot harder for



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agility within the WA rail system during the COVID times. Amendments that were brought in in South Australia provided for exemptions for the health and fitness tests for rail workers across the country. It was not provided for in Western Australia. There was no wiggle room because we had not brought in applied legislation, so we did not automatically get those exemptions. That made it very difficult, in an already difficult time during COVID, for Western Australian rail workers to continue working. For anyone who was keeping up with the logistics around that time, we had problems with not only COVID and getting in and out of the state, but also some rail being washed away. Getting supplies into Western Australia was increasingly difficult. An already very tight situation was made even tighter by the fact that we did not have the capacity to provide these exemptions during COVID.

This bill will move WA to an applied law approach, which will ensure that we will not have legislative inconsistencies in the future. However, this bill will not take away WA's sovereignty. It will provide for the tabling in Parliament of all amendments to the national law made by the South Australian Parliament and the capacity for either house to disallow those amendments, following appropriate scrutiny. A really important part of this law is that we will not just go with whatever somebody outside of our jurisdiction decides. We will maintain our sovereignty and ability to scrutinise any amendments that come forward. It will be a more practical application of the legislation.

This bill will improve consistency across WA and Australia, and will allow for the seamless movement of rail across Australia. It will also provide certainty for rail operators, safety workers and the national regulator and investigator into rail safety in Australia. The bill will ensure that people working in this area have a better understanding of their responsibilities and accountability.

Why is rail safety important? In preparation for this speech, I read the TrackSAFE Foundation report, *Fatalities, injuries and near misses on the Western Australian heavy rail network 2001–2022*. It is from September 2022, so it is quite contemporary. It has some interesting facts about rail safety. Between 2001 and 2021, there were 2 167 fatalities on Australian rail lines. That means 2 167 families had to deal with the fatality of a loved one on Australian rail lines. That number consisted of 1 558 suicides and 609 fatalities. That is an annual average of 103 Australians being killed on our rail lines a year, or two deaths a week. Most fatalities occurred in Victoria, with 44 per cent; New South Wales had 31 per cent; Queensland had 12 per cent; WA had nine per cent; and South Australia had four per cent. The other states and territories had smaller numbers. Between July 2000 and December 2021 there were 193 fatalities in Western Australia, with 133 of those being suicides or suspected suicides. That still leaves 60 other fatalities on the heavy rail network in Western Australia during that period, which is an average of nine fatalities a year—six suicides and three other fatalities.

Since 2016, rail operators have been required to report the number of fatalities and near misses on their networks to the Office of the National Rail Safety Regulator. Western Australia has had five fatalities and 11 injuries to trespassers. This is a really interesting statistic for us, given that we recently brought in rail trespassing legislation. As members can see, we have quite a number of fatalities on our network, and any time we can reduce fatalities on the network, that is a good thing. There were 260 reported near misses with trespassers. In my previous speech on the rail trespassing legislation, I spoke about it being very popular to have wedding photographs taken on a railway. Although it provides a beautiful photo, people could potentially end the life they agreed to start with someone by trespassing on the rail network. I am sure that some of those near misses can be attributed to that fad. There were also five fatalities and 12 injuries as a result of collisions with road vehicles and pedestrians at level crossings and 377 near misses at level crossings.

People like me, who have family members who love car movies, may have seen *The Fast and the Furious* more than once. There is an exciting final car chase in which the two main characters start at the top of a hill, race down it and jump the train tracks as the train is coming. Although it makes for very exciting and entertaining cinema, level crossings are actually a very real risk on our rail networks. I am really proud that this government has made a commitment to rail safety. Not only have we brought in the trespassing legislation; we have put our money where our mouth is in making sure we are committed to rail safety by removing level crossings. We have already removed two level crossings as part of the Metronet project, with a further 14 to be removed as part of the Armadale line works. There will be quite a bit of commentary about shutting down the Armadale line, but if we take into context how many level crossings and potential conflicts we are removing from our rail network in doing these works on the Armadale line—that is not the only reason we are closing the Armadale line—the safety of our road and rail users is paramount. Shutting down the Armadale line to remove a further 14 level crossings as part of those works should be applauded. Those people who criticise shutting down the Armadale line really need to have a good hard look at themselves and what they are actually criticising. We are improving not only the safety, but also the heritage line—that is what it is known as—that has not had any investment in it for a long time.

We will remove those 14 level crossings, but there are currently 960 public road level crossings in WA. Of those public road level crossings, 469 are fitted with the active level crossing controls, which are flashing lights or boom gates. In mid-2021, Main Roads Western Australia initiated a review of the remaining 491 passive level crossings. This included detailed site assessments at each crossing in line with the Australian level crossing assessment model,

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or ALCAM. These detailed and thorough assessments require the collection of data through site surveys and train and vehicle volume assessments. The assessments identified key safety risks and produced a unique risk score for each individual crossing. The review was completed in 2022 and the findings are as follows. Of the 491 passively controlled level crossings, 87 were identified for improvement and will have amendments made to them; seven upgrades will happen from Give Way-controlled crossings to active flashing light controls at an estimated cost of \$6.16 million; six upgrades will happen from Stop signs to active flashing light controls at a cost of \$5.28 million; and 71 crossings that are currently controlled only by Give Way signs will be upgraded to Stop signs at a cost of \$370 000. As we can see, this government is really investing in rail safety. We are not only changing legislation to make us more contemporary and ensure that we have the highest safety levels for rail, but also ensuring that we invest in removing level crossings or controlling rail crossings.

A lot of criticism comes our way, particularly from members of the opposition, that we are very metropolitan centric for rail because of the Metronet program. I highlight that most of the rail crossings identified in this review were in the regions. There were 81 crossings in the wheatbelt, two in the goldfields, two in the great southern, one in the midwest and only one in metropolitan Perth. This government is really focusing on rail safety across the network, not just in the metropolitan area.

The 13 identified crossings that will be upgraded to have active flashing controls will be part of a program that will run from 2024 to 2029, which is a five-year level crossing capital works program. The 74 crossings controlled by Give Way signs will be upgraded to be controlled by Stop signs by 30 June next year. We are not saying that we have a plan to do these things; we will actually be delivering them in the here and now.

When the program is completed, no crossings will be controlled by Give Way signs on main-line railways in Western Australia. It will mean that 50 per cent of level crossings across public roads will be controlled by flashing lights or boom gates, which will be one of the highest ratios of active to passive controlled crossings in the nation. The Minister for Transport really needs to be commended for this because she is focusing on the safety of our rail networks. The resulting changes are predicted to be a 33 per cent reduction in the Australian level crossing assessment model risk scores across those 87 locations.

There is a real drive by the Cook Labor government and the current Minister for Transport to not only contemporise our legislation by bringing in this applied law legislation so we can stay up to date with other jurisdictions around Australia, but also ensure that people understand that trespassing on the rail network can have some very serious consequences, and reduce the number of conflicts between road and rail on our network. This is another step to ensure the safety of not only the rail network but also the road users who interact with the rail network. I commend the bill to the house.

**MR S.N. AUBREY (Scarborough)** [11.32 am]: I would like to contribute to debate on the Rail Safety National Law Application Bill 2023. I want to apologise to the member for Kingsley. She mentioned the word “paramount”, and I laughed and distracted her because I had just written that word as she said it, so I apologise for that.

Historically, every state and territory regulated its railways independently, resulting in many inconsistencies between jurisdictions and inefficiencies for industry. Following a number of years of discussion, the Council of Australian Governments agreed to establish a national system of rail safety regulation and investigation in 2011. South Australia was appointed as the host jurisdiction of the legislation in 2012, and the Rail Safety National Law (South Australia) Act 2012 was passed. However, instead of using applied law to implement the Rail Safety National Law as the law of our jurisdiction, as all other states and territories did, the Barnett government chose to implement the Rail Safety National Law in WA using mirror legislation.

WA’s mirror-law approach requires the Parliament of Western Australia to pass laws that mirror those passed by the South Australian Parliament. This requirement has seen the Western Australian Rail Safety National Law fall out of step with the Rail Safety National Law applied in all other states and jurisdictions. Since 2015, the South Australian Parliament has passed eight legislative amendment packages that have not yet been adopted here in WA. This will see WA move to an applied-law approach, ensuring no legislative inconsistencies between jurisdictions. It will provide greater certainty to industry, the national regulator and the Australian Transport Safety Bureau, and will ensure that rail operators and rail safety workers are not disadvantaged by having to meet different requirements in Western Australia.

Importantly, the bill will preserve the sovereignty of the WA Parliament by providing for the tabling of amendments made to the national law by the South Australian Parliament and the capacity of either house of Parliament to disallow those amendments following appropriate scrutiny. The Rail Safety National Law Application Bill 2023 will apply the Rail Safety National Law with modifications as a law of Western Australia and repeal the Rail Safety National Law (WA) Act 2015 and subsidiary legislation. The bill will minimise legislative rail safety inconsistencies and will support the timely application of rail safety amendments so that rail operations are regulated consistently and seamlessly across Australia. This will provide greater certainty to rail operators, rail safety workers, the national

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regulator and the national investigator, which will encourage industry participants to better understand their shared safety responsibilities and accountabilities.

We have seen a few train derailments in Western Australia, particularly where I used to work in the north west. I encountered quite a few railways in my time working in the north west as an electrical technician. I worked at the port facilities at Dampier's East Intercourse Island and dealt with the big trains and the car dumpers as they brought in the ore and rolled the cars to tip out the ore. We had to maintain safety procedures as we accessed the rail, on and off. I also worked in the mines, where we extracted the ore and put it into the cars. There were safely applications for crossing the rail access or working around the rail.

It is important to note that Rio Tinto has two rail lines that come from all its mines in its part of the Pilbara to Cape Lambert A and B and to East Intercourse Island at Dampier. If we think about it, it is incredibly complex to take multiple trains on the same rail lines to those port facilities from all the different mines, and it requires a lot of regulation and work by Rio Tinto workers to maintain it, especially with the autonomous trains.

We have seen derailments in Western Australia. Probably one of the more well known derailments was BHP's 268-car train that travelled 92 kilometres without a driver. It ran away for about 92 kilometres and was deliberately derailed, causing millions of dollars of damage and lost production. It was fully laden, with almost three kilometres of locomotives and 268 wagons. It reached average speeds of 110 kilometres on the track between Newman and Port Hedland. When the driver stopped about 200 kilometres from Port Hedland and got off to inspect one of the wagons, the train took off without the driver. It was forced to be derailed about 120 kilometres from Port Hedland. No-one was injured, but the Pilbara miner had to suspend all its train operations. It took about seven days to restore the rail and the tracks after the derailment. One rail line goes to two port operations. There are two rail lines to Rio Tinto and a similar set-up for FMG and BHP, and they share some of the rail lines. Shutting down access to a rail line that comes from many mines to the ports that ship out the ore can have impacts on the state's economy. Mining companies have the ability to manage this through stockpiles at the port facilities, but if the rail line has more significant damage and is completely inoperable for a significant period, it could have an impact on the state's economy by not allowing iron ore deposits to be shipped from the ports.

The Australian Transport Safety Bureau investigated the incident and determined it —

... culminated in its intentional derailment, resulting in 2 remote locomotives, 245 ore cars and 2 km of track infrastructure being destroyed.

...

After reporting the emergency stop and taking a number of procedural steps to protect and secure the train, the driver exited the cab without completing the step of placing the automatic brake handle into the pneumatic emergency position. The driver then commenced the process of applying manual handbrakes to each of the train's ore cars.

Sixty minutes after the train stopped, and before the driver was able to secure enough of the ore cars' handbrakes, the affected car control devices shut down, and the brakes were released on the majority of the ore cars in the train.

The train then began to roll away without the driver on board.

In the ensuing runaway, the train travelled more than 90 km over approximately 40 minutes, before BHP's Hedland control intentionally derailed it at a crossover to an adjacent track at Turner South, about 120 km from Port Hedland.

“A train runaway can cause injury or loss of life, and while there were no injuries as a result of this accident, it did carry a significant financial and economic cost,” ATSB Chief Commissioner Angus Mitchell said.

More recently, in June 2019, a Rio Tinto iron ore train was derailed. It had only 30 wagons and was a self-driving iron ore train. Analysis of that incident is ongoing, so I will not comment on it too much. However, we have had derailments in Victoria in which people did lose their lives. A passenger train that was 100 kilometres over the speed limit crashed north of Melbourne. I am not saying this legislation will directly fix or stop those derailments, but it will provide clarity for the industry and consistency across the country. Workers and rail operators might come from over east or around the country, and those who investigate these incidents may also have different things to contribute. However, I can say that having worked in the industry, consistency across the states will allow for better clarity and fewer changes to the rules, which will keep the clarity in place for longer.

Given the growth in our state—many of my colleagues have mentioned Metronet and the work that is being done around the state to expand Perth's public transport network—it is incredibly important, as we put in place this public transport network, that safety is paramount. The *Perth and Peel@3.5 million* report on the transport network was released in March 2018. It states —

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Today, the Perth and Peel regions stretch more than 150 kilometres from Two Rocks in the north to Bouvard in the south and are home to more than two million people.

... it is estimated on current trends that more than 3.5 million people will live in Perth and Peel by 2050.

*Perth and Peel@3.5 million* comprised a strategic suite of documents that presented a long-term growth strategy for land-use and infrastructure provision for the Perth and Peel regions. The suite included four detailed subregional land-use planning and infrastructure frameworks: the central subregion, the north west subregion, the north east subregion and the south metropolitan–Peel subregion. These frameworks show what our city could look like in the future and how we can maintain our valued lifestyle and realistically accommodate a substantial increase in population. Although population growth brings enormous opportunities, it also increases demand on the state’s resources, social and physical infrastructure, services and the natural environment. Strong economic and rapid population growth in the early part of this century has shown how important Perth’s transport system is. As we move towards a population of 3.5 million, fundamental changes will be required to the city’s transport network to service growth areas and keep Perth moving. It is clear that we need a plan for a transport network that will drive urbanisation around infrastructure and enable high levels of accessibility for work, education and other activities. A number of projects across the transport portfolio will support efficient and effective movement of people and freight integrated with land uses and will link key economic and employment opportunities.

One of the government’s key priorities to achieve moving people efficiently while integrating with land use opportunities is Metronet. Metronet will ensure that land-use and transport outcomes will be at the forefront of design of new infrastructure and will lay the groundwork for vibrant new communities. It will also guide the structural evolution of our city, linking diverse urban centres together for the first time and will provide opportunities for greater density and infill development through multiple key suburban centres. Metronet will define the future of public transport in the central subregion. Key transport corridors will be required to transition into multifunctional corridors to achieve a more compact and diverse open form. Areas around train stations and other major public transport infrastructure have been identified as having the potential to accommodate increased development. A balanced transport and land-use approach will be required to accommodate all transport modes, parking and utilities, as well as people friendly urban environments.

Four key passenger rail proposals are included in Metronet stage I and will form part of the potential circle line in the central subregion. The proposals include completing the Forrestfield–Airport Link, an 8.5 kilometre railway spur from Forrestfield to the Perth CBD. It is now completed. I congratulate the minister on the recent opening of that last year. The next proposal will be going a little bit out of my electorate, but it talks to the larger purposes of Metronet in linking and supporting the growth of our city in an important way. It is a 14.5 kilometre extension of the Thornlie line to Cockburn Central, which my colleague the member for Cockburn talked about before. Two new stations have also been proposed at Nicholson Road and Ranford Road, which my colleague the member for Southern River talked about the other day. There is also a new rail line from Midland to Ellenbrook town centre. This has been long promised, and is only now being delivered. The Midland line is also being extended to a new station at Bellevue.

A bit closer to home is the Stirling train station. The three primary distributor reservations proposed for the central subregion will include Orrong Road and Charles Street, and Ellen Stirling Boulevard, which is central in my electorate and links up with the member for Balcatta’s electorate. It will sit right in the Stirling city centre and will link to Stirling station, the train station that runs along the Mitchell Freeway on the border of my and the member for Balcatta’s electorate. The other station that is in both of our electorates is Glendalough station.

Ellen Stirling Boulevard is getting a significant upgrade at the moment with the Stephenson Avenue extension project, which runs parallel to Ellen Stirling Boulevard. The project is now 29 per cent complete and an important construction milestone was achieved in late July 2023 with the temporary ramp at Stirling station being completed and commissioned to use. In the coming months, structures will be progressed in preparation for the bridge construction over the Mitchell Freeway and the Joondalup line. A series of roadworks along Cedric Street and the Mitchell Freeway are required to continue construction over the coming months. Traffic conditions throughout the project area regularly change. People can stay up to date by looking at the Main Roads Western Australia travel map online.

The Stephenson Avenue project is a very important to my electorate. I would like to commend the member for Balcatta because he has been a strong driving force behind this project for a long time, since his days in council and as a member of Parliament. It is a really important project that will not only link our two electorates in many ways, but it will also support the enhancement of the Stirling city centre, which sits right on the Stirling train station. It will allow for greater density and urban activation in that hub. That is exactly what the *Perth and Peel@3.5 million* report talks about, having that density and urban activation in road corridors and activity zones, and, importantly in this case, train stations Infrastructure nodes can support the capacity of the growing population to allow them to

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get onto a train and get to the city if they go to work, or for recreation, but it also will allow them to jump on public transport that takes them out to Scarborough Beach, which is a world-class beachside destination.

The Stephenson Avenue extension project is incredibly important to my electorate and to the City of Stirling. The \$165 million project is also set to provide a major boost to the local economy and support an estimated 800 jobs. When complete, the project will provide a new connection from Cedric Street to Scarborough Beach Road, including a new grade-separated Mitchell Freeway interchange with a southbound smart freeway on-ramp as well as new local road links to Ellen Stirling Boulevard. The project will also deliver a \$90 million refurbishment to the Stirling bus interchange, upgrading it from an 18-stand facility to a 30-stand bus interchange.

Phase 2 of the Stephenson Avenue project also includes a new road connecting Sarich Court to Cedric Street east of the freeway and a new principal shared path on the east side of Mitchell Freeway from Telford Crescent to Civic Place, including an underpass at Stephenson Avenue. Correct me if I am wrong, member for Balcatta, that is complete now, is it not?

**Mr D.R. Michael:** No. the principal shared path currently curls around Telford Crescent past the old tip site in the City of Stirling, but once complete, it will be the link right on the side of the freeway, which will link the whole principal shared path from our electorate to the member for Kingsley's electorate. You'll be able to get straight through on the eastern side.

**Mr S.N. AUBREY:** I would like to quote some of the comments attributed to the transport minister, Rita Saffioti, because she has been a big driving force for this legislation. She said —

“The Stephenson Avenue Extension project is upgrading local roads, public transport and cycling and walking infrastructure.

“This will completely change the way local residents and visitors can access the area, while ... opening up currently undeveloped land directly adjacent to the Stirling Train Station and the Mitchell Freeway.

[Member's time extended.]

**Mr S.N. AUBREY:** You seem very excited about granting me that extension, Mr Acting Speaker. By the sounds of it, you are really enjoying this speech. I think all members are very much enjoying this long and drawn-out speech.

**The ACTING SPEAKER (Mr D.A.E. Scaife):** I think we are all enjoying this, member for Scarborough. Please continue.

**Mr S.N. AUBREY:** I am enjoying it. It is my first attempt at talking off the cuff.

Part of the project includes the linkage to Ellen Stirling Boulevard and Stephenson Avenue. Local residents know that Scarborough Beach Road, which runs from Mt Hawthorn to Charles Street and all the way to Scarborough Beach and West Coast Highway, is an incredibly important corridor for my electorate and also runs into the member for Perth's electorate. The state government, working with the City of Vincent and government agencies, including the Western Australian Planning Commission and Main Roads, has developed a strategic activity corridor framework for Scarborough Beach Road. The framework provides an overarching transport and land-use vision that, when implemented over time will significantly improve the form and function on the road and its surrounds.

Scarborough Beach Road is often characterised as an ad hoc and congested road that is difficult to use. In many sections, buildings respond poorly to the street and the transport function of the road is now severely constrained as our city continues to grow. A long-term planning framework is required to improve this. Over time, that planning for Scarborough Beach Road will need to integrate transport and land use at the same time as promoting alternatives to private vehicle travel. Planning with an activity corridor approach provides a complete vision of how transport and land use must be considered when designing for its role in the future. If growth continues without a robust vision for how transport and abutting development should function, the environment along the road will continue to deteriorate, affecting the user experience, with likely negative flow-on effects to the local economy. Good street planning and design must strike a balance between the competing interests of all users, working within a limited urban space. An activity corridor approach can help by coordinating the transport use of the road and the buildings that open onto it.

Anyone who lives in my electorate of Scarborough knows that Scarborough Beach Road is a vital corridor for all of us in that area. It is the one that takes people to the freeway and the industrial area of Osborne Park and from the city to the beach—the world-class tourism beachside precinct that is Scarborough Beach. My colleague the member for Cockburn and I have a constant debate about which beach is better—Coogee Beach, which I classify as a lake more than a beach, or Scarborough Beach, with its world-class entertainment precinct.

**Ms E.J. Kelsbie:** Ocean Beach?

**Mr S.N. AUBREY:** I am talking about metro beaches.

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**The ACTING SPEAKER:** I warn the member for Scarborough not to draw the chair into the debate.

**Mr S.N. AUBREY:** But it's so fun!

**Ms K.E. Giddens** interjected.

**Mr S.N. AUBREY:** That is right.

This issue is incredibly important because Perth city is growing rapidly. It has the highest population growth compared with any other state in the country. It is growing at a rate of 2.3 per cent compared with the national average of 1.9 per cent. It means that WA is growing at a larger rate than the projected growth, and it has come very quickly. Obviously, the COVID-19 pandemic had a massive impact on this, even though we had a hard border and closures. It really showed people that WA is the envy of the nation, if not the world. It has brought sustained population growth to WA, especially following the removal of the border restrictions. Based on past trends, it is clear that when WA's economy is booming, its population will grow. With the state's natural population growth at below replacement levels, population growth will remain dependent on interstate and international migration.

Moving on to Sydney, although its population continues to grow through a combination of natural growth and international migration, every quarter more local residents leave Sydney than move to Sydney. Everybody knows that Sydney is the most populous city in the country. Through all its success and being an economic powerhouse, its population has been declining for over 20 years. Cost-of-living pressures, commute times and affordable housing shortages are all contributing factors to why local residents leave Sydney.

With Perth now facing some of these same growing pains, it is essential that we look and learn from Australia's megacities, such as Sydney and Melbourne, and put in place plans to ensure that Perth remains a highly liveable city. We can learn from those experiences. Much to my frustration, Scarborough is linked to other major centres in coastal precincts around the country such as the Gold Coast and Bondi but I do not think it is comparable. We are a very unique community that has a very local perspective. It is very parochial. We have a strong connection to our community. Although we welcome tourism and we work hard to activate our precincts with events such as The Aussies, the Canoe Ocean Racing World Championships, which will be held in November, and the Olympic boxing trials at the Rendezvous Hotel the other week, we are doing everything we can. Through events such as the Scarborough Sunset Markets and the Groundswell Festival, we are driving activation and vibrancy in Scarborough. Obviously, they bring challenges with parking, overpopulation and things like that, which is why we have to plan accordingly for Scarborough. Planning for density and transport is essential, especially with rail.

I am proud to be part of a government that has a plan for WA, including Scarborough. To be honest, I am a little concerned about the views of members of the Liberal Party, especially those of the member for Cottesloe, around planning and density. They have not taken a very collaborative or structured approach to density. It does not work. The state government acknowledges that Perth is going to grow and every part of this state has a responsibility to grow sensibly and with maturity. We do not see that from the questions and the comments made by the member for Cottesloe. The former Liberal government's and the Labor government's economic outlook of this state is in stark contrast and shows why the Labor government is more responsible when it comes to planning for the future, planning for density and planning for growth. The economy is a big part of that. After a recent announcement by Moody's Investors Service, the ABC reported on 11 July 2023 —

Western Australia is the only state or territory in the country to have the top credit rating from both major international rating agencies, after Moody's Investor Services upgraded it to AAA today.

The decision by Moody's follows the decision by Standard and Poor's to do the same last June. The state lost its AAA credit rating from S&P in 2013, and from Moody's in 2014.

That occurred under the previous Liberal government. It continues —

In announcing the decision, Moody's highlighted WA's financial performance as "an outlier to its domestic and international peers".

"The state generated excellent revenue growth and strengthened its fiscal buffers over recent years through the successful management of the pandemic combined with sustained fiscal discipline, which Moody's expects to continue going forward," the agency's report read.

"Despite the economic disruption caused by the pandemic, and recent weakening of global economic conditions, the state has improved underlying revenue diversity on account of the ongoing diversification and rapid growth of the economy relative to other Australian states and territories.

It is kind of fitting that the Treasurer has just walked into the chamber because she had a big part to play in that. The article continues —

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Moody’s vice-president and senior credit officer John Manning said the organisation expected WA to be well-placed to withstand the headwinds currently buffeting the global economy.

“We expect Western Australia’s exceptionally strong financial performance and debt management, as well as very strong governance, will continue to boost its financial performance such that its credit profile will remain resilient to external shocks, consistent with the highest-rated issuers globally and across sectors,” he said.

WA’s net debt levels have fallen from a projected \$43.7 billion in 2017 under the previous Liberal–National government to \$27.9 billion, saving the state around \$4.3 billion in interest payments.

In a statement, Premier Roger Cook —

Which I very strongly agree with —

said the news reflected the Labor government’s “years of hard work and responsible financial management to turn the state’s finances around since coming to office in 2017”.

“Under my government we continue the focus on strong financial management, invest in what matters, pay down debt, diversify the Western Australian economy and create jobs for future ...

This is in strong contrast to an article written back in 2017 before the Labor government came to power. The article from news.com states —

WESTERN AUSTRALIA was once a booming, rich, mining state. A place where FIFO workers earned big bucks, lived in mansions, drove luxury cars and rode jet skis on their weeks off.

Now the heyday is over and the former mining and construction workers are struggling to find work.

**Mr W.J. Johnston:** How many jet skis do you own?

**Mr S.N. AUBREY:** None.

Several members interjected.

**Mr S.N. AUBREY:** I have actually never ridden a jet ski. I used to have a boat that I treated like a jet ski, but not a jet ski.

The article continues —

WA’s job market is bleak to say the least, according to the latest Australian Bureau of Statistics figures.

Just to bring it back into context, this was in 2017 just before we took power. Further, the article states —

People are leaving the state at a rapid rate.

There were more departures than arrivals in WA for 2014 ... which has seen Perth’s rent and housing prices plummet.

This is in stark contrast to our current situation in Perth, leading population growth in the country and with the highest rising prices of homes. I find the next comment in the article quite amusing, considering where we are as a government. It states —

Workforce diversity specialist Conrad Liveris said WA must create 1500 jobs a month to maintain ... current unemployment ...

There could be further job losses if WA’s Labor Party wins the State Election in March.

Things turned out quite differently from what was expected, member for Bateman, because I think around 232 000 jobs have been created since Labor’s election in 2017.

**A government member:** Sounds like a record!

**Mr S.N. AUBREY:** Sounds like a pretty big record to me.

To wrap up my very long, drawn-out speech, we see from Metronet and our thorough planning for vibrant high-amenity communities that are well designed and connected to our public transport infrastructure such as rail and roads that we are planning for the future of rapid population growth of WA. This government takes the future of this state seriously. This bill is one measure among many to make WA safer and stronger, especially on rail.

I commend the bill to the house.

**MS H.M. BEAZLEY (Victoria Park — Parliamentary Secretary)** [12.01 pm]: I rise to speak to the Rail Safety National Law Application Bill 2023, which shall apply the Rail Safety National Law. It is a law that needs updating in Western Australia largely because the Barnett government was lazy in how it implemented it to begin with, instilling mirror legislation with South Australia rather than our own applied legislation. Since before Federation,

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just like the rail gauges themselves, safety law and regulations have been different in every state and territory. This resulted in significant inconsistencies between jurisdictions and inefficiencies for industry.

It has been 122 years since Federation and since the beginning of the push for standardised gauges and standardisation overall. Before Federation it was not a big deal to have different rail gauges that forced train changes at borders, as back then passengers and cargo would have to pass through customs and immigration at the intercolonial border anyway, so disembarkation and cargo unloading was necessary regardless. It was only with Federation in 1901 and the introduction of free trade between the states that the impediment of different rail gauges became obvious. It has only been since then that the impediment of differences in rail safety legislation and regulation has been fully realised. It has only been in the last 10 years or so that we have had standardised legislation and regulations. It took less time to install common gauges across the country, although there are still some differences there too in localised systems.

In 2011, following several years of discussions, the Council of Australian Governments agreed to establish a national system of rail safety, regulation and investigation. South Australia was appointed the host jurisdiction of the legislation, and in 2012 the Rail Safety National Law (South Australia) Bill 2012 was passed. This legislation replaced 46 pieces of state, territory and commonwealth legislation. In addition, a single national regulatory entity replaced seven separate authorities. South Australian Rail Safety National Law and its equivalents in other states and territories established the Office of National Rail Safety Regulator, which was responsible for rail safety regulation. I mention the other states and territories, as they put forward appropriate legislation in their Parliaments at the time; that is, they introduced applied law to implement the Rail Safety National Law in their jurisdictions. But in WA the Barnett government chose to implement the Rail Safety National Law in WA using mirror legislation. I mentioned this before because the consequences of that poor decision make this bill necessary now.

The former Liberal Premier Barnett's mirror law approach requires the Parliament of Western Australia to pass laws that mirror those passed by the South Australian Parliament. Not only does this compromise the sovereignty of our Western Australian Parliament, which is a hugely important consideration in itself, the requirement has also seen the Western Australian Rail Safety National Law fall out of step with the Rail National Safety Law as it applies in all of the jurisdictions. Since 2015 eight legislative amendment packages have been passed by the South Australian Parliament that are yet to be adopted in WA. This has put us out of step, but it is understandable that we have not immediately adopted legislation from another state.

The modern rail industry is fast changing, more so than ever before. That changing pace is quickening. As such, WA cannot afford to be out of step with safety laws and regulations that exist in every other state and territory—for the sake of railway worker safety most of all. This bill will see WA move to an applied law approach, ensuring that there are no legislative inconsistencies between jurisdictions, as was the intent of the agreement of ministers at COAG to begin with. This rail reform resolves over a century of inconsistent regulatory practices between the states and territories, inconsistencies that have constrained rail transport operators across jurisdictional borders. The practical benefits of national rail safety regulation include single national accreditation for rail transport operators; removing duplication of auditing, monitoring and inspection processes; and the improved availability of resources and specialist knowledge to inform decision-making and safety investigations. Overall, the bill will minimise legislative inconsistencies relating to rail safety, and will support the timely application of rail safety amendments so that rail operations are regulated consistently across Australia. This will provide greater certainty to rail operators, rail safety workers, the national regulator and the national investigator.

This consistency and certainty also encourages industry players to better understand their shared safety responsibilities and accountabilities. After all, the Rail Safety National Law aims for a seamless and coordinated national approach to rail safety regulation in Australia. The new applied legislation will provide greater certainty for industry and the ONRSR, as I have mentioned. It will ensure that rail operators and rail safety workers are not disadvantaged by having to meet different requirements in WA. It is a bit like the regulatory equivalent of our old pre-Federation intercolonial borders.

I note that in June this year, federal, state and territory transport ministers committed to a review of Australia's Rail Safety National Law after the Rail, Tram and Bus Union raised a number of concerns. I would like to give a shout-out to the RTBU, which obviously is doing its good work as union representatives to ensure the safety of its workers and hold government and other industry players to account to ensure its workers get home every day.

I commend Minister Saffioti for hosting the most recent Infrastructure and Transport Ministers' Meeting, at which this important decision was made. However, given the way the Barnett government implemented mirror legislation rather than applied legislation, putting us out of step with other jurisdictions and compromising the sovereignty of the WA Parliament, we need to pass this bill now so its corresponding updates can be reviewed in lockstep with the other jurisdictions to get better safety outcomes for industry and workers nationwide.



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One of the industries this legislation will affect is railcar manufacturing. Before this government came to office, this had not applied to WA for decades, as the former Liberal government closed our iconic Midland railway workshops in 1994, killing off a proud almost 100-year history of local railcar manufacturing, a valuable skills training ground, jobs and a proud rail community. This Labor government has brought railcar manufacturing back to WA. We have brought back our community's pride in local railcar manufacturing, a valuable skills training ground and a proud rail community. We have already seen the first trains built in Western Australia in almost 30 years rolled out at our government's Bellevue railway facility. Over 240 new railcars will be built locally over the next decade. As I have said before, I am proud of Labor's historic and ongoing commitment to local manufacturing. I am proud of our ongoing investment in the rail yards, railcars, railyard workers and training, investments that have in the past created the careers of generations of Western Australians.

Labor takes the safety of rail users, rail workers and now rail infrastructure seriously, too. The Rail Safety National Law Application Bill 2023 before us today reflects the McGowan government's commitment to public and industry safety. Running through the centre of my electorate of Victoria Park is the oldest railway line in Perth, the Armadale line, which the member for Kingsley referred to as our heritage line. The Armadale line is older than Federation. This year marks 130 years of operation of the Armadale railway line. For 130 years the neighbourhoods in my electorate have been cut off from each other by this very handy line. Everybody loves it but it is a barrier in our community that disconnects our neighbourhoods. By raising the rail line and removing our level crossings, we are reconnecting our communities and making them safer. To enable these works, a shutdown of the railway line will begin in November, but associated works have already been happening for months now. I thank my local community for their patience over the last few months and I ask them to keep that patience going over the next couple of years as we complete this very important and fantastic project from which future generations will reap the benefits.

Safety, as my community knows, is at the heart of all the decisions made for this project, from traffic flow changes to the closure itself. After all, a person is killed or injured on the Australian rail network every two-and-a-half days, and jumping the pedestrian gates or taking shortcuts across the track is the most common way by which people risk their lives on our network. We are designing out these risks by removing level crossings on the Armadale line and not creating new ones in projects like the Thornlie–Cockburn Link. This is why it is so important that we raise the rail and get rid of level crossings all along the line. Removing my local level crossings at Mint Street, Oats Street and Welshpool Road will make a huge difference to community safety, especially when I think about what directly surrounds these level crossings and railway stations. For instance, at the Mint Street level crossing that is next door to the Carlisle train station, we have East Victoria Park Primary School on one side and Goodstart Early Learning on the other. Removing this level crossing will improve the safety of families and kids who walk to school and the local day care centre, which happens all the time—I see it every school day at drop-off in the morning and pick-up in the afternoon. On the other side of that level crossing is the Carlisle Hotel and Distillery. I am very pleased that the safety of those people who might stumble out of the hotel and distillery will be improved because the railway line will not be at street level anymore. The level crossing at Oats Street is situated next door to the Carlisle campus of South Metropolitan TAFE. Many students jump on and off the train there and possibly walk across the tracks. That will no longer need to happen. I would not want to see an 18-year-old who is running late to their skills class, jumping the tracks or the pedestrian gates in order to get there on time, which I am sure has happened in the past.

The development of our Metronet project, like I said, has always had safety at its heart, which in turn tends to improve the amenity of the project overall, which is exactly what this bill is trying to achieve. I am very pleased to be speaking about rail safety today and, hopefully, if this bill passes through this place and the Legislative Council, we will have a consistent approach to rail across the nation that will also allow for a consistent review of the legislation to ensure that we improve safety overall. I commend the Rail Safety National Law Application Bill 2023 to the house.

**MR R.S. LOVE (Moore — Leader of the Opposition)** [12.13 pm]: I think the member concluded just in time. I would like to make a contribution to the discussion on the Rail Safety National Law Application Bill 2023 and say from the outset that we will be supporting the legislation. I understand that the legislation will go to the Standing Committee on Uniform Legislation and Statutes Review —

**The ACTING SPEAKER (Mrs L.A. Munday)**: Sorry, Leader of the Opposition, are you the lead speaker? I just want to give you the right time.

**Mr R.S. LOVE**: Yes, I am the lead speaker. It does not really matter. I will not take long. I go back to the expectation that this bill will be referred to the Standing Committee on Uniform Legislation and Statutes Review in the Legislative Council, as is the normal practice with uniform legislation. If the minister can confirm that in her response, that would be good. As I said from the outset, we will be supporting this legislation. I was a member of Parliament in 2015 when the Rail Safety National Law (WA) Act, which this bill will repeal, was put in place. There is a general reticence in Western Australian Parliaments to relinquish all sovereign control over acts of Parliament. I do not think that is unique to the Barnett government. There are plenty of examples of Western Australia legislation that

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has shied away from becoming an applied law in this state, and this is one of those examples. But over time, unless efforts are made to actively amend that legislation as changes take place to the national law, it falls out of place. The rail system is a national system and it should have one safety law that applies across the rail network. Train lines do not stop at the border, they continue over, so it is common sense to have a uniform safety regime.

The opposition received a briefing on 4 August from the minister's office and members of the Department of Transport about the proposed law. We know that there will be a national law, but with some local modifications to allow the Western Australian regime around alcohol and drug testing, for example, to continue because that needs to be in step with other practices in Western Australia that come under, for instance, the Road Traffic Act. When police conduct those types of investigations and testing, it should conform with the normal practices in our state. It was also mentioned in that briefing that this legislation will capture not just commercial operations on rail, but all operations on rail, including tourist rail. I believe that a couple of tourist tracks are in operation. I wonder whether the Toodyay Miniature Railway in Duidgee Park will be captured by this legislation. It might be a stretch to imagine that a train capable of carrying around 15 kids along a track around a park could possibly be captured by this bill. I am not sure how that would go being subjected to national rail law, but maybe the minister might make some comment on that.

We are adopting the national law as it stands in, I think, June of this year. It would be interesting to know what will happen if any changes are made to that law between now and when our newly enacted legislation comes into force. We know that similar types of legislation have been adopted in this state—for instance, the Legal Professions Uniform Law Application Act 2022, the Fair Trading Amendment Act 2022 and Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023, which has been passed by this chamber but is still in discussion in the Legislative Council.

It is understood from the briefing that we received—again, the minister might be able to confirm this—that all the amendments that occur to the South Australian act that then trigger the changes to the Western Australian legislation and regulations, will have to be agreed upon by all transport ministers. Can the minister confirm that and whether that will be done by some sort of a written agreement or just a stroke of the hand? I am not sure how that operates. That law originally came in after a Council of Australian Governments arrangement, so perhaps there is some written agreement about that. It would be interesting to know what lies behind that. There will be other modifications to the Western Australian legal scene with the introduction and definition of a few terms throughout the bill, but nothing that is of particular importance or has any thorny issues attached. The disallowance provisions have been mentioned, which we might tease out a little further in the consideration in detail stage. I think we will have some consideration of this legislation just to explain a few things, but I do not anticipate it will be a lengthy discussion. As I said, the opposition is supportive of the legislation. We are seeking more of an explanatory episode rather than trying to find a hidden agenda or to move any amendments. It should be a fairly short discussion.

Rail safety is a particularly important issue. Western Australia has many level crossings and there have been some tragedies over the years. I think there are 960 level crossings. I read the piece in the newspaper when the minister announced some improvements to level crossings, which was welcomed. Upgrades were proposed to 87, I think, level crossings. That was a very welcome announcement and something we on this side strongly support. There are 960 public road level crossings and 491 of those are passive; in other words, there are no flashing lights, just a sign of some sort, whether it be a Stop sign or a Give Way sign. I imagine there is some sort of control at the remaining crossings. In that group around 405 have Stop signs and 87 have Give Way signs. There will be upgrades to some of those crossings where a Give Way sign may be elevated to a Stop sign, or others where a level crossing flashing light system will be installed to ensure greater safety.

A group of families in Western Australia has been campaigning for improved rail safety for some time. There was a discussion in private members' business in this place in 2021 between the minister and the member for Central Wheatbelt. That followed lobbying over more than two decades by families who had been impacted by a tragedy at the Yarramony crossing just outside Jennacubbine in the central wheatbelt. Three young people lost their lives at the crossing—Christian Jensen, Hilary Smith and Jess Broad. Tragically, they were young people who were killed; the eldest of them was 20. That followed an accident seven years earlier when a Grass Valley resident was killed at the same level crossing. Many families across regional WA have been impacted by many incidents, but this group of families has been lobbying for 20 years or more for change in the safety of rail level crossings, by not just improvements to level crossings but also the ability of motorists to see the train and know that a train is approaching or going through a crossing.

During the member for Central Wheatbelt's motion, she called on the Labor government to invest in rail safety initiatives and lobby the federal government to improve the critical issue nationwide. She read from a letter by Lara Jensen, Christian's sister, which was sent to Ms Davies and also the former federal Nationals leader and transport minister, Barnaby Joyce, on behalf of seven families whose loved ones had been killed by trains. There is an issue nationwide that needs to be resolved.

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In that instance the member called for the installation of flashing amber lights across the front of train roofs to increase visibility and LED lights on the side of carriages so that the entire length of the train is illuminated. If there is no illumination of the train in the dark and it is already going through the crossing, it can be very difficult to see. The member for Geraldton is nodding. She would know that the trains coming in from Karara Mining, for instance, carry magnetite so they get a little black and that they cross the Geraldton–Mount Magnet Road a number of times. That is an issue. Sometimes there are flashing lights, but even though one might see the flashing lights and stop, the train still cannot be seen very well as it goes through the crossing. Members can see how, in the wheatbelt, without controlled crossings, people could easily not notice that the train was there.

The member also called for ultra-high frequency radio communications on channel 40 with trains so that truck drivers could be alerted by the trains and for the implementation of solar-powered flashing red lights on the top of level crossing warning posts that will automatically flash when a train approaches. That is to try to get around the cost of having to install Western Power flashing light installations to each of those crossings powered by the mains system. There has recently been some positive news on that front, with a move by CBH to install LED beacon lights on trains in response to that campaign. A report of 10 August in *Countryman* states —

Australia’s biggest grain handler has pledged to install LED beacon lights on the front of its locomotives by early 2025 in response to a campaign calling for improved lighting on trains and spearheaded by four families from WA.

CBH Group announced on Wednesday, August 9, it would install the lighting panels on “current and future locomotives” from October 1 this year, with the rollout to take between 12 and 18 months.

The new LED beacon lights will be positioned on narrow and standard-gauge locomotives, which CBH Group believes will enhance train visibility, without compromising the safety of road users or train drivers.

That is very welcome news. The article goes on to say that the move comes after years of campaigning by those families. In the article, CBH’s chief operating officer, Mick Daw, confirms that the lighting on the new locomotives that CBH would order will meet or exceed the updated standard, which has now been put in place. The article states —

“Any safety improvements we make to our current locomotives and wagons will be implemented into the new fleet prior to them entering service.”

The upgrades include 12 new lights—four on each side, two on the front eyebrow, and two at the rear eyebrow.

The eyebrow lights will flash when the horn is operated, in-sync with the existing bottom ditch light, in the direction of travel.

They are important improvements. It continues —

In response to the campaign, two of Australia’s biggest rail companies, Aurizon and Pacific National, agreed last year to trial lighting—mainly LED and halogen beacon lighting—on their trains.

They have done those trials. Disappointingly, there was a report in *Countryman* on 30 August, which was not too long ago, stating —

Australia’s biggest rail operator Aurizon—which carts grain, coal and iron ore across WA—has no plans to upgrade lighting on its trains until a new industry code of practice is put in place.

Aurizon will wait until there is a code of practice, which is somewhat at odds with it carting CBH’s grains. There seem to be a couple of different stories there.

The report continues —

Countryman asked Aurizon whether it was considering bolstering lighting on its rolling stock after farmer-owned cooperative CBH Group committed to improve its train lighting by early 2025.

It says it carts CBH grain at the moment.

The report stated that Aurizon and Pacific National agreed last year to a lighting trial. It continued —

The study found that lighting makes trains easier to see and recommended national lighting requirements for trains be overhauled.

An Aurizon spokeswoman said level crossing safety was among the rail freight industry’s highest priorities and the results of last year’s trials would help the Office of the Rail Safety Regulator develop a new Code of Practice on Train Illumination.

“Aurizon will continue to contribute to the development of the Code of Practice and implementation of new lighting will be aligned to the development of the Code,” she said.

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Instead of the bold announcement from CBH, we see a bit of a walk back, so it is disappointing that Aurizon is not going to immediately implement the types of measures outlined by CBH earlier this month. I think that would be disappointing to everybody campaigning at that point. I implore Aurizon to reconsider that approach and improve the visibility of the trains voluntarily before that code is adopted. If it has actually been contributing to the code, it must have a very good idea of what the requirements will be under the code.

When the Rail Safety National Law was first enacted in 2015, there were many more level crossings in Western Australia than there are now. A lot were private crossings on farms, with a railway running alongside or through a farm, dissecting where a farmer might have property on both sides of the rail corridor. Many farms had their own little crossings. I became very aware of the implementation of that law. As safety measures and responsibilities changed, many of those crossings were closed down. I had many interactions with angry landowners who saw that as a bit of an issue. But at the end of the day, a train is the heaviest vehicle that goes on a public road. Although it is going along the rail corridor, when it is at a rail crossing at the intersection with a main road, it is, basically, a road vehicle. When a road vehicle is hauling thousands and thousands of tonnes, there is no doubt which vehicle is going to come off worse in an interaction with a train, so rail safety is utterly important. There is no reason the law should be different across the states, except for areas such as drug testing, which has to accord with Western Australia's practices. However, the end result will no doubt lead to an ability to take blood samples and obtain evidence and ensure that safety remains a priority for all people involved in the transport industry, as I am sure it is.

I conclude by saying that the opposition supports this legislation. We do not see it as controversial. It is a sensible measure for the national law as it applies in the rest of Australia to be kept up to date in Western Australia. There are provisions for the Parliament to disallow anything deemed to be objectionable. That is an important measure that will give some confidence to those who are concerned about the sovereignty of Western Australia's Parliament. I am not so concerned about that. I would rather that we had a safe rail system to ensure we are in step with the rest of Australia on this very important issue. Thank you.

**MS C.M. ROWE (Belmont)** [12.34 pm]: I rise to comment on the important Rail Safety National Law Application Bill 2023 and congratulate the minister on bringing this important bill to the house. I think any measures that seek to improve safety for rail workers, pedestrians and anyone involved in the rail industry are really important, so I acknowledge the work of the department, the minister and her advisers in making this bill a reality.

I want to talk about why this bill and rail safety is important. When preparing my contribution, I discovered a surprising fact in an article on the website *The New Daily* that stated that seven people die on the Australian rail network per month. Many of these are pedestrians, which is really tragic. A lot of other members in our chamber have touched on people taking their lives, which is incredibly devastating. It is also incredibly traumatic for the train drivers. Fatalities across Australia are mentioned in this article, in which people are unintentionally hit by trains. It is not death by suicide, but when a person trespasses on train tracks. They might be doing something for social media purposes, or simply trying to quickly get from one place to another without realising how dangerous it is. This article goes on to state that it can take up to the length of 14 football fields for a train to stop. A huge amount of space is required for a train to come to a complete stop. As we can imagine, there is no second chance if someone is hit by a train. Sadly, most of the time, it will end in a fatality. I think that there is possibly a lack of awareness around that.

I remember when I was growing up in regional Victoria—I am a child of the 80s—we did not have Netflix or anything like that. I think we had four television channels available, and they were the regional ones. There was an advertisement run by the state government at the time—I still remember it vividly—called, “Country people die on country roads.” It showed footage of a country person driving across train tracks without stopping and looking, and getting killed. That always stayed with me—how high risk it is.

This is an important bill and I very much want to make a contribution talking about why it is important that we are bringing this bill on. I also take the opportunity to highlight the incredible work we are doing as a Labor government—now as the Cook government, but prior to that as the McGowan government. The moment we were elected, we proved our bona fides when committing to rail. We have established a huge rail network in our six short years. I think that is a short period of time in which to roll out such an immense, truly transformational rail system for our city and the wider metropolitan area. There are 18 Metronet projects underway, which will see 72 kilometres of new rail laid. That is really significant. There are 23 upgraded stations—15 new stations, and eight rebuilds—and 15 level crossings have been removed. I want to pause on this for a moment and say that level crossings are particularly dangerous because they are an intersection of drivers and passengers getting on and off trains. Not only do level crossings create frustration for motorists, but also they can be incredibly dangerous, so I am really proud that our government is removing level crossings as part of our Metronet program.

Mr David Scaife; Mr Peter Tinley; Ms Christine Tonkin; Ms Alison Kent; Mrs Jessica Stojkovski; Mr Stuart Aubrey; Ms Hannah Beazley; Mr Shane Love; Ms Cassandra Rowe

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We will have 246 new WA-built C-series railcars. We are bringing the manufacturing of railcars back to Western Australia. We are creating jobs. It is terrific to have such a highly skilled workforce to support and nurture here in Western Australia. Again, it speaks to our bone fides that we look after local jobs, and that is fantastic.

We have already completed six Metronet projects, and the one I am most excited about is of course in my own electorate. The Redcliffe train station opened to much fanfare. The community came out in droves from not just Belmont, but right across the metropolitan area. It was a day of much excitement. I could not convince my kids to come for a free train ride; they were not that interested, but it was exciting nonetheless because the Prime Minister was there. It showed how relatively quickly we were able to develop, build and roll it out during a pandemic. It was a huge achievement. The issues around the supply chain and disturbances and disruptions during that period have been well ventilated, but we still delivered on that key commitment. I was very excited to see the Redcliffe train station and the airport train station open in my electorate.

I take this opportunity to acknowledge the Minister for Transport. When we initially talked about a Metronet station coming into Belmont, it was originally going to be called Belmont train station. However, my community got up in arms because geographically it was not actually in Belmont; it was in Redcliffe. The minister absolutely agreed to change the name and the locals are very happy with that decision.

Some other Metronet projects that have been completed include High Wycombe and Lakelands stations, the removal of the Denny Avenue and Caledonian Avenue level crossings, the Metronet railcar facility and Mandurah station multistorey car park. The 12 projects we have underway are the Thornlie–Cockburn Link, Yanchep rail extension, Morley–Ellenbrook line, Byford rail extension, the new Bayswater station with four platforms, a new Midland station, Victoria Park–Canning level crossing removal, Greenwood station multistorey car park, a high-capacity signalling program of works, Canning Bridge bus interchange, Morrison Road level crossing removal and the acquisition of railcars. As I have mentioned, after 27 years, railcar manufacturing is returning to Western Australia in the purpose-built Bellevue Railcar Manufacturing and Assembly Facility. This will deliver 246 new C-series railcars to service the Metronet projects, so I think that is fantastic.

Over the six short years that we have been rolling out all these incredible projects, we have had to listen to the opposition bemoan how long it has taken for these projects to occur, but I do not hear members opposite saying anything now. These projects have truly transformed the way people live in our communities and the broader metropolitan area. We have provided a network that helps people get to TAFE, university, their workplaces or to visit their friends and family. We have totally changed our city and metropolitan area to make it incredibly connected. When we think about rail, we have to look at the implications. It is not just about railcars and train tracks; although, I note that this bill is about safety.

A reason that rail is important is the cost of living. At this time, people are really feeling the cost-of-living pressures, and it is really important that we have affordable transportation so that people can get to and from employment opportunities. That is a really critical thing that was in mind of the Deputy Premier when she first looked at the Metronet program. She wanted to make sure that we could provide people with cost-effective transport means to get the best opportunities for employment. The second reason that rail transport is important is the environmental impact or lack thereof from using it. Rail transport has very little environmental impact. Many people use public transport over cars and I wanted to touch on that because it is an important thing to note. In recent times, we have had some pretty concerning reports in the media, especially this year. Earlier I read through the *Climate change 2023 synthesis report* of the Intergovernmental Panel on Climate Change, which highlights the need for action. I will quote some of the observations by the people who contributed to this report. It states —

Widespread and rapid changes in the atmosphere, ocean, cryosphere —

I hope that pronunciation is correct —

and biosphere have occurred. Human-caused climate change is already affecting many weather and climate extremes in every region across the globe. This has led to widespread adverse impacts and related losses and damages to nature and people ...

The report refers to how climate change has caused increasingly irreversible losses to not only our terrestrial landscape, but also the freshwater and coastal environments and ecosystems. This is a major issue because it is irreversible. The other major issue around climate change is the impact it will have on our access to fresh water. The report refers to water security and food security and states —

Climate change has reduced food security and affected water security, hindering efforts to meet Sustainable Development Goals ...

It goes on to say —

Roughly half of the world's population currently experience severe water scarcity ...

**Extract from *Hansard***

[ASSEMBLY — Thursday, 31 August 2023]

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Mr David Scaife; Mr Peter Tinley; Ms Christine Tonkin; Ms Alison Kent; Mrs Jessica Stojkovski; Mr Stuart Aubrey; Ms Hannah Beazley; Mr Shane Love; Ms Cassandra Rowe

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A major contributing factor to that is climate change. It continues —

In all regions increases in extreme heat events have resulted in human mortality and morbidity ...

In urban areas, observed climate change has caused adverse impacts on human health, livelihoods and key infrastructure. Hot extremes have intensified in cities. Urban infrastructure, including transportation, water, sanitation and energy systems have been compromised by extreme and slow-onset events ...

I bring that up because there have been terrible fires recently in Europe, Canada and Hawaii, and so climate change is happening. It is happening. It is quite devastating and extreme. We know that the UN chief issued a statement only a few months ago, saying —

... the era of global warming has ended ... the era of global boiling has arrived ...

He then went on to say —

Climate change is here. It is terrifying. And it is just the beginning.

A professor of climate physics from the University of Leeds in England, who is also the chair of Britain's Climate Change Committee, said in an article —

Debate interrupted, pursuant to standing orders.

[Continued on page 4329.]