

**GOVERNMENT RAILWAYS AMENDMENT BILL 2019**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Environment)**, read a first time.

*Second Reading*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment)** [1.12 pm]: I move —

That the bill be now read a second time.

The purpose of this bill is to increase the maximum fine for trespass on the rail network from \$200 to \$5 000. Trespass on the rail network is a serious offence that impacts on the safety of the trespasser, the public and railway workers. The current maximum penalty under the Government Railways Act 1904 for trespass is a fine of \$200. An increase in the penalty for the offence of trespass reflects the seriousness of that offence. The increase in penalty is intended to discourage premeditated and deliberate acts of trespass and to reduce the risk of serious injury.

The Public Transport Authority has implemented a range of initiatives to discourage and deter trespassing on railway land, including a targeted social media campaign highlighting to the public the dangers of trespassing; a media campaign to stop photographers taking pictures of wedding parties on tracks; deploying transit officers to build valuable relationships with high-risk youths through social activities to promote rail safety and the dangers of trespassing; providing ongoing support and delivery of the Right Track education program to encourage young people to become more responsible for their own safety while using the rail network and to alert young people to the dangers and consequences of trespassing in the rail corridor; and Transperth Train Operations working with the Western Australia Police Force to prevent graffiti-related trespass incidents at railcar depots at Nowergup, Claisebrook and Mandurah and at stations and sidings on the PTA rail network. Nevertheless, the number of trespass incidents on the rail network has continued to rise.

Under the Rail Safety National Law (WA) Act 2015, specific railway incidents must be reported to the Office of the National Rail Safety Regulator. These notifiable occurrences are defined in the Rail Safety National Law (WA) Regulations 2015 as either category A, which are incidents that have caused death, serious injury or significant property damage, or category B, which are incidents that may have the potential to cause a serious accident. In 2016–17, there were 328 category B notifiable occurrences of trespass; in 2017–18, that number increased to 510; and in 2018–19, the number of category B notifiable occurrences of trespass increased further to 885 incidents. Although this larger than expected increase in notifiable occurrences of trespass can be attributed to changes in the reporting guidelines of the Office of the National Rail Safety Regulator, it nonetheless demonstrates that the increase in the number of these offences has corresponding adverse impacts on rail safety, railway operations, railway workers and the community as a whole. Prosecutions for the offence of trespass under the act are conducted through the court system. This bill will increase the maximum fine to \$5 000, which reflects the actual cost of prosecuting an offence of trespass and ensures that the increased penalty is commensurate with the gravity of the offence.

Rail safety is a shared responsibility. This bill is one measure to manage a risk to the safety of the public associated with railway operations. By increasing the penalty for the offence of trespass, the bill will discourage the public from accessing parts of the railway where access by the public is not allowed by law.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 3484.]

Debate adjourned, pursuant to standing orders.