

RAILWAY DISCONTINUANCE BILL (NO. 2) 2006

Second Reading

Resumed from 1 June.

HON MURRAY CRIDDLE (Agricultural) [11.47 am]: I understand that we are waiting for the opposition's lead speaker on the bill, so I will not take all his thunder. Obviously, this bill provides for the discontinuance of portions of railway in the Geraldton area. Some of the railway lines in the area have been around for many a long day and have been used in and have serviced the area to great effect. However, construction of the southern transport corridor is under way and there is a railway line that comes in from south of Geraldton. The development of the foreshore in Geraldton has led to a situation in which the railway line in that area should be removed, and the line should link up at Meru with the new section of railway line that leads to Mullewa and further south.

Is the Leader of the House handling this bill?

Hon Kim Chance: I am, in the absence of Hon Adele Farina.

Hon MURRAY CRIDDLE: Four portions of railway will be affected; that is, the portions constructed under the Geraldton and Northampton Railway Act 1873, the Geraldton-Greenough Railway Act 1886, the Geraldton Harbour Works Railway Act 1923 and the Geraldton Harbour Works Railway Extension Act 1939. That last portion of railway ran a little further along the foreshore.

I have one question and if the Leader of the House cannot give me an answer today, I am quite happy for him to provide the information at a later stage. A section of the railway runs along the foreshore in front of the old Geraldton Yacht Club, where the trains used to come back in, but now there is a spur line out to the ocean for trains to unload. I understand that that section will be closed. Perhaps the Leader of the House can clarify that for me. I wonder whether a connection has been made and whether there is room for trains to complete the job. Given that the trains are being extended in size to one kilometre, there must be sufficient room for them to unload.

Hon Kim Chance: It was contentious at one stage in the planning.

Hon MURRAY CRIDDLE: Yes, it was. I mentioned a number of other issues with the parliamentary secretary. The sites of Purcher-International Pty Ltd and other companies on the rail land near Flores Road, which connects from the south, intrude into the railway reserve to some extent. Will those companies, which have lease arrangements, be allowed to purchase the land that they are using? They consider that important land.

Hon Kim Chance interjected.

Hon MURRAY CRIDDLE: No, along Flores Road.

Hon Kim Chance: I understand - because that is part of the corridor that is being closed.

Hon MURRAY CRIDDLE: Yes. Their premises intrude into the corridor.

Another issue I raised with the parliamentary secretary was the fact that particular road reservations along Flores Road run into the rail going further north and that rail reservation further north has now become a main highway. I am wondering whether that linkage and land could be used for a road in the future. What will happen to that land? As the funding arrangements stand, the money will go back into the Public Transport Authority's account as outlined in the Public Transport Authority Act 2003. I well remember putting that provision in place, because it gives the government the opportunity to borrow money through that facility. That is the way some of the railways around this state have been built. Will that land be used for a road reserve or will it be sold and made available to people for other uses? Will the land along the foreshore be used for public purposes? When I was the transport minister, I handed many such pieces of land over to the local authority for local purposes - not commercial purposes. Such land was donated by the state to the local authorities to be used by various community groups. I remember that land in Bridgetown and Donnybrook was handed over to the local authorities to be used for local facilities.

Hon Kim Chance: The last part of your question seemed to have two parts. The first, as I understood it, is whether the reserve that used to be part of the Geraldton-Northampton railway act - that is, the northern part - will be made available for road use.

Hon MURRAY CRIDDLE: The old road meets a roundabout near the Catholic school at Bluff Point and runs onto the railway as it loops back around from the foreshore and extends near Flores Road. Can that be used as a north-south access or will a new road be built further east to bypass Geraldton? That used to be one of the options. If it has been ruled out, that is fine.

Hon Kim Chance: That is a good question. I should be able to answer it.

Hon MURRAY CRIDDLE: I am not asking the Leader of the House to answer it now. Maybe he can give me the answer later.

The two main issues are whether Flores Road will become a road reserve and whether the foreshore will be made available for public purposes through the local government or through some other mechanism.

I am supportive of this bill, because it is part of the planning that I put in place when I was minister and when we first started constructing the southern transport corridor. In fact, as I recall, we announced the southern transport corridor project in October 1999, and put funding arrangements in place. That has been built, and I give credit to the government for continuing the building of that infrastructure. I wish to goodness that the southern transport corridor stage 2 had been completed, as this would have linked into the road to Mullewa east. I hope that development will progress in the immediate future rather than at a later date. An enormous amount of heavy transport is travelling to Geraldton. The southern transport corridor rail reserve has already provided an opportunity to commit quite a bit of iron ore to be carried on rail and a lot more of it will be transported by rail in the future. With those remarks, I thank the minister for giving me the opportunity to present my case.

HON SIMON O'BRIEN (South Metropolitan) [11.55 am]: I have the honour to be the government - I was getting ahead of myself - the opposition's representative on this matter. This government initiative is probably the only worthwhile initiative it has come up with. The Business Program for today states that the sitting sequence and the business that is to be considered may be altered by the house without notice. Never was a truer word spoken. I thank Hon Murray Criddle for his contribution in my absence from the house on urgent parliamentary business when this matter was introduced about six bills before the government gave notification two hours ago that it would be brought on. However, it is an easy bill to deal with and it should have been dealt with a long time ago. It has been introduced now and I indicate that the opposition will support it.

As the house knows, the statutes of Western Australia necessitate that before a railway is constructed, an act is required to authorise its construction. When a railway so authorised ceases its usefulness and is to be dismantled and gotten rid of, it is necessary to revisit the legislative base upon which the railway was created. The railway land in question was created by a number of acts over the years. I believe that Hon Murray Criddle has alluded to at least some of those measures. If he did not, I inform members that that information is contained in the explanatory memorandum and is demonstrated on the corridor plan 91 that I have in front of me.

Anyone who has visited Geraldton lately, as I have on several occasions recently, would be well aware of the disappearance of whole swathes of this railway line on the land that is affected. Some railway remains embedded in some of the road where the rail and road intersected because, in many cases, the road has not been dug up to get rid of the rail. As one glances left and right when proceeding along the road in Geraldton that crosses the rail reserve, one can see that the railway infrastructure has, in many cases, been removed. That is especially the case along the Geraldton foreshore. I visited Geraldton for a couple of days last week and lodged at a shorefront hotel. I had only to look out the window to see the transformation that has occurred on the foreshore by the removal of the railway line that used to lie between the beach and the town in that sector. I noted what a lot of very good work was being done to rehabilitate that area to make it far more attractive. It is also far more utilitarian for general public access.

Several sections of railway that are to be permanently discontinued include sections of railway made under enabling acts dating as far back as the Geraldton and Northampton Railway Act 1873. Of course, that was the act that specifically enabled the construction of the rail on the foreshore part that I have just referred to. That, together with several other repealed acts, contributes to make up the authority for the portion of railway that is now to be permanently discontinued.

This bill arrived in the house quite some time ago; indeed, it was read into the house on 1 June. It is therefore more than half a year old in this place, and we could have dealt with it at any time. The government's main interest in this bill, of course, was to use it as a showpiece when the Legislative Assembly visited Geraldton for a regional sitting. I think it was probably the only item of government business on the agenda; the only bill anyway. The debate, as I viewed it, to which I would never allude -

The PRESIDENT: I am sure Hon Simon O'Brien is not about to.

Hon SIMON O'BRIEN: I understand from observers in the district that the debate was very protracted and probably far lengthier than it needed to be. I was discussing the bill at a policy level with some of my colleagues who were to participate in the proceedings in Geraldton, to which I will not allude, and one had the rather good idea of amending the bill, which Hon Murray Criddle will be interested to know.

Hon Murray Criddle: I will be.

Hon SIMON O'BRIEN: The amendment was in relation to the disposition of land and, most importantly, the crediting of proceeds from any sale or disposal. My colleague Dan Sullivan had the marvellous idea - a tremendous gesture - of going along with the government, which wanted to make this a showpiece bill in Geraldton, and saying that the proceeds of sale of that Geraldton land that had blighted the Geraldton landscape should in fact be returned to the direct benefit of the people in the community of Geraldton. What a tragedy that I am unable to move such an amendment today.

The PRESIDENT: Of course, Hon Simon O'Brien is referring to the idea.

Hon SIMON O'BRIEN: Yes, it was a great idea. It would have been an interesting gesture if the idea had gone ahead. However, on seeing the condition in which the bill has arrived in this place, one can assume only that no such amendment was proceeded with.

Hon Kim Chance: That is effectively what will happen.

Hon SIMON O'BRIEN: Pardon?

Hon Kim Chance: That will become clear when I answer Hon Murray Criddle's question.

Hon Murray Criddle: I just want the Leader of the House to clarify it.

Hon SIMON O'BRIEN: It appears that in the six months since the bill came into the house the government has been able to put some other form of spin on it to indicate that, although the proceeds will be filtered through the Public Transport Authority, the government will clearly delineate that they go directly to the people of Geraldton.

In any case, although the bill has taken a long time to be brought on for debate - for reasons of the government's understanding, not mine - the bill must now be dealt with. I wonder what would happen if the house were to defeat this bill. Would the government actually put the railway back? I think not. However, it is an interesting exercise to consider what would happen if a bill such as this were defeated. It would not mean that the railway would be put back, but it would mean that the authority to build or maintain a railway on the affected land would endure. That is all hypothetical whimsy for today because no party intends to oppose the bill. I have already indicated the opposition's support. It is a logical progression from the creation of the southern transport corridor railway from Narngulu to Geraldton as a result of a bill passed in this place in 2001, for which we owe a great deal of credit to the previous government and the responsible minister, Hon Murray Criddle. They laid the groundwork for a railway to be built in that area. We will certainly support this bill. I hope the government does not delay its passage any longer.

HON PAUL LLEWELLYN (South West) [12.06 pm]: The Railway Discontinuance Bill (No. 2) 2006 is a relatively simple bill and it should be passed because it makes good sense. I do not make that comment too lightly because the Greens (WA) have a longstanding commitment to rail reserves and rail transport. However, formal discontinuance is needed for this railway because it is redundant to the needs of the Geraldton community. That makes good sense. I have been lobbied on this matter and I have investigated the pros and cons. In saying that we support the discontinuance, members should not take that to mean that we are endorsing all aspects of the Geraldton foreshore development project. We need to review every railway discontinuance bill to provide the scrutiny that is necessary.

Hon Murray Criddle interjected.

Hon PAUL LLEWELLYN: That is right but we have to pay attention to the details of every railway discontinuance bill in this state because each needs to be treated on its merits. There are clearly a number of benefits to the project at Geraldton, as outlined in the report of the Director General of the Department for Planning and Infrastructure. I will refer to some of those benefits. The City of Geraldton's foreshore improvements will go a long way toward making Geraldton a much more interesting place in which to live. Placing transit routes and railway lines alongside the coast or a primary asset in the landscape is always a bad thing. That was done historically and we now have the opportunity to reverse some of those actions, provided adequate alternatives are in place. In this case it has been done. The Director General of the Department for Planning and Infrastructure made the following observations -

- the Geraldton Central Business District to be reoriented to face the ocean foreshore, instead of turning its back on it, -

That is a principal asset in any city -

- removal of the barrier imposed by the railway separating the Central Business District from its greatest asset, the ocean,
- removal of freight rail movements adjacent to the Central Business District,

- improved efficiencies for rail movement to the Geraldton Port.

While not wanting to collapse the issues of the broader environmental impacts of the foreshore development, we note that the Environmental Protection Authority had a number of concerns about the Geraldton port enhancement project and preparatory works for the town and beach foreshore development. I will not go into the concerns raised by the EPA but they related to the impact of the loss of seagrass. I believe that when we redevelop these areas and remove old railways, we need to pay attention to the whole range of environmental consequences.

With those brief comments, the Greens support this discontinuance. I remind the government that we will examine every discontinuance bill that comes before Parliament and look at the merits of discontinuing railway reserves across Western Australia.

HON KIM CHANCE (Agricultural - Leader of the House) [12.10 pm]: I sincerely thank all honourable members for their support of this bill. Small as it is, this bill represents an important, even an iconic, part of the process with the southern transport corridor. The bill is unrelated to the actual southern transport corridor, but is a consequence of the southern transport corridor. However, its importance is really to the people of the mid-west, and particularly the people of the City of Geraldton who have seen this development as an ambition for many years. The City of Geraldton is a lovely place that has lovely people. However, it has always had a strangeness about it in that the city has proceeded, in its physical construction, to turn its back on its beautiful coastal location. It was always most unusual to walk down the old foreshore and to see the car parks and the plumbing of the buildings on the foreshore, and that the city turned itself to face the east.

I must acknowledge firstly the role of the former Minister for Transport, Hon Murray Criddle, who, as it has been said today - and we concur - saw this development as part of the whole vision for the southern transport corridor. We know that this concept has a considerable history. I particularly acknowledge the role that has been played by the City of Geraldton, which grasped this vision and developed it, both with the former coalition government and with the Gallop and then the Carpenter governments. Therefore, it has had a long history of bipartisan support. We are delighted also that the Greens can share in this vision.

Hon Paul Llewellyn: With excitement.

Hon KIM CHANCE: Even get excited about the vision. Again, I acknowledge the support that has been provided to the concept by not only Hon Paul Llewellyn, as he has done today, but also his predecessors in the Greens (WA). It is an important thing. It is a rare and even a unique opportunity. I mentioned to the chief executive officer of the City of Geraldton just the other day that it is not often that anyone has the privilege of being able to take the design of a city and completely overhaul that city with such beneficial effects. The one person I want to mention by name in this regard is the former Mayor of Geraldton Vickie Petersen. It was really Mayor Petersen who took this vision in hand and got the City of Geraldton and the Parliament excited about the opportunities it presented. We have been able to build this concept into the construction phase of the southern transport corridor. There was quite a lot of engineering synergy between the construction of the southern transport corridor and the construction of the foreshore project, and it was managed in a very hands-on way by the City of Geraldton. I refer particularly to Mayor Petersen and the chief executive officer of the City of Geraldton. It has been a very effective partnership of the state government and the City of Geraldton over a long time. The specific issues Hon Murray Criddle raised are interesting because, in different ways, they go to the future use of the land that will become available as a direct result of this discontinuance legislation.

So far I have spoken only about the foreshore. Certainly, it is the foreshore that has captured people's imagination. However, a considerable amount of land will be liberated by this discontinuance legislation. I will deal first with the foreshore. As I intimated in my interjection to the Deputy Leader of the Opposition, the foreshore has been mostly gifted back to the community.

Hon Simon O'Brien: The foreshore has for sure.

Hon KIM CHANCE: Yes, and that was very much a part of Mayor Petersen's vision. The foreshore is gifted to the community via, in the main, devolution to parks and gardens. Some areas north of the line that are defined by what I call the Bluff Point intersection may go to the development of other purposes.

I start from what I call the Bluff Point intersection; that is, the point at which the existing rail corridor intersects Chapman Road. The state owns land in the rail corridor heading almost east beyond the Bluff Point intersection, and that land may well be amalgamated with the land in the corridor near that intersection. As I understand it, although no decision has been made, discussions are taking place with the Department of Housing and Works on how that land could be developed.

Hon Murray Criddle: You may consider the St Lawrence's School. When I was minister we gave it some land that finished up as its oval.

Hon KIM CHANCE: Yes, certainly. I will describe the situation in a way in which Hansard may be able to follow it. I know I can hold it up; however, Hansard cannot reprint the map. If members think of the whole rail structure as a triangle, with its peak at the top and a broad base, the City of Geraldton fits inside the triangle; the west side of the triangle is the foreshore; the south side, the flat end of the triangle, is the southern transport corridor; and the east side of the triangle, where it goes up to the peak, is what is broadly called the Flores Road industrial area. Hon Murray Criddle asked whether a decision had been made on the use of the corridor land that is on the east side of the triangle running parallel to Flores Road. That area has particular significance because a number of the commercial and industrial buildings running down that corridor strip are built on land that is leased from railways.

The question arises: what will happen when the railway land is discontinued as a railway corridor? A decision has not been made on what will happen to the land, but the government is certainly aware of the interest from local industry and it is more than happy to work with it on the future development of the area. It is the logical way to go. I cannot see a higher use for that land than its continued industrial use. It contains some very important businesses. It is an entirely appropriate use and the government is happy to work with industry to progress that.

Hon Murray Criddle asked whether the offshore spur - that is, the traffic spur - that goes into the harbour was part of the Geraldton southern transport corridor. It is not. The southern transport corridor ceases where it enters the port authority's land. The spur is on the port authority's land and the Port Authorities Act - as the former Minister for Transport is well aware - has sufficient scope to allow the port authority to construct a railway. That is the situation.

I believe I have addressed all the questions, if not answered them all, because some matters are not resolved to the point that I can give a definitive answer. Certainly, I am pleased that these issues have been raised because there are questions that go to other parts of the future of the land that are of considerable importance to the mid-west, whereas the public's concentration has been around the spectacular foreshore land. I will close by saying that, like Hon Simon O'Brien, I visited the foreshore area recently. I was in company with people from the City of Geraldton and the Mid West Development Commission looking at how things were going. I was encouraged very strongly by both organisations that this legislation should go through the Parliament this year. There was great enthusiasm for that. The city is keen for the legislation to go through as it will clear the way for the financial and contractual arrangements that still need to be made for the land to go ahead. That will occur once this legislation receives assent.

Hon Bruce Donaldson: There have been a few problems with the foreshore development. I hope they have got it right.

Hon KIM CHANCE: I was made aware of some of the issues concerning the foreshore development. I would not minimise the concerns that people have had. Some of those concerns are ongoing, particularly the degree to which there is quite a large amount of rock in the sand. That has caused some injuries to people using the area recreationally. Some attention has been paid to that problem. Clearly, more needs to be done. There has been quite a lot of concern about the amount of dust and sand that is blowing from the area. I will not minimise those concerns but I believe that they can be handled. The city intends to make a very considerable financial contribution towards the stabilisation of the sand through some very innovative technology. Indeed, I am keen to see how it will work. It is rather expensive but it seems, on the face of it, to be very good technology. The cost of its application in the area was indicated to me to be about \$50 000. It may be more than that. I am very interested to see how it will work, because in coastal Western Australia, where sandy areas are exposed for a long time, this will always be a problem. It was a major concern in the excavation stage of the southern transport corridor, because had that excavation gone pear shaped in any way at all, the whole city would have been covered with sand. It is a real tribute to the contractors who carried out that work that they were able to not just minimise but almost totally mitigate the problems of the sand blowing about. It would have been a horrendously difficult engineering exercise given the exposure of the back beach area, in particular, to the southerly winds that blow through that area. To have done that with the minimal problems they had is a real tribute to them.

There are issues about the foreshore, but the city council has expressed confidence to me that it will get over those problems. I am the first to concede that those problems still exist. Incidentally, the passage of this bill will assist in bringing those matters to a closure, because it will bring certainty about the ownership of the land, which will give people confidence about that mitigation. I thank all honourable members for their support. This is a very good piece of legislation; uncontentious, perhaps, but very important to the future of the City of Geraldton.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Kim Chance (Leader of the House)**, and passed.