RAIL SAFETY NATIONAL LAW (WA) BILL 2014

Second Reading

Resumed from 21 October.

MS J.M. FREEMAN (Mirrabooka) [12.58 pm]: I rise to speak on the Rail Safety National Law (WA) Bill 2014. The Minister for Transport will be aware that I have a background in occupational health and safety. I remembered straightaway that rail safety is one of the founding areas that established our modern-day occupational health and safety system. I believe that it is important for the Minister for Transport to put into context the sort of system we have in Western Australia. It is a system based on looking at safety as a process, not looking at individual blame. We should look at it as a systematic issue in which policymakers have a capacity to ensure the safety of our community. This is not dissimilar in some ways to the Towards Zero road safety campaign, in that it goes beyond constantly blaming individuals. It is an engineering concept. It is probably also a banking concept, if we look at security in banking. Although people can open themselves up to individual fraud, how does the bank as an organisation ensure that the integrity of the system is protected? I was quite interested in bringing to this debate one of my passions, and one of the things that brought me into this place, and applying it to the Rail Safety National Law (WA) Bill 2014.

We all know that this bill puts into effect the rail safety model laws that were developed by the Council of Australian Governments through a series of processes that have been going on in Australia over the past 10 years to establish more consistent national laws on occupational health and safety. It is happening because we are a nation, and having separate laws in each state that do not work together and are inconsistent is a cost factor for many of our businesses. Policymakers and lawmakers need to look at systems such as this and determine that it needs to be done on a national basis. My understanding is that this bill really puts into effect the Rail Safety Act 2010. The minister's second reading speech states that the Rail Safety Act 2010 reflected the model law. The minister stated that Western Australia's law reflected the model law better than that of any other state, but the South Australian minister, in the second reading speech for its rail safety law, claimed that South Australia's law reflected the model law better than that of any other state. I would be interested in the minister outlining the major differences between the Rail Safety Act 2010 and the bill now before the house. I am not sure whether that information is in the second reading speech, which contained a fairly simple view that was being brought into a national perspective. I will be interested in knowing the differences. I know that one is urine testing, and I will go into that a bit later.

My understanding is that the national laws have been operating in other states for almost two years. I think the South Australian Parliament has now passed some 10 sets of regulations after the major set of regulations. Western Australia has some catching up to do in that matter. I think that is tardy. It is not the fault of the present minister, who is only a new minister, but if he does the same thing in two years' time, I will be saying that he is tardy. It is very tardy of the present government to take so long to produce regulations under a law that is so similar to the national law.

As a matter of clarification, I am interested in knowing whether Western Australia has introduced the heavy vehicle national laws. These laws have been in place in South Australia since 2013. If the minister does not bring those in soon, we will be saying that he is tardy.

Mr D.C. Nalder: We don't want to bring those in.

Ms J.M. FREEMAN: We do not want to participate in a national scheme on roads, but we are okay about playing nationally on rail.

Mr D.C. Nalder: It was the way that they were formatted. It would not have worked.

Ms J.M. FREEMAN: Would national laws not work? The minister should tell that to business. They are national laws, and we are part of a national process. I hate to tell the minister this, but Western Australia is part of the commonwealth—shame about that! That is a bit of my beef.

Mr D.C. Nalder: That it is an interesting proposition.

Ms J.M. FREEMAN: It is exactly an interesting question, because we are part of the commonwealth; we have not seceded.

My understanding is that this legislation establishes a single regulator. If Western Australia was really part of a national rail system, it would adopt the national legislation, but being the dissenters that we are—I wanted to put "splitters" in, rather than "dissenters"—for some reason we think that we have to stand apart, and we are introducing just a mirror bill. We are doing that on the basis that we have done that before with the Health Practitioner Regulation National Law (WA) Act 2010. I am being completely consistent in this argument.

That is not the way that we should do it. If we want to be part of a national law, we should adopt it along with a majority disallowance clause. I want to put it squarely out there that I believe that.

Mr D.C. Nalder: Is that Labor's position or your personal position?

Ms J.M. FREEMAN: That is my personal position. I am happy to work very hard to try to make it Labor's position, but it is my personal position.

It is somewhat ironic that we are using this different way of doing a national bill. Given that the history of different rail gauges in different states is now a thing of the past, we cannot manage it in our laws. We are happy to have the physical infrastructure as a nation, but we have yet to grow up enough to treat our policy infrastructure in the same way. The capacity to act as a nation should not be beyond this Parliament. Rail is something that crosses boundaries, and our policy capacity should do the same. The South Australian minister, Hon John Rau, outlined a bit of the history in 2012, when the South Australian national legislation was introduced into Parliament. He said —

> By Federation in 1901, all States except Western Australia were 'linked' by rail and more than 20,000 km of track had been laid … Three different gauges had been used.
>
> In 1917, a person wanting to travel from Perth to Brisbane on an east-west crossing of the continent had to change trains six times.
>
> … it was not until June 1995 that trains could travel between Brisbane and Perth, via Sydney, Melbourne and Adelaide on a standard gauge track.

A year later my son was born, and he has just become an adult. In the space of a single adult's lifetime, we have had a national rail network, and we are only now seeing national safety legislation, which we are not fully seeing in any case because this government has decided to argue sovereignty issues. I do not know whether any other members have done it, but I have taken the opportunity to travel on the *Indian–Pacific*. I must admit I went only as far as Melbourne; we got off in South Australia and went on to Melbourne. These days we all travel on aeroplanes, but would it not be fun if we had to get off the plane at each border and get on the next one? It must have seemed ludicrous to people that we had different gauges. Just to remind members again, it was not until June 1995 that we did not have to get off one rail gauge and get on another. Although it may seem incomprehensible that a train that crosses borders would be subject to different sets of regulations, Western Australia will ensure that this is still the case as it stubbornly argues sovereignty over practicality and legislative competency over cooperation. At least the follow-the-leader type of legislation that we seem to be doing—as long as someone else is doing it, we are happy to follow them—will enable operations to be relieved of duplication. At least national rail companies and national organisations that run rail will be relieved of the duplication and the costs that go with that duplication.

That is on the basis that the government accepts the regulations and the changes to legislation without delay. Given the history of this bill, which has been two years in the making, and that this bill pretty much reflects the Rail Safety Act 2010, I hope the government does not refuse to act in the spirit of the commonwealth law and that it adopts this bill. I am assuming all those things.

I want to tell members about my particular interest in this bill, which is a very sad thing. When I looked at the legislation I immediately tried to recall the case that established rail safety in Australia. There were many cases, but there was one major case in particular. It was a terrible thing. It involved the Sunshine rail disaster that happened in 1908, and because I like to tell people about the history of things I will share this case with members. I did go back and read it again. It happened at the Sunshine railway station, which was the junction for the Ballarat and Bendigo railway lines. It is about 13.5 kilometres from Melbourne, but in those days it was measured in miles, so 8.4 miles from Melbourne. On the night of Easter Monday, 20 April 1908, 44 people were killed and over 400 injured when a Melbourne-bound mail train from Bendigo collided with the rear of a passenger train from Ballarat. A rail investigation is a very complex investigation, as are all investigations for accidents involving public transport vehicles, as they are covered by complex pieces of legislation and it takes people quite a while to analyse the site of the accident and to determine what has gone on. It was interesting that in this case the investigation resulted in a charge against the driver of the train that collided with the rear of the stationary train, suggesting that he was going too fast. The judge, to his or her credit—I am sure in 1908 it was definitely a he—found to the effect that the Crown case that the driver of the lead locomotive had deliberately run past the distance signal at too great a pace, expecting the station would be clear, was not upheld. The judge found that the systems in place did not give the driver the capacity to know that there had been a problem and that a train was parked at the station. The train was parked at the station because there had been a few delays. There had been too many people on the lead train because it was Easter and more people were travelling, and they had to offload in two stages because the platform was not long enough. The lead train was delayed from moving through because it was carrying too many passengers, and the second train came through and ploughed

into the back of it. The judge looked at the systems established in Britain and found that if platforms are not clear, there is a warning system; however, Australia did not have those systems in place. The judge found that an individual driver was not to blame for this accident, because had the system been in place and the driver knew there were warning signs to slow down because there was a train there, he would have been able to slow the train and this calamity of many people dying and being injured would not have happened.

That systematic approach to safety was adopted wholeheartedly by the Australian rail industry. There were a few cases subsequent to that incident, but Sunshine was the major one. Australia has been fortunate not to have had really serious accidents. There have been a few, but not as many as in other countries. That might be because we do not have as much rail traffic; however, it is my understanding that the rail industry in Australia has high levels of safety. That is predominantly because people who design and engineer our rail systems take into account how to make the system safe, and also they have put in place driver training and processes that allow for reaction time. The problem in the Sunshine incident was that when the train driver saw a train at the station, he had no capacity to stop the train, given the speed the train was travelling and the reaction time needed to stop in time. The process now factors in capacity for reaction time. This information is a bit off the top of my head and some rail safety people might be saying that there are intricacies involved in it, but I wanted to make the house aware of how rail safety has been established in Australia and that the national rail safety reforms and the harmonisation of those reforms through this process should be seen as a forerunner to how we look at other aspects of occupational safety and health.

[Member's time extended.]

Ms J.M. FREEMAN: One sadness for me is that over many years, as a result of the politics involved, occupational safety and health systems had been taken out of our jurisdiction. It is no longer about looking at the issues, such as designing systems and looking at workplaces and what is best for them, considering the responsibilities of not only the employer to provide a safe workplace but also the employee to perform in a manner that meets the safety requirements of that workplace; it is now about playing individual blame games. It is therefore sad that one of the reasons this bill has been delayed is because politics was brought back in and this state did not want to go into a national rail system during the time of a federal Labor government. I am glad to see that now we are moving towards harmonisation of our occupational safety and health systems.

Given my background in workers' compensation and industrial relations, my view is that the people who suffer when the politics of opposing sides is brought into occupational safety and health and industrial relations are the employers. Workers are not affected as much as employers, because employers are left with multiple systems of regulations and red tape. I have never been the employers' best friend, but I want to work with them because if they know what they are doing and are clear about their responsibilities and they can afford to provide the best system possible without regulatory red tape, they will do the best for workers, which has always been at the core of my working life and the commitments that I have had in my working life. It has always been a huge thing for me to ensure that that sort of commitment to national regulations has happened.

In finishing this history lesson, we ended up with many variances of different laws—rail safety being one of them, but rail safety has always stood apart. We then started to develop laws around that system and how we dealt with safety in the workplace based on the Robens Committee report, "Safety and Health at Work: Report of the Committee 1970–72", a British report published in June 1972. That now forms the basis of Australia's modern occupational safety and health laws; that is, laws should be simple and balanced between prescriptive and goal-setting legislation, but, most of all, should be framework legislation and should have those framework-type duties that we talk about, such as the responsibilities of not only the employer to provide a safe workplace but also the employee to work in a manner that complies with safety.

This is a really large law for framework legislation, and regulations will be attached to that legislation. It seems to me that we always need to go back to some of those foundation principles of Robens, because they are supposed to be for real people who are trying to ensure that there is safety in the workplace. We always have to remember the basic principles that the laws should be as simple as possible, that there should be a good balance between prescriptive and goal-setting legislation, and that the framework law should have specific regulations, codes of practice and guidance when necessary and appropriate. That is why it worries me that we have decided to provide for urine testing for drugs within legislation, not regulations. That is not framework; that is specifics and particulars. I am not suggesting that that might not be a good way of doing it, although I will argue that it is not, because urine testing has not been shown to have great efficacy or great outcomes. However, if the minister wants to be a good lawmaker, and not just someone who lets people put things in legislation that then become cumbersome and difficult to change, it is not good lawmaking for us to do something different from the national law and have a different prescriptive nature for alcohol and drug testing that includes urine testing, because it undermines the principles of what the minister intends to be done. It is the minister's job to argue around the Council of Australian Governments table of chief ministers why it is good to have urine testing in regulations. If the argument is compelling, it should be compelling for seven states, not just for us, because we are a nation. If

the minister believes in his arguments, he should test them, because clearly they are not applicable if they are not doing that, and there is a reason they are not applicable.

A guiding principle of the occupational health and safety legislation should give workers and their representatives substantial input into protecting their health and safety and wellbeing at work. Part of that has been a gradual removal of the idea of welfare and health from the workplace, which undermines the guiding principle. Part of that has come from the imposition of an American perspective on alcohol and drug laws on the way that we deal with competency and capacity in our workplaces through those people who drive technology for drug and alcohol testing in the United States selling it as a way to ensure that there is safety because people are being tested for drugs and alcohol. However, the reality is that it does not test for what is important. It might test for substance abuse, and clearly that needs to be addressed, but it does not test people's capacity to undertake the work. A drug test may show that a worker smoked cannabis seven days ago, but that does not necessarily mean that they cannot do the job and do not have the competency, capacity and capability to do that job; it just shows that in their private life, they did something that is illegal. Is it the role of the employer to police people's private lives? I do not think it is. That is the role of the police and the justice system. If a worker who has the capacity and ability to undertake their work takes a urine test that extends into their private life, that causes a big difficulty.

The history of drug and alcohol testing began in the 1960s. When the military veterans returned from Vietnam, they started to get tested because there was a major injury on an aircraft carrier, I think. In 1986, in his war against drugs, US President Ronald Reagan introduced the "Drug-Free Federal Workplace" executive order requiring all federal agencies to establish a program of testing. By 1988, it was extended to contractors and staff of all organisations in receipt of grants from the US government. In Australia, one of the earliest examples of workplace drug testing was introduced in 1988 by the New South Wales State Rail Authority under the Transport Administration Act. New South Wales has introduced drug testing, but I understand—I may stand corrected, minister—that it has not included urine testing in this area. It has adopted the model law, which does not include urine testing. It has been doing this since 1988, so we might think that it would know how this works, but it has not included it. From there, drug and alcohol testing progressed to the Australian Federal Police, the New South Wales police and then the mining industry.

My view is that it has been driven less by safety systems and more by people who have a product to sell—product is huge in America—saying that this is how safety can be ensured. My understanding is that the Civil Aviation Safety Authority does oral and breath testing, not urine testing. There have been questions about the efficacy of workplace alcohol and drug testing mostly because there is no real scientific evidence of improvements to either workplace productivity or workplace safety from the implementation of urine testing programs. That is based on a study by Loxley et al in 2004.

In the United Kingdom, the Independent Inquiry into Drug Testing at Work in 2004 found no clear evidence of the deterrent effect of drug testing. In the Endeavour Energy decision, which the member for Fremantle talked about, Fair Work Australia found urine testing to be unjust and unreasonable and saliva swabs to be appropriate. Urine testing is intrusive and it measures the level of drugs, not impairment. It does not meet that test between competing considerations in a safe workplace.

The member for Butler raised a really important point; that is, what has occurred and has been shown to occur—there is a paper by Duffy in 2012 and a British Army report in 1988—is that the unintended consequence of workplace drug testing is the shift from drugs with a long biological half-life, such as cannabis, to drugs with a shorter half-life, such as methamphetamines. That is a problem. If the workplace is trying to ensure safety, but it is really undermining health and not delivering on safety at all, the system is wrong. If this is based on a safety system and we are going to do a systemic analysis, the system is wrong.

One of the issues that the member for Butler raised was the operating level for drugs and alcohol. In the New South Wales regulation that was passed in 2013—I think this is in the new federal regulations—the permissible blood alcohol concentration for rail workers dropped from .02 to nil and the fine increased. It is not that there is any expectation, but that can be tested by saliva. I understand—the minister can probably correct me—that urine testing is mostly done after the accident. Accident investigation is important.

MRS M.H. ROBERTS (Midland) [1.30 pm]: As the member for Midland, I probably have more significant, historic and current rail issues in my electorate than just about any other member does. As people in this house are no doubt aware, Midland and Guildford were two of the places first settled in the early days of this colony. Although transport was first by boat, and hence why the City of Swan's emblem depicts an anchor, rail was established in the very early days of the colony to Guildford and Midland and, indeed, beyond. One of the facts that concerns me about this Rail Safety National Law (WA) Bill, and that I want to raise with the minister on the record—I am glad this bill affords me the opportunity to do so—is the rail freight line, particularly through Midland, but more particularly through the Woodbridge area. Until a few years ago, the area I am referring to as

Woodbridge was known as West Midland. It is the area between Guildford and Midland central. There used to be a West Midland station there, which is where most of the children alight for Governor Stirling Senior High School and Guildford Grammar School. An interesting little reflection is that unless David Malcolm was a boarder, he probably had to alight at the old West Midland station, now the Woodbridge station. Pretty much running right through the centre of Midland is a double dual-gauge freight rail line. In those early days, the Midland railway workshops were operative, and had been for some 90 years. They employed a lot of people throughout the region. In their heyday, a couple of thousand people worked there.

I suppose it is fair to say that only 20 years ago, Midland was very much more of a country town on the fringe of the urban area. However, we find now that with urban populations increasing—indeed, the population of the whole metropolitan area increasing—areas in the 20 or 30 kilometres surrounding Midland are becoming populated for urban development and the Midland community is experiencing a lot of infill. Basically, straight through the centre of Midland and right through my electorate is the freight rail line. I have written numerous letters over the years to a succession of Ministers for Transport about the freight rail line. From time to time, constituents become more concerned about what is happening. Some of my constituents live very, very close to the freight rail line through Woodbridge, and their lives are impacted by that freight rail line. Those people suffer noise effects, which is their principal concern, but sometimes it is braking noise and the general noise of trains. The rest of us are inconvenienced from time to time by the various level crossings in the electorate. When families are waiting for a freight train, it is a bit of a game for children to count the number of carriages. I have certainly counted well in excess of 70 carriages, and that number of carriages takes a considerable time to pass. When people are running late or are delayed, they often find the freight trains passing through the level crossings to be an inconvenience. But the real issue I am raising here is that of those people living in the immediate vicinity of the freight rail line who have to put up with the noise that impacts on their wellbeing and their ability to sleep through the night. Their families, children and elderly people need to get a good night's sleep undisturbed by freight trains. I think people in that area are very used to the passenger trains, which make a very limited amount of noise. That is not the issue I am raising because I know people here will say that if people choose to live near a passenger rail line that has been there for a very long time, they are the breaks. The passenger trains do not cause the problem; they are not what I am getting complaints about. It is the freight rail trains that I get a significant number of complaints about.

In about 1997 there was something called a planning charrette process in Midland, spearheaded by the City of Swan. As part of that charrette process, discussions started in earnest about shifting the freight rail line and a number of potential routes were considered. Very much pressure has been placed on the City of Swan and government to move the freight rail line to a more sensible route that takes it away from residents and sensitive land uses. I particularly want to signal the new hospital to be known as the Midland public hospital, which will open next year. Quite a number of reports refer to the safety factors associated with freight. Where a freight line goes through an area, dangerous goods as part of that freight are certainly a concern for people. The noise is without doubt the principal factor, but I suppose of a lower order is the concern about what goods might be transported by train through a built-up urban area, particularly in the vicinity of sensitive uses. By "sensitive uses", I am talking about health facilities, schools, kindergartens and facilities of that nature. Various reports done over the years by the former Department for Planning and Infrastructure and, separately, by both the planning and transport agencies point out that the real issue in the movement of dangerous goods relates to explosives; compressed gas such as oxygen, propane or aerosols; flammable liquids such as paint, gasoline or diesel fuel; oxidising substances; toxic substances, previously known as poisons; infectious substances; corrosive substances; or miscellaneous goods that potentially pose a risk if there is a spillage. Most of the reports done on the danger of rail freight passing in proximity to housing or other sensitive areas highlight that the greatest point of danger is at level crossings, where there is the intersection of both road and rail. That is where the greatest potential for any spillage is.

As part of raising this issue today, I want to highlight the number of level crossings on the railway lines generally throughout my electorate, but more particularly on the freight rail line. Within my electorate alone the freight rail line goes through about six crossings. For areas within about 20 kilometres of the CBD, that is a lot of level crossings these days. As an aside, I point out that in Victoria, as part of the ongoing election campaign, the Labor Party is promising to get rid of a significant number of level crossings. That appears to have very widespread community support. We can, of course, do mitigating things to make things safer. No doubt this legislation provides the potential to make the system safer and reduce the likelihood of any accident or risk. Likewise, there are mitigating opportunities such as trains travelling at lower speeds through residential areas, train drivers not applying the brakes as much, or putting in buffering systems and the like. In the past, I have had lots of correspondence about those opportunities with various ministers and departments. As I mentioned a few moments ago, as part of the planning charrette process in 1997 this option was raised; I also suggested that a redevelopment authority be established for Midland. I did that having previously served on the East Perth Redevelopment Authority and having previously worked for Hon Kay Hallahan when she was a Minister for

Planning and had responsibility for EPRA and also the Subiaco Redevelopment Authority. I saw this as a way of getting coordinated planning happening, rather than just relying on local government. My experience from having done some studies of it was that these redevelopment authorities work best when a large amount of government land is involved, which was the case in East Perth. When the government has lot of industrial land, there is a tendency for nothing much to happen and there is the competing influence with the local government authority. I campaigned for several years to get the Midland Redevelopment Authority established. I made quite a few grievances in this place to various ministers of the day and a couple of those early grievances were met with the outright rejection of my idea. Ultimately, though, having done nothing on the Midland railway workshops site for about seven years, other than having closed it down and got rid of the jobs there, the government of the day decided that it would at last accede to my request to establish the Midland Redevelopment Authority. That has been a good thing and certainly has helped us with the planning of the area. These days, things have certainly progressed. The City of Swan, the Midland Redevelopment Authority and also the State Planning Commission have been involved in the planning process to establish the new freight line. In previous years, a number of routes for the freight rail line were looked at and they were all named after different colours, and various degrees of public consultation have taken place on that. Also, government has done economic impact analyses on the various options. Indeed, I think a couple of years ago now the WA Planning Commission settled on a route and the government has agreed to it. In that time I have had correspondence with the Minister for Planning, the member for Kalamunda, Hon John Day, and previous transport ministers. They have made it very clear to me that the route has been settled and agreed upon. The cost–benefit analyses have been done and the shire and the Midland Redevelopment Authority contributed to that process. At long last, there is no excuse, other than perhaps money, for why the government should not go ahead with realigning that freight rail line.

I think the freight rail line has become a necessity now that we have the new hospital, and a number of complementary businesses will go to that area. Ten years ago there was not a proposal for a hospital there. As I said, 20 years ago Midland was more of a country town and it was not under a lot of pressure to develop. Indeed, the Swan District Hospital—the major hospital for the region—is located on the periphery of Midland and was very much like a little local district hospital that might be seen in a country area; it has grown a bit like Topsy to gradually become a huge metropolitan hospital. That is why when we were in government, we faced the challenge of whether to significantly redevelop it or build a new hospital in the region. We took the option of utilising the land on the site of the old Midland railway workshops that had become available to centralise the hospital in Midland. Likewise, we also took the decision to move the saleyards. Again, they were in the immediate vicinity. Essentially, the hospital is right next door to the Midland railway workshops and very close to the centre of Midland. We determined that we would relocate the saleyards to Muchea. That process took some five or six years to finalise and get agreement on, and to get the money on budget so we could make that commitment to start works at Muchea and relocate the saleyards out of the centre of Midland. The picture I want to paint is that these are not some nimby residents saying they would prefer the rail line to not go past their place. There has been really significant development. An aerial map of the town of Midland and its commercial centre shows that there was a site on the other side of the railway where the workshops were that was virtually equivalent in size to the town site, and adjoining that were the saleyards. Anyone who has been to Midland recently will have seen the magnificent developments that have taken place there. Police traffic, forensics and communications have been relocated there. About a thousand police personnel work at the police facility at the Midland railway workshops site. That will be immediately across the road from the new hospital, which will be a huge employer of people in Midland.

[Member's time extended.]

Mrs M.H. ROBERTS: Likewise, a lot of whitegoods and similar style big stores have moved to the Midland Central shopping district, and there is now a large population there. Effectively, the freight rail line traverses the residents in Woodbridge, cutting the area in two.

One thing I certainly commend the government on, although I might have liked to have seen it happen sooner, is the sinking of the road at Lloyd Street. Effectively, there will be an underpass there under the railway line. I went to a community briefing one evening a few weeks ago in Bellevue at which people were informed about what was happening with the changed traffic routes and how long the Lloyd Street extension process would take. It will take the best part of a year and is already significantly inconveniencing many residents in the local area and people who traverse it. However, I think people universally agree that the long-term benefit will be absolutely sensational, so I am very, very pleased to see it going ahead. In the early studies—I will not be able to refer to them all—there was a conflict between road use and rail use at Lloyd Street because it is a huge rail crossing as both the freight rail line and the passenger line are there. Sinking Lloyd Street is an enormous and expensive project but it will result in there being no delay in people crossing from what is, effectively, one half of Midland to the other. There is just as much of the city centre on the Midland railway workshops side between the railway line and Helena River as there is in the commercial precinct of the town of Midland. That has always been one of

the very significant issues and costs when we have looked at moving the freight rail line in Midland. It will certainly reduce what is a significant conflict between road use and rail use at Lloyd Street. That part is very, very welcome.

I will fast-track to where we are now. There is agreement among the City of Swan, the Midland Redevelopment Authority, the Department of Planning and, I assume also, the Department of Transport about where the freight rail realignment needs to be and how that should happen. However, the real problem is that as of yet there is no commitment from government to fund that realignment. My clear view is that needs to happen sooner rather than later. Through the work of the Metropolitan Redevelopment Authority in the City of Swan we have seen hundreds more people move to live within the vicinity of the freight rail line. A huge amount of development has occurred in the town centre of Midland. Certainly more residents have moved in there, and significant redevelopment has also occurred on the other side of the railway line, the side that contains the former Midland railway workshops, the saleyards and other big property holdings. Ultimately, we expect to see Lloyd Street continue right through to Abernethy Road, and although I understand that some money is available to go towards that project, not all the money is available at this stage. I want to make it very clear to the minister that my residents, particularly those in Woodbridge, have suffered long enough. The process has taken some eight years to finally get agreement on the realignment. The cost–benefit analyses have been done and, thankfully, funding has been provided to resolve the conflict with the level crossing at Lloyd Street and that project is underway. Clearly, we need the next stage of the realignment of the freight rail through Midland to occur. The minister has had the transport portfolio for only a short time, but hopefully he will be aware of the "Kewdale–Hazelmere integrated master plan" and the issues with the freight line through Midland. If the minister is not aware of it, I implore him to familiarise himself with those issues and do the right thing by the people of Midland and Woodbridge to alleviate their issues regarding not only the noise, but also dangerous goods being transported in close proximity to their homes and other sensitive land uses. I ask the minister to do the right thing by the town of Midland and to allow the City of Swan to have the economic opportunities that the realignment of the freight rail line would give us.

MR M.P. MURRAY (Collie–Preston) [1.52 pm]: I was nearly caught unawares; I will now proceed. I will follow on what that the member for Midland said and talk not so much about the Rail Safety National Law (WA) Bill 2014 itself, but how the bill will be activated and utilised along the way. I have some concerns about some of the lower levels and how the rail lessees conduct their business. They are very reluctant to upgrade buildings along the line that come under their lease. The Collie roundhouse in its time was the most modern roundhouse where steam trains were serviced in a semicircular building. There was a big turning circle out the front of the building so the trains could be turned around after the service and then sent back the other way. That building is in a disgraceful condition. As much as we and the shire have complained for probably the last 20 years —

The ACTING SPEAKER (Mr I.M. Britza): Excuse me, member. I ask that members in the house keep the volume of their conversation down a little.

Mr M.P. MURRAY: It is an asbestos-clad building, so no-one can use it for social uses, crafts or that type of thing because of the amount of work that needs to be done to it. Despite many requests, the building has remained in the same condition. Under the safety laws, this responsibility should be forced upon the people who lease the building. There is no real management of that area and young children can get into the building, and they certainly do, probably having a shot at the pigeons with their shanghais and those sorts of things. It is about time that the lessees were forced under the issue of safety to do something about the building.

Further down the rail line towards Collie is a foot crossing that has been there for many years. The council has asked to have it shifted about 400 metres along the line to connect the town in the centre. The lessee has said it will do it but at a cost of $400 000 for just the relocation, and of course the council has not done it. When the kids knock off school, the ones who do not want to walk over the new heritage overhead railway bridge jump the fence in front of the trains and run across the line. Those sorts of safety issues should be addressed under this bill and certainly pushed down to another level than that dealt with by Parliament. When a community asks to change the siting of a walkway, it is a management issue, and the community should not have to foot the bill. They are just two small issues that I have seen in the Collie location.

We also have problems with Brookfield Rail leasing out rail reserves to farmers. Even the firebreaks along the line are leased at a substantial cost to farmers because it is their roadway, even if they have only one crossing and even though it is a disused line. I am talking about the rail line in the Boyanup area where people have to travel about 400 or 500 metres from their gateway along the line, and are charged over $1 000 a year to access their own property. If Brookfield Rail were serious about its community obligation, it would not charge people for access. This has been an ongoing issue and quite a few letters have been written and debates had appealing the charge for driving along a disused rail line. Brookfield Rail's standard line is that it is charged right across the board and it should not make any difference. It feels that the charge of $1 000 a year for a farmer to access their property is reasonable; I do not think it is one bit. Again, this is a safety issue on a line that has not been

used for the last 15 years. Where does safety come into it? Sure, along other parts of the line people make a living out of the extra areas that the farmers take to put more cows on their property; they stretch the fence right up to the rail reserve and include some of the rail reserve in their property. Although they are not happy about paying the charge, there is some financial gain for those people. However, the ones who are not making a financial gain—the Reids are one family from Boyanup that come to mind, along with many others—are concerned about why they are charged $1 000 to cross over a line that is not used. Again, I think this is more about the almighty dollar than any safety issue.

I was quite interested to hear the member for Midland talk about safety and noise from the railway line. In our area, we would love to see railway line usage increase, even though it does go through the middle of the town. One of the annoying things to come out of that is the compulsory use of the hooter when the train comes through the town at three o'clock in the morning. The people living right next to that line can tell whether the train has a new driver because he blows the hooter, "Whoo!", for one or two seconds—that is a bit hard for Hansard to transcribe—whereas the usual drivers just give it a short blast. It certainly keeps people awake at night and the reality is that it discourages people from buying property next to the railway line.

Those areas should be covered by boom gates so that train drivers do not use hooters in the middle of the night thereby disturbing nearly all of Collie. Despite the train line going through the centre of Collie, we would welcome more train usage to get trucks off the road. The site at the end of the use of steam trains was remarkable. I have seen photos of between 50 and 60 locos lined up on the railway line in Collie.

Debate adjourned, pursuant to standing orders.