

HOUSE OF ASSEMBLY

24TH MARCH 2015

Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill

Mr PEDERICK (Hammond) (16:09): I rise to speak to the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2015. I note that, essentially, the amendments in the bill are there to tidy up the act, which is the Rail Safety National Law (South Australia) Act 2012. They are not controversial and we on this side of the house will be supporting these amendments.

However, as the shadow minister has rightly contributed, there is much to say about rail in this state. The act that this bill seeks to amend came into force in 2012, but the national law actually commenced operation on 20 January 2013. The Office of the National Rail Safety Regulator was established as a body corporate under the national law and its scope now covers New South Wales, Victoria, Tasmania and the Northern Territory. Legislation has been enacted in all those jurisdictions.

Western Australia hopes to be on board by May 2015. It is interesting in that it is like some legislation we have had here on nationalising trucks, truck legislation and freight: Western Australia stands out on its own, but that is another story.

In regard to the act we are amending, I note that the inaugural chief executive officer, Mr Rob Andrews, who resigned and went to his home country of England, was replaced by Susan McCarrey. She was formerly the deputy director-general, policy planning and investment in the Department of Transport in Western Australia. As I indicated earlier, since this national law has commenced, there has been a need for some minor amendments. Most of it is just about changing words to reflect other states' legislation and a bit of tightening up of the legislation. A phrase is to be removed from section 12 of the Rail Safety National Law (South Australia) Act to ensure consistency in drafting style. This amendment has no substantive effect, relates only to the South Australian provisions and does not amend the national law itself.

I note that heavily throughout the bill the word 'cancel' is substituted for 'revoke' to ensure consistent terminology. Also, removing the requirement that before requiring a person to appear in person to provide evidence or documents, the regulator must first take all reasonable steps to obtain information of which the person has knowledge in the form of a written statement or by production of documents I think is certainly a sensible amendment.

Another power that the regulator will have if this goes through and becomes an act is the express power to suspend the accreditation of a rail transport operator for not paying its annual fee. In regard to the amending provision, the regulator will have discretion to suspend the accreditation until payment of the late annual fee and to withdraw a suspension if an instalment plan for payment of the fee is made or for some other reasonable cause.

There is also an express requirement in this bill for rail infrastructure managers of registered private sidings to provide an annual activity statement to the regulator, and I think that is only right and proper. There will be a note inserted at the foot of section 128(1) of the national law to point out that, in some participating jurisdictions, provision is made that a positive breath sample from a person will be taken to indicate the concentration of alcohol in the person's blood for the purposes of the national law. Again, this is will just tidy up the language and make sure it is worded correctly for the application of this bill if it does become an act.

I am glad someone else has typographical errors. The words 'rail infrastructure' will be substituted for 'structure' to fix a typographical error in section 145 of the national law: 'A rail safety officer has the power to enter or open rail infrastructure to examine the structure'. This will make it consistent with the drafting of the rest of the paragraph in that section. The full term 'rail infrastructure' will be used there. There is also the new power under this legislation to enable a rail safety officer to direct a person to produce documents. As it stands currently, rail safety officers are able to require production of documents only when they are on rail premises.

In regard to fees in relation to provisions of the national law, there will be a power for the regulator to waive or refund the whole or part of the fee to a person who applies for an exemption from provisions of the national law. This power will provide consistency with the other powers of the regulator to waive fees for accreditation and registration. Certainly, from our side's consultation with stakeholders, it has support from industry associations. I also note that it has the support of the Rail, Tram and Bus Union.

That is essentially the meat of the bill, but I too want to make some comments about rail and the history of rail in South Australia and Australia. We have had too many gauges to make us all happy. Every state, I think, wanted to do its own thing, whether it be broad, standard or narrow gauge, and there were some different gauges for cane operations in Queensland as well. It has created a lot of issues along the way, and it creates inefficiencies. We saw during the war years that trains had to change over when shifting troops and goods.

I note that, in 1995, the Melbourne to Adelaide standardisation project, on which I was a contractor, was a project to bring the broad gauge line back to standard gauge between Adelaide and Melbourne in order to get those efficiencies in sync. The interesting thing is that before that happened there was the installation of concrete sleepers, and I have spoken about this in this place before. Essentially, what happened is that before the big team moved in to transfer the gauge, we were engaged for several weeks unclipping the line every other clip while the trains were still running.

As you take every other clip and then you come back to have another go there are fewer and fewer clips holding the rail in place, so the trains were kept running and slowly their average speeds were wound back. We left all the clips on the corners because that is obviously where the derailments would happen.

It worked out that over Easter 1995 we did the job. We had an unclipping crew in front, and then we had a unit where people came through and a machine lifted up the rails about waist height. It turned around the pad the rail sits on, which entailed a bit of manual work in using some tools to shift the rubber that the rail sat on, and then as we went forward the rail was laid down. It was nearly as bad as shearing sheep working on that machine because there was too much bending involved. I was glad I was on the unclipping machine up the front most of the time.

Mr Whetstone interjecting:

Mr PEDERICK: Yes, I was fortunate. I did have my turn if someone on the other job had to go and have lunch, but I soon realised that perhaps I needed to be somewhere else. It was interesting. It was good to see normal track crews working with people who were hired for just those few weeks, such as myself, as contractors to get the job done, and that was completed in that year.

I also want to reflect on the efficiencies of Mallee rail, and I am sure that the member for Chaffey will speak about this as well. During my first year after being elected to this place, they celebrated the centenary of the rail out through to Pinnaroo, in 2006. Genesee & Wyoming got on board and took a train out to Pinnaroo and then ran it back and stopped it at every stop back towards Tailem Bend. It was a fantastic event, with communities all along the line celebrating the contribution of rail to the Mallee community and what it had done over that time.

Sadly, the use of that rail has diminished over time, as it has everywhere. I can remember, even at Coomandook on the Melbourne line, all your fertiliser would come down on the rail—that was in the bag days. Thankfully, I can only just remember, as a child, seeing the large grain stacks of the bags and I didn't have to do much—

Mr Treloar: You must be old.

Mr PEDERICK: I must be old, the member for Flinders says. I have a very faint memory, I can assure you: it goes a long way back. I am just glad I did not have to lump the wheat bags at the stacks, because they were certainly real men who did that job. Stock came and went on the rail, fertiliser came on the rail and, certainly, grain went on the rail.

Sadly, these days, a lot of the time, rail freight cannot compete with road freight, which is a real pity because it puts extra stress on our road network and puts heavy freight on our roads when I think rail could be used more often. We have the freight task force and members from this side of the house work with members on the other side, including the Minister for Agriculture and the Minister for Transport, in regard to freight lines throughout the state. The state of the Mallee line certainly has not been kept up for what is needed for modern rail service.

The position is that, potentially, about 170,000 tonnes of grain could come up that line each year but it is under heat control,. If it gets to a certain temperature—I think it has to operate under 30°—it has to operate at night and, certainly, it can only operate at about 25 or 30 km/h, and that is inefficient. It is a real pity, because I can see the demise of rail in the Mallee after it has served us for over a century. I hope it does not happen. I also note that the Mindarie sand mine used to send all their material for export on the rail but that does not happen anymore either because of the competitiveness of the road freight network.

What I will say is that, if more freight comes off rail wherever it is in this state (and I know the member for Flinders will talk about the narrow gauge system on the West Coast), something else has to give. There has to be more money put into roads and, certainly, it means a whole lot of shoulder sealing needs to be done, whether it is out towards Karoonda in the Mallee, Loxton way or out through Tailem Bend, Lameroo and Pinnaroo. I have said in this place before that there are theories that when the Lameroo to Pinnaroo road was built they paid more for putting in corners, because I am sure that is what happened. There are so many corners in that road it is just outrageous. Whether it was so you did not have the sun in your eyes all the time when you were driving west, I am not too sure. It is just one of those things.

If that is to be the future, and I hope it is not, money (millions of dollars) has to be spent on upgrading roads. I also note the safety factor of those extra tonnes, if they do come on the road network. It does impact, because there are no overtaking lanes on the Mallee roads. It is not like the Dukes Highway. We will need to look at that.

It is a pity the golden era for rail has gone. It is like everything: it is about the cost of running systems. I can remember when we used to have station masters at all our little towns. I know Coomandook had a station master, Harry Zarr. He was there for many years. Our station is still there, even though some have disappeared along the lines.

It was not always freight coming down the rail. I can remember travelling from Adelaide to home at Coomandook for three hours on the Bluebird, from 8 o'clock in the morning at Adelaide to 11 o'clock at Coomandook. I know the Melbourne express still runs and people say we should have public transport by rail through to Adelaide, but I do not think people would find it exciting or timely to be on a train for at least two hours from Murray Bridge into Adelaide. The answer for public transport out there is full public transport on buses coming up the freeway.

I cannot see it happening because there are a lot of other projects, like the intermodal project of running rail around from Monarto, skirting around the Hills and coming in at Two Wells or somewhere there with a road next to it to take both road freight and rail freight off the rail coming through the Hills into Adelaide and the heavy trucks coming down the South Eastern Freeway, because quite a few need to divert or their freight depots are at the north of the city anyway.

I did have this conversation with a constituent the other day because they were saying that we have to have rail passenger transport, and I said that I do not think it is going to work. The only way it will work is if someone spends enough money to put a light rail line from before where it starts twisting around at Mount Barker, run a line up the freeway and then punch another hole through the Hills at the Heysen Tunnels. You can already add up the dollars that are just tinkling over right now. Essentially, you would run light rail down to, say, the intersection of Cross Road, Glen Osmond Road and Portrush Road, shoot up Cross Road and cut into the rail system that exists there. I cannot see that happening, but I think that would be the only way that would justify that.

Certainly, in the history of this state, rail has opened up the state, just as you see internationally and in the old movies from America that showed how they opened up the West with rail. It has done a great job, and it is a pity if governments of any persuasion turn their back on it because there are so many opportunities. I look at what Victoria is doing with the Murray rail project. They are considering opening up the system and expanding it. We should be looking at opportunities to feed into that as well. I am sure our bulk grain operators would not be too happy about that, but we have to look after what our producers want and what they need to do in connecting so that they can get the right outcomes for their freight.

We have had great opportunity, as I said, to freight our produce. I know with grain now you can get on the Melbourne line at Tailem Bend, and there is a great system there where they do not even stop the trains. The trains are going through non-stop, loading at a slow speed and being loaded very efficiently, but it means that all those tens of thousands of tonnes of grain are being transported there by truck to the Tailem Bend strategic site, battering our roads and not coming by rail.

We need to look at what rail has done. In too many places around the state, we see where there used to be lines. You can see the mounds where the sleepers used to sit, where the iron used to be, and all those lines have a real story in themselves. I just hope that we do not see any more of those and that we do embrace the opportunities as they come along because if we do not, once you stop using a railway line and once they start pulling out sections and the maintenance disappears, it is history. It is gone.

Some careful decisions will need to be made about rail lines right across the state. They have done a great job. We do need to keep enacting laws so that they work, but we need to appreciate the full strength they have and the number of tonnes you can put over rail compared with road for the cost and make sure that we do have the appropriate network for this state to thrive into the future. With those few words, I commend the bill.