

House of Assembly  
13 October 2009

## **Rail Commissioner Bill**

Mr PEDERICK (Hammond) (11:16): I, too, rise to support this bill and make a brief contribution to the debate on the Rail Commissioner Bill 2009. This bill has been introduced by the government to establish a rail commissioner to act as a rail transport operator for the delivery of state government rail infrastructure projects. Prior to 2008, the Rail Safety Act defined a rail transport operator as an owner or operator of rail infrastructure or rolling stock. The rail transport operator was subsequently accredited under the act. In 2008 changes to the act altered the accreditation requirements to 'effective management and control', rather than mere ownership or operation of rail ownership and/or rolling stock.

The history to get to where we are now is that the Rail Safety Bill 2007 implemented the National Rail Safety Bill 2006. The bill was unanimously supported by transport ministers throughout the Australian Transport Council and was part of the process to implement a nationally consistent framework for the regulation of rail safety across the national rail network over the proceeding five years. It is to be noted that the opposition supported that bill without question.

This is part of a change towards a national regulatory scheme, and this bill before us is the next step. As seen by some people with whom the opposition has consulted (including the Civil Contractors Federation), it is an appropriate requirement given the legislative path down which the government has proceeded. The state government informs us that this bill adheres more closely than any other state's bill to the National Transport Commission's model rail safety legislation.

Rod Hook has been the Deputy Executive Director of Major Projects, and he will be put up as the interim Rail Commissioner. His accreditation will need to be approved. He has been appointed by the Governor for 12 months (or until the enactment of this bill) for the production of contracts; until then, Mr Hook is to act as if accredited. If the bill passes, DTEI will have to apply to the Rail Safety Regulator for Rod Hook's accreditation. Obviously, the department is working closely with the regulator to ensure that competence and capacity is demonstrated and that the application is successful.

It is to be noted that Rod Hook is presently extremely busy with major projects. This will increase his workload, and I hope that it does not cause any problems. I note that the Rail Commissioner will have many functions, including constructing rail structures, managing the rail infrastructure and maintaining and operating the rolling stock. The commissioner's powers include the ability to enter railway premises and to maintain native vegetation, etc., around railway lines. Also, subject to ministerial approval, they include

the ability to close and limit the use of railways for railway operation purposes, and other powers.

I have always been amazed that in this country in the past we have had narrow, standard and broad gauge lines. I note that in the early nineties I was part of a team of contractors who worked with the railways to standardise the line. My part was a small section between Coomandook and heading towards Keith, where we standardised the line from broad gauge. It has never made sense that we have had all these different gauges, but that is what happens when you have states with competing interests and ideologies. In saying that, the opposition supports the bill. Let us hope that it has a speedy passage through the house.