

RAIL SAFETY (SAFETY COORDINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 February 2011.)

Mr GRIFFITHS (Goyder) (11:05): I indicate that I will be the lead speaker for the opposition on this bill and that the opposition will be supporting it without the need for amendment. I do indicate that there will be some questions in relation to clause 7 and the various clauses that are proposed as part of that, but we will not be making a challenge to any of this.

The opposition recognises that this is quite an important issue. In his second reading explanation, the minister referred to the number of accidents that occur around Australia and South Australia. It averages something like 100 per year around the nation and approximately 10 per year in South Australia where it is accidents between vehicles of some kind and trains.

For a long time I have been one of those people who seemingly blindly drives around, going over the rail crossing without respecting the security and the need to ensure that there are operational managements in place that ensure that there is the lowest possible risk of an accident occurring. When it does, it is normally the train that comes off fairly safe and it is the vehicle involved that suffers in the main. I know that in the minister's second reading, he referred to an accident in Kerang in Victoria where there was 11 fatalities.

Rail has been part of the opening up of Australia; there is no doubt about that. Thank goodness rail investment has occurred—initially through government enterprise, now a lot through private enterprise—which has allowed freight and people to be transported around our nation. But where the different options of transport intermix, you have to have an agreement in place to ensure that safety is maintained.

I must admit it really bore home to me when the member for Taylor and I had some discussions with the District Council of Mallala, property owners in that area and the Department for Transport, Energy and Infrastructure where there are, I believe, four rail crossings within that council area. There are some concerns about the intermix of trucks and vehicles going over rail crossings, how that impacts upon sight distances, how that impacts between the road line alignment and the rail alignment. Sometimes they are actually quite close. But with larger vehicles that are operating these days, it is a bit of a risk for farmers to move machinery around, for trucks to drive over it and, indeed, vehicles.

I was with one property owner in that area in a four-wheel drive vehicle. We went over the crown that is the rail line, approached an intersection with a bitumen road which is a DTEI road. We tried to look both ways but vegetation that had been planted there probably within the last 20 years created a situation where, even with a smaller vehicle with a sufficient bit of power, if you were to go out and suddenly find yourself with a vehicle approaching you from what had been a blind side because of vegetation, you could be put in a very dangerous situation.

The member for Taylor and I have spoken to property owners separately. There has been some joint discussion with the council on this. I believe that the bill actually assists in the agreements that need to be reached to ensure that there is an opportunity for the review to take place, for risks to be identified and for the outcome to be a positive one.

The intention of this bill is to bring legislation in line with the national model and to implement the effective joint management of level crossings by rail infrastructure managers and road authorities. As I understand it, the bill will ensure that if they are private roads, state government roads or local government roads, the agreement will be reached. It allows for the appointment of a rail safety regulator who will have some form of neutral umpire position and to be able to ensure that agreements are reached. It certainly puts fines in place when agreements are not reached and it ensures that we get some positive outcomes.

I have consulted with the Local Government Association on this. They tell me that they have been involved in discussions on the bill. The minister's second reading explanation referred to the consultations that have taken place. We want to ensure, as I understand it from the LGA's position, that there is some form of template that is developed for the interface agreements to ensure that there is some commonality. It would certainly assist in the process. During the committee stage I will ask the minister some broad questions on that to ensure that we get an outcome that will allow the positives to come from it.

No-one wants to see accidents. There was an accident at Virginia in 2007, I believe; thankfully I do not think a fatality was involved, but accidents occur far too often. You would say that the train is a very obvious thing to see, and a driver on a road should ensure safety at all times when crossing a rail line but, for whatever reason, there are actually risks involved.

I know there has been some federal government financial support—in the vicinity of some \$12 million, I think—which, I believe, has been made available to DTEI to assist with rail crossing upgrades. It came through probably a bit over a year ago. I hope that, as the interface agreements are prepared, there will be an acknowledgement of the need for some level of financial support. To use the example that the member for Taylor and I have been involved with, I think the community there has come to the understanding that,

because some roads are local government controlled and some are DTEI or state government-controlled, there may need to be a consolidation of those crossings to reduce risk.

In some instances that will create a far greater challenge to farm operators when moving equipment around because if they cannot use the rail crossing they have traditionally used over generations of operations they will have to find an alternative route to get their machinery to where they need it for the next operation. So there will be some challenges involved, but I know that each of the farmers the member for Taylor and I spoke to was focused on safety.

That is the key thing, and that is what the bill is enforcing. Whereas historically the majority of rail operators were government enterprises, now there are different players in the game, and there is a need for an upgrade for the informal agreements that existed previously. That is why this legislation has been introduced into this chamber and will be passed quite swiftly to ensure that agreements are in place. I know (from what he provided to me in a briefing) that the minister wants to ensure that the direction goes out there quickly and that the interface agreements are in place as soon as possible so that there is no risk attached to us.

My contribution on this will be quite brief. I intend to ask some questions in the committee stage, but I can assure the minister that those questions are not designed to be mischievous but to put something on the record so that we have knowledge that can be provided to the different levels of road operators, primarily. I am probably looking at local government and, in minority instances, private road operators, to ensure that they can be provided with some details to understand what their expectations will be, how long it might take for the agreements to be reached, if indeed there are any resources available to assist not just the agreements but also any modifications that may be required to the road alignment.

I pose a question to the minister now to give him and his advisers some consideration. The reserve attached to the rail line is often quite wide (as it should be); where does the responsibility for the road operator start and finish? The travelling public would assume that, no matter who has provided the road, the road allows them to travel in a safe manner, and when the road goes over the line and back over the other side drivers might assume that the council or a private operator or the state government does it.

I am looking for some clarification on that grey area. Does the responsibility for the road interface with the rail line commence immediately at the boundary of where the reserve for the rail line would be, or will the interface agreement outline—and the advisers are nodding their head, so they understand my confusion—where that responsibility will start and finish?

The Hon. P.F. Conlon: It has to start further back because of line of sight.

Mr GRIFFITHS: Line of sight is a very important issue; indeed, I hope that is where the interface agreements will refer to vegetation that might be in its natural state along these interface areas or to stuff that has been planted, over whatever period of time, which is now creating sight distances. If it has been planted, what will the impact be when it comes to native vegetation clearances that might be required? What is the process? Who will have financial responsibility for that, because we do not want to forget safety? With that brief contribution on the second reading, I look forward to the swift passage of the bill.

Mr VAN HOLST PELLEKAAN (Stuart) (11:14): I support the comments made by the member for Goyder regarding this rail safety amendment bill. Certainly, everyone on this side supports the intent of moving towards joining a national model, with the real intent being an effective joint management of these crossings. That is certainly important, and I think we would all agree with it.

The member for Goyder made one of the most important points about this whole issue: while this tries to protect all rail and road users, obviously it protects road users a lot more than it protects rail users. They are always going to be the more vulnerable, even if they are in a very large semitrailer or, potentially, a triple road train. That is likely to be the vulnerable user compared with the train. It is important to understand that this is about people's lives, safety and health and also very much about stock and freight, but in terms of the things that get carried on all the different vehicles it is about people and protecting them, so that is important.

I also note, interestingly, that sometimes the tragedies we have had in rail crossings have been in really built-up urban areas where traffic flow is quite slow. We all imagine the country road crossing the railway line with a lower tier of bells and whistles, lights and gates, but there are certainly times we all know of when somebody has just been parked on a railway crossing and a tragedy has occurred. This is potentially inner metro all the way out to country and remote outback areas and is quite an important issue.

Rail in the electorate of Stuart is obviously very important. It has a strong history all the way back to the old Ghan railway line, which no longer exists, to the current Ghan railway line, a myriad of other working railway lines and, importantly, currently disused rail corridors. I understand that is not an issue with regard to this bill, but I highlight that management of those corridors is an issue, too, that I hope the government will get onto at some stage as there is very valuable public land which could be accessed and used better than it is currently. I understand that it is not part of this debate.

The main point that I would like to make quickly on behalf of the people for Stuart is that, while I understand

that all road/rail crossings are included, I hope the very remote ones are given a great deal of focus too, because I can think of places in my electorate and other parts of outback South Australia where there is next to nothing indicating where a dirt road crosses a railway line, and that is very important.

A tragedy can happen in inner city Adelaide where somebody may get stuck in traffic on a railway line, or it could happen in a very remote place. I do not want for a second to take away people's personal responsibility. If you are driving on a remote outback road and you cross a railway line, you need to take responsibility for yourself, whether it is having quality tyres and a quality vehicle and carrying enough food and water, or being wide awake when you cross a railway line. It is important that people take their own responsibility. I am not in favour of systems that dumb people down.

Having said that, I hope the remote outback areas get attention in this, as do the country areas. Every day when I drive from home to my office in Port Augusta I cross over a railway line. I do not mind saying that I have driven down a long, long straight near Winninowie, heading from Wilmington to Port Augusta, as I have done thousands of times, and every now and again I am getting close, and I tell myself, 'Hang on, wait, there's a railway crossing here,' there are no lights flashing and no train coming and it is all quite safe, but it is important that drivers take responsibility and know where they are and what they are doing. I understand this issue very closely.

From a personal perspective, I lived at Pimba for several years, where there is a very important railway crossing, with seven or eight major trains a day going through the area. It is an issue that I understand well and feel strongly about. I greatly appreciate that the government is focusing on this to come up with effective joint management plans, and I hope they will give the same attention to minor crossings in remote places as they would in the middle of Adelaide.

Mr PISONI (Unley) (11:19): In speaking to the bill, I use the opportunity to support it. Anything we can do to improve safety at the junction of road and rail is something that I would certainly support. It also gives me a segue into the issues that we have at the Cross Road intersection near the Unley Park Railway Station, where we will often see close scrapes, if you like, with those using Cross Road and the trains. It is a freight line as well as a metropolitan line and, because of the very long waits that can happen at that intersection, as the boom gates start to come down we see cars taking a risk and going across well after the flashing lights have indicated that there is a train coming.

Impatience, of course, can cause road accidents and we see that happen time and time again when it comes to people running red lights or, alternatively, people not giving themselves enough time to cross in front of the path of an oncoming car if they are turning right, for example, and train crossings are no different. People do tend to take a risk. I have even witnessed people doglegging around the boom gates when a train is not seen and taking an outrageous risk like that. So, I would certainly support any moves to improve that, but I think we also need to look at situations where traffic is built up for long periods of time.

I think it is fair to say that the Cross Road intersection is probably one of the worst intersections that we have in South Australia. Growing up in Salisbury, I can also say that the intersection at the end of John Street, near the Salisbury Railway Station, is another one. A number of years ago we saw a crash at that intersection which involved a train and a bus, and with people queuing across the intersection.

It is not something that is just an issue for isolated country roads. It is more of a traffic management and infrastructure issue in our suburbs which needs both short-term and longer-term planning so that we can enable the safe and continued free flow of traffic in the suburbs in Adelaide, particularly as we know that Cross Road is part of the government's major arterial road plan that will eventually funnel traffic from the South Eastern Freeway to the north-south corridor, so we know that we will be seeing more traffic in that vicinity.

We know that freight trains are getting longer and we know that they will often wait at a crossing point in Goodwood while they are waiting for clearance. They are so long these days that they block Cross Road for 10 to 15 minutes at a time, and you quite often see that in the early hours of the morning or on a weekend. You also see it at peak times when they are waiting for a suburban train to come past so that they can cross the path of the suburban train safely—usually trains going down the Brighton line—and we will see that happening on Cross Road more often than we would like to see.

I support the bill. While the transport minister is participating in the debate, I would like some consideration given to what can be done to make that part of Cross Road and that intersection safer, with a better flow of traffic, and managing the conflict that we have with rail traffic and road traffic on Cross Road. I am not saying it is going to be an easy task but it is certainly something that I ask the transport minister to consider when he is looking at allocating funding for projects around the state.