



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

Federation Chamber

BILLS

**Transport Safety Investigation
Amendment Bill 2012**

Second Reading

SPEECH

Wednesday, 15 August 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Questioner
Speaker Hawke, Alex, MP

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Mr HAWKE (Mitchell) (10:59): I rise to speak on the Transport Safety Investigation Amendment Bill 2012. This bill is an important piece of legislation in terms of consolidating the amount of regulators into a national system which, of course, is a worthy objective for us to be pursuing as a House. The Australian Transport Safety Bureau, as we know, is an independent Commonwealth statutory agency separate from transport regulators, policymakers and service providers. Its function is to improve safety in the aviation, marine and rail industries by conducting independent investigations of transport accidents, recording and analysing safety data and fostering safety awareness. Importantly, it is not a function of the ATSB to apportion blame or provide a means for determining liability.

Recently, in my own area of Mitchell and in North West Sydney we have had something that has been of concern in relation to an ATSB investigation, which is the Zig Zag Railway closure, about which I have had representation from constituents in my electorate, who have, over many years, spent time using the rail line and understanding its role in Australian history. The Zig Zag Railway was built in the 1860s. It was an engineering masterpiece of the 19th century and was originally used to transport people and produce from the Western Plains of New South Wales to Sydney. Currently, it was run by the Zig Zag Railway Co-op, a volunteer not-for-profit co-operative, and relied heavily on ticket sales and donations to continue to function. The Zig Zag Railway has brought, for many years, a part of Australia's cultural history and colonial past to people, and it is quite a good experience and offers the opportunity to people of all ages and different cultures to experience this bustling railway line that was so important to Australia's development. The Zig Zag Railway was a major tourism attraction and a premier tourist attraction in the Blue Mountains. It helped to stimulate jobs and business opportunities within the accommodation, food and retail sectors.

It is a shame to see a piece of history such as this fall by the wayside. I think it will impact local businesses and tourism in the region greatly and it would be a great detriment to see this railway close. That is why I welcome some of the provisions of this bill which look at a more truly national system but also reduce regulation and burden, and which have a more realistic approach. I think it is important that, from a legislative perspective, we have a common-sense approach to this kind of voluntary co-op. Of course, safety is critical and must be taken into account and, at all times, enhanced. But Australia has a very good record of rail safety compared with other countries in the world and, indeed, Australia has a good record when you compare tourism rail lines in other parts of the world as well. The message can only be one of confidence and safety that we project to the world in terms of our rail safety record.

There must be a common-sense outcome on the zigzag railway that can be put together, given that this is a serious piece of infrastructure. It has been very important in Australia's history and internal development as a colony, and now it seems to be unsatisfactory that the zigzag rail line has been shut as a result of an ATSB investigation. There may be a better way of approaching this that would produce the right outcome for the community and continue to maintain high standards of safety.

In this bill for the first time the ATSB will have an investigatory role over incidents on metropolitan passenger lines and state freight rail networks, which is a good development. The concept of states and territories working together to have a referral system to a national body, and paying for it, is a common-sense approach which will reduce cost and consolidate 46 pieces of legislation and seven separate regulatory bodies. That can only be a good thing, and it can only make sense.

My hope is that when you have one umpire and one arbiter there are mechanisms for institutions such as the zigzag rail line to have avenues to follow up outcomes that may be undesirable or that can be fixed with a realistic and common-sense approach—not law for law's sake but continuing to allow voluntary activity and good-quality tourism attractions to function. Of course, that relies on other levels of government funding and the availability of other interested investors and parties to pull the thing together to make sure it is completely and utterly coherent.

But the outcome that has occurred is, I think, less than satisfactory and something that could be reconsidered in the new framework put together by this legislation.

I welcome the very important provisions on confidential reporting in rail. In particular, the amendment to clarify the position to allow for a national confidential reporting scheme to be established under section 28 of the Transport Safety Investigation Act is vital and will allow for a confidential reporting scheme for safety incidents in the rail industry. A fundamental plank in allowing better safety outcomes is to allow confidential reporting.

Today, I welcome this legislation for its removal of regulation, red tape and regulatory bodies that are duplicated, and for reducing cost and simplifying a safety system. I also make it clear that there is a great potential in the zigzag rail line near my electorate, which affects some of my constituents, for a better outcome to be produced similar to train projects in South Australia or Tasmania, which have been great tourism wins and which have fantastic safety records that allow for the continued functioning of voluntary activity and good-quality tourism and business outcomes for local communities.

While endorsing this bill, I express a hope that a national system will produce good outcomes for local communities and maintain safe rail lines in Australia.