BACK HERITAGE RAIL :Talking Point 19 January 2021

Any organization wishing to run or operate a railway on Crown land or the TasRail network under present requirements of the Tasmanian government has to hold public liability insurance of a minimum of $200 m. This is imposed on all existing heritage rail bodies including the Transport Museum in Glenorchy and the Derwent Valley Railway(DVR).Owen Andrews(Talking Point September 5) has highlighted this as a cost to any heritage rail organization of approximately $80,000 a year as prohibitively expensive and at present blocking all developments in the heritage rail sector in Tasmania.

He also noted that in every other Australian state and territory government had developed arrangements to allow this insurance cost to be shared and not put on the shoulders of individual operators. The average public liability costs in these jurisdictions come out not as $200 m but as $20m a year. In Victoria risk over $20m is covered by a publicly funded insurance scheme for transport operators. The DVR has held safety accreditation since 1994 when it was formed and does currently .

In the case of the Derwent Valley Railway this, as all other rail lines such as the Launceston and Northern Line Railway and the Wiltshire Line and the former Emu Bay line,are part of the Tasmanian Rail Network leased to Tasrail by the Crown which then can lease to an organization such as a heritage rail provider.The advice received from Tasrail is that the DVR is considering applying to the State government for access to the non-operational line under the Infrastructure Corridors(Strategic and Recreational Use) Act 2016 rather than through the Network Access Agreement with Tasrail. This Act provides that a non-operational rail corridor is ‘banked’ for future strategic use, but in the meantime an application can be made by a party such as the DVR to the State government through the Department of State Growth for access for an eligible activity. Approval for a tourist and heritage rail operator or other recreational use is at the discretion of the State government and ultimately State parliament under the Act’s provisions (s9).This would not be a decision for Tasrail and if a non-operational line be declared a Strategic Infrastructure Corridor under the Act, it would transfer back to the Crown.

In a debate on the Strategic Infrastructure Corridors(Strategic and Recreation Use) Bill 2016 in the Legislative Council Craig Farrell MLC noted that the DVR line was restored before the withdrawal of Pacific National in 2004 as a rail operator with track rebuilding by volunteers to enable tourist trains to run from New Norfolk to Mt Field National Park. Access fees were paid and the annual liability insurance from 2002-2004 were covered by fares with one of the Walk to Wilderness trains carrying 300 cruise ship passengers from Hobart. Craig Farrell cited an October 2010 Victoria Tourism estimate of a single rail operator’s direct and indirect contribution to that state’s economy as $49m a year. This he viewed as indicating heritage rail as an important earner for Tasmania’s tourism. An amendment was passed by the Legislative Council to ensure that the Minister for Infrastructure would not have sole power to determine variation in any railway network line but for Parliament to have the final say. This amendment was passed by the House of Assembly as s9 of the Strategic Infrastructure Corridors(Strategic and Recreational Use) Act 2016.

In September 2020 the extension to the North East Rail Trail was set to go ahead with $1.47m in federal funding being confirmed The Launceston and North Eastern Railway (L&NER) was closed by Pacific National in 2004 as being non-commercial on the main basis of upgrading of roads in the north east to accommodate B-double trucks and the line was also closed to heritage rail. The line had been completely rebuilt in 1994 with heavy duty rails. In September 2020 The Dorset Council was given control by the State government of a rail section from Rocherlea to Scottsdale. Subsequently a 47km section of the line estimated at $40m worth of rail infrastructure was taken up by a tenderer.

This action was severely criticized by the L&NE Railway heritage group who had plans to run tourism trains from Launceston to Scottsdale.In a post on the group’s facebook a member described the destruction of a heritage railway as ‘an act of state sanctioned vandalism’

Minister Ferguson needs to redeem the State government’s apparent indifference even hindrance to the development of a vibrant rail tourism heritage to match the proven benefits from other States and New Zealand let alone the earlier promise of services run by the DVR.

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