

~~Peak Downs Highway or the Gregory Highway or the Capricorn Highway. I know the member for Keppel is very keen to see some work done on that highway. The Deputy Premier mentions the Burnett Highway to me regularly. His electorate would benefit greatly from \$150 million. I think of the members for Toowoomba North, Toowoomba South, Lockyer and Warrego. Even though I know a ton of work has already been done on the Warrego Highway, even more work could be done. The member for Hinchinbrook is a strong advocate in his local area. I know that he would like to see work on the Palmerston Highway as well.~~

~~I think of my Sunshine Coast colleagues. I know that in terms of duplication up there \$150 million would go a long way. I know that is a big and expensive project, but \$150 million would take it a long way in terms of seeing that duplication that Labor scrapped after the 2009 election. The member for Cook, who has been a great advocate for his area, would love to see more money for the Peninsula Development Road, even though I know we are putting some money into it. I think of my Gold Coast colleagues as well in terms of the M1 and the Gold Coast light rail.~~

~~Mr Elmes interjected.~~

~~Mr EMERSON: The member for Noosa has very significant projects in his area that that money could go to. It is not just roads; imagine what we could do with our road safety campaign. We already have a \$350 million road safety campaign; \$150 million would lift it to \$500 million. If we had that \$150 million, every school could have flashing school lights.~~

~~Mr ACTING SPEAKER: The time for questions has expired.~~

## ~~ACTING SPEAKER'S STATEMENT~~

### ~~School Group Tours~~

~~Mr ACTING SPEAKER: Before I ask the Clerk to read the next order of the day, the schools visiting the House today are St Ita's Primary School from South Brisbane and Baralaba State High School from the electorate of Callide.~~

## ~~HEALTH AND COMMUNITY SERVICES COMMITTEE~~

### ~~Report No. 41, Motion to Take Note~~

~~Mr ACTING SPEAKER: There being no mover, the notice of motion lapses in accordance with standing order 71.~~

## TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

### Message from Governor



**Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (11.04 am): I present a message from Her Excellency the Governor.

The Acting Speaker read the following message—

MESSAGE

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL 2014

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Adult Proof of Age Card Act 2008, the Heavy Vehicle National Law Act 2012, the Mineral Resources Act 1989, the Police Powers and Responsibilities Act 2000, the Transport Infrastructure Act 1994, the Transport Operations (Marine Safety) Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, and the Transport Planning and Coordination Act 1994, and to make consequential or minor amendments of the Acts mentioned in schedule 1, for particular purposes

(sgd)

GOVERNOR

Date: 3 APR 2014

*Tabled paper:* Message, dated 3 April 2013, from Her Excellency the Governor, recommending the Transport and Other Legislation Amendment Bill 2014.

## Introduction

**Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (11.06 am): I present a bill for an act to amend the Adult Proof of Age Card Act 2008, the Heavy Vehicle National Law Act 2012, the Mineral Resources Act 1989, the Police Powers and Responsibilities Act 2000, the Transport Infrastructure Act 1994, the Transport Operations (Marine Safety) Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, and the Transport Planning and Coordination Act 1994, and to make consequential or minor amendments of the acts mentioned in schedule 1, for particular purposes. I table the bill and the explanatory notes. I nominate the Transport, Housing and Local Government Committee to consider the bill.

*Tabled paper:* Transport and Other Legislation Amendment Bill 2014.

*Tabled paper:* Transport and Other Legislation Amendment Bill 2014, explanatory notes.

I am pleased to introduce the Transport and Other Legislation Amendment Bill 2014. This is an omnibus bill which amends eight pieces of transport legislation and makes consequential amendments to the Mineral Resources Act 1989 and the Police Powers and Responsibilities Act 2000. The amendments in this bill support the delivery of infrastructure projects, improve departmental processes to reduce red tape and clarify existing requirements.

Firstly, I would like to look at some changes to the Transport Infrastructure Act 1994 that will not only reduce red tape but produce real savings for both government and industry. For example, a key amendment to streamline the delivery of transport infrastructure to enable faster and more cost-effective project delivery are the changes for watercourse crossing management.

In Queensland—as in all other Australian states—the state cannot grant tenure over a watercourse, because a body of water is not considered to be land and, when linear transport infrastructure, such as a railway, crosses watercourses, ‘gaps’ appear in the tenure of the corridor. Continuous tenure over the corridor cannot be granted to a private enterprise. Private sector rail projects have experienced difficulty in securing finance for construction on the basis that a corridor with ‘gaps’ is not considered to be a useable asset.

I refer to the State Development, Infrastructure and Industry Committee report No. 25 titled *Inquiry into the future and continued relevance of government land tenure across Queensland*, where it was noted that this land tenure issue presents an investment challenge. Currently, special purpose legislation is the common solution to this issue in Australia. For example, this issue was specifically dealt with in the Surat Basin Rail (Infrastructure Development and Management) Act 2012. To support the Gold Coast Rapid Transit light rail project, my department adopted an innovative approach to this problem by introducing legislation in 2011 to permit a licence to be issued for the light rail corridor, including watercourse crossings. This was a successful solution which enabled financing to be obtained at more reasonable rates.

The proposed amendments to the watercourse crossing provisions will extend the current provisions dealing with watercourse crossings for light rail infrastructure to road, rail and busway. They will also provide that the rights to construct and operate transport infrastructure can include a continuous connection over watercourse crossings. This will reduce project risk and cost to make financing easier to obtain for private sector infrastructure projects and reduce the need for special purpose legislation to support specific projects.

011 A key change to the Transport Planning and Coordination Act 1994 will see improvements in how government manages statutory easement of support to provide protection for subterranean transport infrastructure. Easements over land next to transport land protect the structural and operational integrity of subterranean transport infrastructure, notably tunnels. Tunnels require support from the surrounding earth, and easements ensure that this support is maintained. An easement on the property title serves as notice to landowners about the existence of underground infrastructure.

Protection for underground infrastructure contributes to the safe and efficient operation of this infrastructure on an ongoing basis. However, existing statutory provisions and the common law principles for easements have been outpaced by modern engineering principles and government policy for integrated development around transport infrastructure. The proposed amendments modernise and consolidate the existing law to protect transport infrastructure in a more proactive and resilient way that can continue after redevelopment, subdivision and subsequent sale of the land.

These changes to the Transport Infrastructure Act and the Transport Planning and Coordination Act are the first steps in a major overhaul of transport infrastructure legislation. Later this

year I will bring new legislation before the House to extensively reduce red tape, modernise legislation and provide for significant cost savings in the delivery of major infrastructure projects, such as the underground bus and train project.

To look at changes to the Transport Operations (Road Use Management) Act 1995, an important red-tape reduction and cost-saving measure is the change to drink- and drug-driving legislation to provide greater flexibility for the laboratory testing of blood and saliva specimens collected by police. The amendments will allow a qualified analyst who is case managing a blood or saliva specimen to sign an evidentiary certificate about the presence of alcohol or drugs in a driver's system even where another analyst undertook the actual testing of the specimen. This will streamline the testing process for the Queensland Health Forensic and Scientific Services laboratory by allowing numerous specimens to be 'batched' during the testing process, reducing the turnaround time for analysis and reporting, and making more efficient use of resources. It is expected that the revised procedures will lead to a reduction in the number of test runs carried out in the order of 75 per year, which equates to a cost saving of approximately \$100,000 per year.

I would like to take the opportunity to remind the House that this government is introducing a more efficient and effective method of registering vehicles, saving up to \$3.5 million a year in postage and printing costs when from 1 October this year we phase out registration labels for all vehicles up to 4.5 tonnes which account for about 96 per cent, or 4.4 million, of vehicles registered in Queensland. As we transition into this new phase, it is important to ensure that we have an appropriate level of enforcement to ensure only registered vehicles and those with compulsory third-party insurance are used on our roads. Any increase in unregistered vehicles could lead to a reduction in money available for road funding, and any increase in vehicles without CTP insurance will place more pressure on the nominal defendant fund within the CTP scheme.

Currently, enforcement action against operators of unregistered and uninsured vehicles is primarily undertaken by physically intercepting a vehicle and manually issuing a ticket. Even when an enforcement officer identifies an unregistered vehicle through technology such as automatic number plate recognition cameras, they still have to physically stop the vehicle before taking enforcement action. This process is clearly inefficient and will not provide the appropriate level of enforcement action required when registration labels for light vehicles are removed on 1 October 2014. The amendments in this bill will enable the automated issuing of infringement notices to the previous registered operator of an unregistered vehicle that is detected on the road by cameras operated by my department and the Queensland Police Service. Infringement notices will also be able to be issued for vehicles without CTP insurance. Automating this process and allowing infringement notices to be issued through the mail rather than requiring vehicles to be intercepted will improve our enforcement efforts and increase compliance.

Another area where we are looking to streamline processes relates to the requirements to report crashes and road incidents to Queensland police under the Transport Operations (Road Use Management) Act 1995 and the Queensland Road Rules. The current \$2,500 threshold for reporting crashes has been in place for many years without being increased. It does not reflect the fact that a majority of crashes now involve damage exceeding \$2,500 because modern vehicles are designed to crumple to preserve passenger safety. It can actually cause uncertainty as drivers are unsure whether damage to their vehicle meets the threshold, resulting in unnecessary reports to police. The bill removes the requirement to report crashes to police where property damage exceeds \$2,500 from the road use management act and the Queensland Road Rules. Importantly, I note that the requirement to report crashes to police where a person is injured or killed will be retained. Requirements to report when a vehicle needs to be towed will also be retained. This crash data is used to identify lengths of road which have a high crash frequency and which require improvement, as well as forming the basis for the development of targeted road safety policies and programs.

Another key improvement in road use management legislation is to create a specific offence to prohibit a driver transporting a placard load of dangerous goods through a tunnel which displays a prohibition sign. Tunnels are a critical part of our transport infrastructure network, and dangerous goods being carried in a tunnel increases the risk of a potentially catastrophic incident. To mitigate this risk, it is important to have a sufficient deterrent against the transport of placard loads of dangerous goods through tunnels. Placard loads are commercial quantities of dangerous goods that require the vehicle to display a placard or sign warning of the presence of dangerous goods. To ensure consistency across all types of dangerous goods, the offence will also apply to the transport of explosives and radioactive substances.

Due to the serious road safety, environmental and public infrastructure risks of dangerous goods being transported in tunnels, the bill creates a specific offence with a maximum penalty of 200 penalty units, which is \$22,000 or one year's imprisonment. It is also planned to make the offence ticketable with an infringement notice fine of 10 penalty units or \$1,100 for individuals and 50 penalty units or \$5,500 for corporations. Because of the difficulty of conducting effective enforcement in tunnels, the offence will be detected by cameras installed in the tunnels.

If a vehicle is photographed in a tunnel displaying a placard, it will be presumed to be transporting dangerous goods, unless the driver can prove that the goods had already been delivered. Infringement notices will be issued to the person in charge of the vehicle under the camera detected offence provisions of the road use management act. The increased penalties and enforcement will assist in protecting public safety, the environment and transport infrastructure by preventing the likelihood of a serious incident involving dangerous goods in a tunnel.

I look now at a key amendment to the Transport Operations (Passenger Transport) Act 1994. Under the government's unclaimed moneys scheme, go card funds must be transferred to the Public Trustee Office after two years of inactivity on the go card. Approximately 81 per cent of these funds are on unregistered go cards and unlikely to be claimed. Under the proposed changes, unclaimed funds will be reinvested into public transport initiatives rather than transferred to the Public Trustee Office. Residential tenancies legislation contains a similar provision allowing unclaimed rental bond to be used for housing related purposes. The amendments will only allow unclaimed go card funds to be reinvested in public transport initiatives after five years of inactivity, subject to my approval. It is important to note that go card holders will still be entitled to claim a refund from TMR at any time.

This is only a brief outline of key amendments. The bill carries over 30 amendments to transport and other legislation, and continues the ongoing focus of my department to improve existing legislation and processes and reduce red tape for business and the community wherever possible. I commend this bill to the House.

### First Reading

**Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (11.17 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### Referral to the Transport, Housing and Local Government Committee

**Mr DEPUTY SPEAKER** (Mr Berry): Order! In accordance with standing order 131, the bill is now referred to the Transport, Housing and Local Government Committee.

### Portfolio Committee, Reporting Date

**Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (11.18 am), by leave, without notice: I move—

That under the provisions of standing order 136 the Transport, Housing and Local Government Committee report to the House on the Transport and Other Legislation Amendment Bill by 30 June 2014.

Question put—That the motion be agreed to.


Motion agreed to.

## ~~WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL~~

### ~~Second Reading~~

~~Resumed from 2 April (see p. 1038), on motion of Mr Bleijie~~

~~That the bill be now read a second time.~~

~~ **Mrs OSTAPOVITCH** (Stretton—LNP) (11.19 am), continuing: It is to be noted that a workplace health and safety permit holder is not an inspector and can only provide advice on health and safety~~