



LEGISLATIVE ASSEMBLY OF

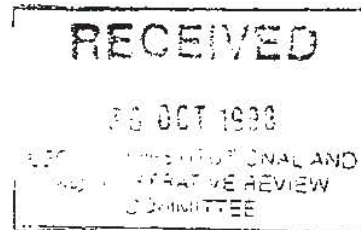
*Queensland*

Travelsafe Committee

Reference: G.WraveA Letter to licare with submission

Submission No 57

30 October 1998



Ms Kerryn Newton  
Research Director  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
BRISBANE Q 4000

Dear Ms Newton

Consolidation of the Queensland Constitution

I refer to a letter dated 20 October from your Chairman, Mr Fenlon MLA, and enclose the committee's submission to your inquiry. Please contact the Research Director, Mr Rob Hansen, if you need to clarify any matters raised by the committee.

Yours sincerely

  
Nita Cunningham MLA  
Chairman



**Submission to the Legal Constitutional and Administrative  
Review Committee (LCARC)**

**The Consolidation of the Queensland Constitution**

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## INTRODUCTION

The draft *Parliament of Queensland Bill* circulated by LCARC for consultation should be amended to establish the Select Committee on Travelsafe as a statutory committee. This will strengthen the parliament's capacity to scrutinise the government's road safety and public transport programs and enhance the accountability of the executive.

Successive Travelsafe Committees have made a substantial, tangible contributions to the improvement of road safety since the first committee was established in 1990. Road safety remains an important issue for many Queenslanders. A conservative estimate based on Federal Office of Road Safety data is that deaths and injuries on Queensland roads cost over \$1.26 billion per year<sup>1</sup>.

Since the 43<sup>rd</sup> Parliament, Travelsafe has also been responsible for public transport. For South East Queensland (SEQ), the nation's fastest growing region and home to over two million people, this is one of the greatest challenges over the next 20 years. Failure to deal with the bad and worsening transport problems in this region will have appalling consequences for the economy, the environment and the lifestyle of all people in SEQ.

Measured in terms of public submissions, attendance by the public at public hearings, forums and seminars and media coverage of committee activities, the Travelsafe Committees have generated by far the highest levels of direct public input and interest of all the committees in the Queensland Parliament.

Unfortunately, the establishment of Travelsafe Committees as select committees has hindered their operations in several ways. Problems have included uncertainty about its future, the lack of a permanent secretariat and perceived lower status compared to other committees. Establishing Travelsafe as a statutory committee would overcome these problems and ensure that the committee continues to make a valuable contribution to improving road safety and public transport.

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<sup>1</sup> Based on statistics for 1992 compiled by the Federal Office of Road Safety and expressed as a per capita proportion of the \$6 billion estimated annual cost for the nation prepared by the Bureau of Transport and Communication Economics

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## THE ROLE, RESPONSIBILITIES AND FUNCTIONS OF THE TRAVELSAFE COMMITTEE

Select Committees on Travelsafe have been established by resolutions of each Queensland Parliament since 1990 with, in effect, standing references to investigate and report on road safety issues in Queensland.<sup>2</sup>

The role, responsibilities and functions of the Travelsafe Committee are comparable with the committees established under the *Parliamentary Committees Act 1995* (the *Act*). S8 of the *Act* states that the general role of a statutory committee is to deal with issues within its responsibility and any matters referred to it by the Legislative Assembly. Travelsafe committees have dealt with matters within their areas of responsibility as set out in the resolutions that established them. They have also dealt with matters referred to them by the Legislative Assembly.

The Travelsafe Committee's responsibilities are to inquire into and report on all aspects of road safety and public transport in Queensland. In particular, the resolution establishing the committee requires it to monitor, investigate and report on -

- issues affecting road safety including the causes of road crashes and measures aimed at reducing deaths, injuries and economic costs to the community;
- the safety of passenger transport services, and measures aimed at reducing the incidence of related deaths and injuries; and
- measures for the enhancement of public transport in Queensland and reducing dependence on private motor vehicles as the predominant mode of transport.

The resolutions establishing the Travelsafe Committee gives it the power to call for persons, documents and other things. These powers continue while parliament is prorogued. Section 25(1) of the *Act* gives similar powers to the Public Accounts Committee and the Public Works Committee. These powers are expanded to other committees in the draft *Parliament of Queensland Bill* circulated by LCARC.

As with previous Travelsafe Committees, the resolution establishing the committee of the 49<sup>th</sup> Parliament requires it to table an annual report on its operations. This is equivalent to the annual reporting requirement for statutory committees under S33(1) of the *Act*.

Travelsafe remains the only committee with a standing reference from the parliament that is not a statutory committee. Select or *ad hoc* committees are normally established for specific purposes and with finite reporting dates. Specific-purpose, select committees established by recent Queensland parliaments include parliamentary estimates committees, the select committees on procedural review and the Select Committee on Parliamentary Entitlements.

Decisions by successive parliaments to re-establish the Travelsafe Committee are testament to the importance of road safety and public transport, the fact that there are numerous issues that warrant scrutiny, and the contributions previous Travelsafe Committees have made.

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<sup>2</sup> The resolution establishing the committee of the 49<sup>th</sup> Parliament was passed by the Assembly on 30 July 1998, and is provided in full at appendix A.

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## PARLIAMENTARY SUPPORT FOR TRAVELSAFE COMMITTEES

The committee has been re-established four times by successive parliaments since the first Travelsafe Committee was appointed by the 46<sup>th</sup> Parliament on 10 May 1990. It was re-established by the 47<sup>th</sup> Parliament on 12 November 1992; by the 48<sup>th</sup> Parliament on 15 September 1995; by the second session of the 48<sup>th</sup> Parliament on 18 April 1996 with a wider brief to examine public transport; and by the 49<sup>th</sup> Parliament on 30 July 1997 with the same brief as the previous committee.

Travelsafe has a particularly important role in Queensland. Road safety and public transport issues are invariably complex and difficult to examine fully within the confines of parliamentary debate. The absence of an upper house in Queensland further exacerbates this problem providing less opportunity for debate compared to states with bicameral parliaments. Queensland also has a much smaller community of transport academics, independent researchers and interest groups with the resources to critically examine government policy and the decisions taken by executive government on road safety and public transport.

Travelsafe Committees have made 18 reports to the Legislative Assembly on matters they have considered. These include 4 reports on matters the Assembly referred to the committee. In their reports, Travelsafe Committees made a total of 345 recommendations to the Parliament.

## PUBLIC BENEFITS FROM TRAVELSAFE COMMITTEES

The work of Travelsafe Committees has delivered tangible public benefits to ordinary citizens. Queensland's road toll has fallen significantly since the first Travelsafe Committee. The state's annual road toll in 1989, the year before the first committee was established, was 428. The 1998 toll for Queensland is trending towards 300 deaths, a reduction of 128 fatalities or 30 percent since 1989. This reduction has occurred despite significant growth in population, car ownership and private travel during the period.

Travelsafe Committees have played a pivotal role in the development of key road safety initiatives for the government that have achieved this reduction. These include: the introduction of speed cameras and 50 KPH general urban speed limits; enhanced random breath testing; improvements to the driver training and licensing system; the implementation of local area traffic management strategies; improved financial accountability within the Queensland Police Service and the funding of road safety research and prevention projects by the Government's motor vehicle third party insurer, the Motor Accident Insurance Commission.

Many of these initiatives would not have been implemented or would have been implemented later if they had not first been considered and recommended by an all-party parliamentary committee. Bi-partisanship has been a hallmark of all Travelsafe Committee inquiries and all Travelsafe reports have been adopted unanimously.

The Travelsafe Committee of the 48<sup>th</sup> Parliament, the most active to date, tabled five major reports on road safety issues, three reports on public transport and two annual reports over a period of 30 months. The road safety reports are:

- Report No.16 *Report on Driver Training and Licensing*;
  - Report No.18 *Queensland's Road Toll: An Overview*;
  - Report No.19 *Queensland's Road Toll: Drink Driving (Part 1)*;
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- Report No.20 *Unsecured Loads*; and
- Report No.22 *Compulsory BAC Testing*.

The public transport reports are:

- Report No.23. *Brisbane's Citytrain Network - Part One - Safety of the Rail System and Infrastructure*;
- Report No.24 *Brisbane's Citytrain Network - Part Two - Passenger Security*; and
- Report No.25 *Shared Bikeways*.

The Travelsafe Committee of the 49<sup>th</sup> Parliament looks forward to building on this work.

## **OPERATIONAL DIFFICULTIES AS A SELECT COMMITTEE**

Establishment by resolution is problematic for committees such as the Travelsafe Committee with a standing reference. The difficulties include: the lack of continuity; the lack of a permanent committee secretariat and a perception that the committee has lower status compared to statutory committees of the Parliament.

### ***The lack of continuity***

Successive Travelsafe committees have endured pre-election speculation about the likelihood that a committee with the same terms of reference will be established in the new parliament. At times, this has made these committees hesitant about initiating major inquiries. While no committee of the parliament, statutory or otherwise, is truly permanent and immune from this uncertainty, the tenure of Travelsafe Committees as select committees has been the most precarious.

The uncertainty has increased during the 48<sup>th</sup> and 49<sup>th</sup> Parliaments. According to the Electoral and Administrative Review Committee in its 1991 issues paper<sup>3</sup> on parliamentary committees, a statutory committee created by an Act of Parliament has the protection of being entrenched in legislation which specifies its statutory functions. The committee agrees. Standing or permanent committees emerged from the select committee systems to lend continuity to the consideration of issues.

It is an opportune time for Travelsafe to make the transition to a statutory committee to give its consideration of road safety and public transport issues the same level of continuity afforded other committees.

### ***The lack of a permanent secretariat***

All statutory committees and the Travelsafe Committee have full-time secretariats consisting of a research director, research officer/s and an executive assistant. Parliamentary committees rely heavily on these staff for administrative, procedural, secretarial and research assistance. The resolution establishing the Travelsafe Committees expires with the dissolution of parliament. This has a direct bearing on the staff who serve the committee. In the absence of a legislative basis for the re-establishment of the committee in the new parliament, the staff normally lose their positions. This

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<sup>3</sup> Electoral and Administrative Review Committee, *Issues Paper No. 17: Review of Parliamentary Committees*, Government Printer, Brisbane, December 1991.

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has implications for staff recruitment and retention. Uncertainty about the committee's future has also impacted on accommodation planning for the secretariat.

In contrast, the secretariats of statutory committees retain their positions between parliaments. This is because statutory committees are established in legislation giving greater certainty that the committees will be re-established. The staff use this period to prepare background information and preliminary research for the new committees. The continuity also enables the staff to maintain their filing and administration systems and electronic databases from one parliament to the next. These measures enable the incumbent statutory committees to commence inquiry work with minimal delays when they are appointed.

Prior to the last election, the Travelsafe Committee of the 48<sup>th</sup> Parliament wrote to the Premier and Leader of the Opposition and secured their commitment to establish a Travelsafe Committee in this parliament. On that basis, the Clerk of the Parliament retained the secretariat to serve the new committee. This has enabled the committee to work actively from the day it was established. It expects to table three reports and two issues papers from its first five months of operation.

### ***A perceived lower status compared to other committees of the Parliament***

The select committee status of the Travelsafe Committee in contrast to the other committees with standing references implies that the committee is less important. That is, it implies that road safety and public transport issues are less important to the parliament than public accountability in the government's financial dealings (Public Accounts Committee); the value of public works (Public Works Committee), the application of fundamental legislative principles to bills and subordinate legislation (Scrutiny of Legislation Committee) or the ethical conduct of Members of Parliament (Members' Ethics and Parliamentary Privileges Committee). The committee suggests that these matters are equally important and that establishing Travelsafe as a statutory committee would place all the parliament's committees with standing references on a common footing.

## **THE VICTORIAN PARLIAMENT'S ROAD SAFETY COMMITTEE**

The Victorian Parliament's Road Safety Committee is Australia's longest serving and most successful parliamentary road safety committee. It has a road safety reference that is equivalent to that of the Travelsafe Committee, and has the same role and functions. It is different however in that it is statutory committee. Like other committees of the Victorian Parliament that have standing references, the Road Safety Committee and its terms of reference are established in the *Parliamentary Committees Act 1968* (Victoria). The Act states:

### ***4A. Specific Purpose Committees***

(1) *There shall be 2 Specific Purpose Committees of the Council and the Assembly to be called-*

- (a) *Road Safety Committee;*
- (b) *Drugs and Crime Prevention Committee.*

### ***4EE. Road Safety Committee***

*The functions of the Road Safety Committee are to inquire into, consider and report to the parliament on any proposal, matter or thing concerned with road trauma or safety on roads and related matters, if the Committee is required or permitted so to do by or under this Act.*

The Victorian committee provides a precedent for the establishment of the Travelsafe Committee as a statutory committee in Queensland.

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## CONCLUSIONS

Select committees on Travelsafe have been established by successive Queensland Parliaments since 1990 with, in effect, standing references to investigate and report on road safety issues. Since 1996, Travelsafe Committees have also investigated and reported on public transport issues. Their roles, responsibilities and functions have been equivalent to statutory committees established under the *Parliamentary Committees Act 1995*.

Travelsafe Committees have made a significant contribution to the parliament and the state, and generated by far the highest level of direct public input and interest of all the parliament's committees. Their work has been pivotal to the development of key road safety initiatives for the government that have significantly reduced the state's road toll. Many of these initiatives would not have been implemented, or implemented later, if they had not first been considered and recommended by a parliamentary committee.

The committee has experienced problems because it is select committee status. These include the lack of continuity, the lack of a permanent secretariat and a perceived lower status compared to other committees of the parliament. Establishment as a statutory committee, like the Victorian Parliament's Road Safety Committee established under the *Parliamentary Committees Act 1968* (Victoria), would address these problems and ensure that the Travelsafe Committee continues to make a valuable contribution to improving road safety and public transport in Queensland.

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