



Speech by

**Hon. STEVE BREDHAUER**

**MEMBER FOR COOK**

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Hansard 6 August 1998

**TRANSPORT LEGISLATION AMENDMENT BILL**

**Hon. S. D. BREDHAUER** (Cook—ALP) (Minister for Transport and Minister for Main Roads)  
(12.40 p.m.): I move—

"That the Bill be now read a second time."

Since assuming my portfolio, I have had to come to terms with many issues in Transport and Main Roads. One of these has necessitated the early introduction of this legislation today. No sooner had I assumed office that I was informed that important and necessary Acts, regulations and by-laws essential for the good governing of this State had been allowed to expire by the previous Government. This legislation was originally preserved in both the Transport Infrastructure Act 1994 and the Transport Operations (Road Use Management) Act 1995 as a transitional arrangement pending its intended review and replacement with new legislation. Its repeal and expiry was not by design, nor accident, nor miscarriage of the law but by the incompetence of the former Borbidge Government's legislation program.

No fewer than five critical Acts and nearly a dozen important regulations and by-laws preserved under these two Acts ceased to exist effective midnight on 30 June and 1 July 1998. It was not intended that this legislation would be repealed or expire itself at this time. In fact, it was not intended to repeal or expire itself for a further 12 months. Yet, despite the longstanding awareness of the former Minister for Transport and Main Roads and the former Government of the need for action, the repeal and expiry was allowed to occur.

Through poor management of the legislative program, they ignored the warnings and failed to proceed with the passage of the Statute Law (Miscellaneous Provisions) Bill. The passage of this Bill would have ensured the continued validity of the legislation for a further 12 months. Its passage would have saved us from the serious situation we are now in. As a result of this incompetence, I have inherited a portfolio which has lost laws regulating the carriage of dangerous goods and the registration and control of motor vehicles, boat harbours, the Gold Coast waterways and houseboats on waterways. The Acts which ceased to exist because of the failure to pass the Statute Law (Miscellaneous Provisions) Bill are—

Carriage of Dangerous Goods by Road Act;  
Motor Vehicles Safety Act;  
Motor Vehicles Control Act;  
State Transport Act; and  
Transport Infrastructure (Roads) Act.

These are important Acts which provide for safety and which have been compromised.

Further, the failure to pass the Statute Law (Miscellaneous Provisions) Bill has forced Queensland Transport to make arrangements for New South Wales to issue dangerous goods vehicle licences rather than our own Queensland licences. This has cost Queensland taxpayers thousands of dollars and has caused applicants for dangerous goods licences a lot of confusion, inconvenience and unnecessary indirect costs. This cannot change until new legislation is passed. The Bill proposes to retrospectively validate those laws which have been repealed or expired. Fortunately, some of the legislation has been able to be replaced by regulations made by the Governor in Council and is not

required to be addressed in the Bill. Nonetheless, the Bill comprises a number of significant clauses which are essential for passage.

Whilst it is true that the Bill has retrospective effect and we in this Government are aware and share the concerns of the Scrutiny of Legislation Committee on any breach of fundamental legislative principles, we have been left with no alternative. Fundamental legislation principles dictate that retrospective laws should not be passed without clear and good reason. In introducing this Bill, I can state without reservation that clear and good reasons exist for the retrospective aspects of the Bill.

Without retrospectivity, gaps would exist in areas of our road use and marine infrastructure law. There would be no continuity to the legal basis of many permits and licence approvals and an array of other administrative instruments and actions, nor would there be a basis for the introduction of replacement legislation which was intended for many of the Acts, regulations and by-laws which have now ceased to exist. It is for these reasons that we propose a retrospective effect with this Bill. We have, however, moved to protect Queenslanders from any unintended consequence which may be an innocent result of the confusion in past weeks. No prosecutions for offences committed during the hiatus period will be undertaken by the Department of Transport.

Lastly, I would point out that the Bill also addresses a number of amendments to rail transport infrastructure provisions within the Transport Infrastructure Act 1994. These were drafted earlier in the year but were never acted on by the former Borbidge Government. These amendments are necessary to streamline accreditation provisions for the establishment of new rail corridors. Opportunity has been taken to incorporate these amendments to ensure no legislative impediment exists to potential proponents of new rail corridors. The first beneficiary of these provisions will be the Airtrain proposal—a rail link from the city to the airport. Negotiations are well advanced and the passage of the Bill will assist in ensuring the progress of the development.

This Bill should not have been necessary. If the former Government had not neglected its legislation program, no legislation need have expired. Queensland drivers would not have had to obtain New South Wales dangerous goods licenses. The Bill is necessary, however, and must be passed in order to rectify the serious gaps in road use and marine infrastructure law.

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