



Speech by

Hon. STEVE BREDHAUER

MEMBER FOR COOK

Hansard 22 October 1998

TRANSPORT LEGISLATION AMENDMENT BILL (No. 2)

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

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

The objective of this Bill is to provide for a range of amendments to a number of Acts administered by my Department of Transport. They are the Traffic Act 1949, the Transport (Gladstone East End to Harbour Corridor) Act 1996, the Transport Infrastructure Act 1994 and the Transport Operations (Passenger Transport) Act 1994. These statutes deal respectively with traffic management, transport planning, transport infrastructure and public transport issues. They are of importance to Queenslanders throughout the State and impact on each of us to differing degrees. The use of an omnibus Transport Legislation Amendment Bill means necessary amendments to legislation can be conveniently made in one Bill. It is in fact the second Bill of its kind that I have introduced into the House this year. This Bill facilitates the improvement of a number of policy areas and the delivery of important reforms that will help the Government reach its 5% unemployment target by stimulating the development of employment opportunities in Queensland.

This Bill amends the Traffic Act 1949 to alter the law as it currently exists with respect to the seizure and removal of vehicles and animals from roads. At present this can be conducted only by Queensland Police Service members. This amendment will allow a local authority to seize a vehicle on a road that has been abandoned by the last person who drove it, or to seize a vehicle on a road that is creating, or is likely to create, a danger or obstruction to other road users and the driver cannot be readily located or that person fails to immediately remove it when required to do so by the local authority. Similar provisions exist in relation to animals on roads. These changes will benefit both the Queensland Police Service and Queensland's local authorities by extending to local authorities the powers of seizure and removal of vehicles and animals from our roads.

This Bill also seeks to amend the Transport (Gladstone East End to Harbour Corridor) Act 1996. Members would be aware that this Act facilitated the QCL development in Gladstone. In that case, a rail corridor was necessary to allow QCL efficient access to expand its capacity at its Gladstone operations. By establishing the rail corridor, this Act avoided the unacceptable expansion of heavy vehicle road use in Gladstone. Of course, the previous Labor Government helped to facilitate this project so that coral dredging could be stopped in Moreton Bay.

This Act was passed by the previous Government, with reservations expressed by my colleague the Deputy Premier and Minister for State Development and Minister for Trade, who was then the shadow Transport Minister, and was supported by Labor members when in Opposition. The Bill proposes amendments that will clarify property descriptions for land acquisition that has already taken place. The clarification of the property descriptions will only affect local Government-owned properties and will not affect any privately owned land. The proposed amendments are retrospective to the date of assent of the Transport (Gladstone East End to Harbour Corridor) Act 1996 and are put forward only on the basis that they clarify property descriptions for land acquisition that has already taken place. The Government understands concerns about the intended and unintended consequences of retrospective legislation. However, in this case the effect of retrospectivity is to correct the legislative record. The amendments made by this Bill do not in any way affect a person's civil liberties and rights.

Further amendments to the Transport Infrastructure Act 1994 will enable proponents of railways in Queensland to access land for investigating the feasibility of future railway options. These amendments facilitate development of new rail corridors in Queensland without the proponents of these new corridors having to be accredited railway operators at the feasibility study stage. All future proponents of a railway will benefit, but immediate results will flow to the proponents of the Surat/Dawson Valley Infrastructure Development project, SUDAW. This project is estimated by the Department of State Development to potentially generate 1,000 new permanent jobs and thousands of flow-on jobs throughout the State.

In addition, the Transport Infrastructure Act 1994 will also be amended by this Bill to alleviate difficulties encountered by project proponents and financiers of miscellaneous transport infrastructure corridors, for example, pipelines and conveyors. For example, this Bill will alleviate difficulties where a proposed miscellaneous transport infrastructure corridor crosses an existing road or rail corridor. Currently, where this occurs the corridor ceases at the side of the road or railway and resumes on the other side, and permits must be obtained for the intersecting land through negotiation with the relevant local government or State authority. There is no compulsion on these agencies to even negotiate, let alone come to an agreement on the terms of the crossing. Consequently, the integrity of the corridor is viewed by major utility providers as being insecure, discouraging investment in their provision. The amendments proposed by this Bill establish a mechanism for negotiating the establishment of the crossing through existing corridors. Procedures are also established to allow my colleague the Deputy Premier and Minister for State Development and Minister for Trade to facilitate the approval of the crossing if required. Naturally, any approval granted will be with conditions, as required. In effect, the means for arbitration over these conditions will also be firmly established.

The amendments to the Transport Infrastructure Act 1994 contained in this Bill exempt the Minister making the decision to grant or refuse an approval from the Judicial Review Act 1991. Consequently, the Judicial Review Act 1991 is amended to reflect this situation. Similar provisions were enacted in the Transport (Gladstone East End To Harbour Corridor) Act 1996. This is not done lightly. The need to ensure legislation that is capable of promptly and efficiently responding to the transport infrastructure requirements of the State requires that judicial review be excluded. It needs to be emphasised that the exemption of judicial review is circumscribed and subject to important safeguards. At the outset it should be noted that the exemption will only affect Government or Government owned corporation land.

Finally, and most importantly, to ensure a properly accountable decision is made it is a requirement that a statement of reasons for the decision be tabled in this House within 14 sitting days. These amendments will benefit all Queenslanders through their facilitation of infrastructure development in this State and reflect this Government's determination to increase the number of jobs available in Queensland.

This Bill also amends the Integrated Planning Act 1997 to ensure that minor works associated with rail feasibility studies are not subject to this Act. Lastly, the Transport Operations (Passenger Transport) Act 1994 is amended to close a loophole by clarifying that charter buses and taxis are very different modes of public passenger transport and have different rights and responsibilities. Several charter bus operators have been able to act much like taxis while not having to meet the significant social justice role that taxis play in exchange for protection from competition. This has, of course, disadvantaged taxi service operators. Under the amendments, charter bus operators will not be restricted from running a charter bus service but they will have restrictions that will effectively prevent them from acting like taxis.

The amendment in fact allows for the removal of an existing restriction on charter bus operators which prohibits operators from providing a charter bus service for a group of less than six people where the area in which the operator provides the service has a population less than 10,000. In summary, this Bill amends legislation administered by my department in a way which will benefit all Queenslanders through the delivery of infrastructure and by contributing to employment growth in the State and particularly regional Queensland. I commend the Bill to the House.
