



Speech by

Hon. STEVE BREDHAUER

MEMBER FOR COOK

Hansard 15 May 2001

TRANSPORT INFRASTRUCTURE AND ANOTHER ACT AMENDMENT BILL

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

That the bill be now read a second time.

This Bill amends two acts: the Transport Infrastructure Act 1994 and the Transport Operations (Marine Safety) Act 1994. The purpose of the amendments to the Transport Infrastructure Act 1994 is to establish a legislative scheme that supports the effective operation of a new electronic toll collection system for Queensland's toll roads, called e-toll. E-toll will commence operation from 9 June 2001 on both the Gateway and Logan Motorway toll roads.

E-toll marks the beginning of a new era for Queensland's toll roads. E-toll is not a new toll. Nor is it about increasing existing tolls. Rather, it is an important improvement in customer service for motorists who regularly use toll roads. For the first time in Queensland, all motorists using e-toll lanes will be able to travel through the toll plazas on our toll roads without stopping. Motorists travelling through e-toll lanes will be able to pass through the toll plazas at up to 30 kilometres per hour. This should significantly reduce delays at toll plazas on Queensland toll roads.

But e-toll does more than make paying the toll faster. Because a motorist with an operating e-toll transponder from the toll operator need never again fumble for coins or wait for change, it makes paying the toll easier, too. E-toll employs electronic transponders to enable motorists to meet their toll liability. The transponders send a message to computers at a toll plaza that record payment of a toll or, in the case of credit account holders, record a liability for a toll.

While the change to e-toll is clearly desirable, it is also in large part inevitable. The current electronic toll collection system is obsolete. Its defects include the unavailability of spare parts and the reliance on transponders that operate on frequencies used by mobile telephones. Importantly, the current system does not use the standard operating frequency agreed upon by the Australian Transport Council and adopted by all other operators in Australia. The current electronic system, therefore, is not interoperable with electronic toll collection systems in other states.

E-toll will rectify all these defects and will provide improved customer service by meeting rapidly increasing traffic volumes and overcoming consequent delays. It will do so in a way that ensures that Queensland users, especially commercial users, will be able to use their transponders to electronically pay tolls on the other major toll roads in Australia. This is especially important for Queensland businesses that haul freight interstate. Of course, the scheme is reciprocal: truck drivers from Victoria or New South Wales who have transponders from those states' toll road operators also will be able to use the e-toll lanes in Queensland and be billed for their use by the toll road operator who issued them their transponder.

To deliver to toll road users the benefits such a system makes possible, an electronic toll collection system must do two things. Firstly, it must ensure that payments of motorists having valid transponders are recorded or, in the case of those motorists having billing arrangements with the toll operator, that a liability for that driver is recorded. Recognising that some e-toll account holders will not pay the toll at the toll plaza, the bill creates a liability for a motorist to pay a toll to the toll road operator for the use of the toll road. It also provides the ways by which such a liability may be met, including by electronic payment under the e-toll system.

Secondly, there must be a cost-effective way to make sure that those motorists who use the system without a valid transponder pay the toll and associated collection costs. To ensure that all motorists pay their fair share without losing the efficiency gains of the e-toll system, the bill enables an enforcement regime based on camera monitoring, triggered by electronic sensing equipment. The bill does this through the adoption of a deferred toll approach. When a driver passes through an e-toll lane without a valid transponder, an image of the vehicle is grabbed by the video cameras mounted at each e-toll lane and recorded. The bill provides such drivers an opportunity to pay the deferred toll, which consists of the toll due and an administrative charge to cover the reasonable cost of collecting the deferred toll. While the costs of the administrative charge have not yet been determined, it is anticipated that they would be between \$10 and \$20.

It should be noted that mere failure to pay the toll is not an offence. This is an important element of the scheme. The scheme is not in place to raise revenue from motorists by imposing offences with heavy penalties for improperly using the e-toll lanes. Rather, by allowing motorists the opportunity of paying the toll operator the deferred toll, the enforcement scheme in the bill is the least burdensome way of ensuring that all motorists using the toll roads pay their fair share. An offence arising from the failure to pay a toll occurs only where a motorist, who has been notified of the obligation to pay a deferred toll, fails to do so within a prescribed period, not to be less than 30 days. Like traffic offences, the offence will be enforceable by way of a penalty infringement notice—PIN—issued under the State Penalties Enforcement Act 1999. As any money collected as a result of a penalty will go to consolidated revenue and not the toll operator, there is no incentive on the toll operator's part to proceed to an offence.

By using the deferred toll approach, the bill will result in far fewer penalty infringement notices being issued to motorists wrongly using the e-toll lanes to avoid paying the toll than would be the case if an offence occurred directly upon such unauthorised use of the e-toll lanes.

Mr Speaker, I seek leave to table the balance of my second reading speech and have it incorporated in *Hansard*.

Leave granted.

As noted earlier, the deferred toll will incorporate an administrative charge narrowly targeted towards those motorists who have avoided their obligation to have a valid account with the toll operator before using the E toll lanes. The Bill provides that the administrative charge is to be no more than the reasonable cost of collecting the deferred toll. This would include the set-up and running costs of the deferred toll scheme. Without such a charge there will be no deterrent to motorists simply using the electronic toll collection lanes without paying the toll. Should the costs of implementing the system exceed the amount of the administrative charges, the difference will be borne by the toll road operator (currently Queensland Motorways Limited (QML)), and offset by increased toll revenue resulting from the increase facilitated by the E toll system.

The scheme has other safeguards to ensure that it does not impose excessive hardships on motorists. For instance, only one offence may issue for a single trip on a toll road, even where more than one toll is avoided on a single trip and the driver fails to pay any of the deferred tolls. This means that only one offence can be imposed, even where a motorist fails to pay any of the deferred tolls arising from the unauthorised use of three E toll lanes during a single trip on the Logan Motorway.

As the system relies on registration plates to identify the driver, the Bill provides for the notice of deferred toll to be sent to the registered operator of the vehicle recorded as using the E toll lane without a valid transponder. Similar to provisions in the State Penalties Enforcement Act 1999 and the camera-detected offence portion of the Transport Operations (Road Use Management) Act 1995, the Bill provides that, where appropriate, the registered operator may identify another as the driver who avoided the toll. Anyone identified as the actual driver may in turn be sent a notice of deferred toll.

As some motorists may inadvertently proceed through electronic toll-only lanes, signage has been developed to alert motorists to the existence of the E toll lanes. Further, QML's advertising campaign has been designed not only to encourage greater take-up of the electronic tolling option but also to reduce the likelihood of the inadvertent use of the E toll lanes. QML plans a two-month moratorium period during which only serious abusers, such as fleet vehicles, will be pursued. In this initial period QML plans to manually record those vehicle details where the toll has not been paid.

So that inadvertent users of the E toll lanes are not required to pay the deferred toll, QML plans to send notices of deferred toll only to those motorists who have used the E toll lane without a valid transponder on more than one occasion.

QML will identify registration numbers and forward these to Queensland Transport. Queensland Transport, as the agent for QML, will send an information letter to registered operators, who have travelled through the E toll lane and not paid the toll. The letter will advise of the requirement to have a valid transponder in a vehicle using E toll only lanes. On detection of a second evasion, a notice of a deferred toll will be sent to the registered operator.

As I have previously indicated, E toll operates on the standard operating frequency adopted by the Australian Transport Council to ensure interoperability of these systems throughout Australia. This ensures that Queensland toll road users, especially commercial users, will be able to reap the benefits of an interoperable nationwide scheme for the electronic payment of tolls. This makes good sense for business and for consumers.

The Australian Transport Council has also requested the Standing Committee on Transport (SCOT) to develop legislative principles to broadly govern the operation of ETC systems nationwide. This Bill is consistent with the fourteen principles developed by SCOT. Of particular note is the principle designed to protect the privacy of toll road customers. Because the electronic tolling system will store personal details of account customers and their traffic movements, the Bill provides that the improper use of such information is an offence.

Finally, the legislation provides a head of power within the Transport Infrastructure Act 1994 for the making of a regulation to declare roads to be toll roads and the vehicle types liable for tolls. The legislation also provides for the setting of toll amounts for each type of vehicle either in the regulation itself or in a method to be determined by the regulation. The Bill also allows that the regulation may provide for the setting of the administrative charge component of the deferred toll.

It is my intent to make a regulation to continue the current method of having tolls set by the Minister for Transport and the Minister for Main Roads by way of gazette notice. The regulation will also provide for the setting of the administrative charge in a similar fashion.

The amendments to the Transport Operations (Marine Safety) Act 1994 revise the administration of port pilotage services in Queensland. The transfer of responsibility for provision of pilotage services from Queensland Transport to port authorities will be finalised on 1 July 2001. Port authorities will then assume responsibility for ensuring port pilotage is provided in their ports.

The new approach to provision of port pilotage recognises benefits can be derived from seeking competition for the provision of the service but does not support competition in service provision. Under the new regime, port authorities will be able to ask for tenders to provide services but there will be only one pilotage service provider approved for each type of vessel in the port. The changes will allow competition for the port pilotage service market but do not support competition within the market.

Port pilotage is an important link in the logistics chain for our traded goods travelling by sea. The safe and efficient movement of vessels under the guidance of port pilots provides a safeguard to the port environment and enhances protection for port assets including berths and channels. Port pilots seek to manage the risks of vessel movement and ensure trade moves through our ports in an orderly manner.

The changed regime for the administration of port pilotage clarifies aspects of training and licensing of port pilots. The regime for training of port pilots now recognises the role of a probationary pilot. The current link between licensing of pilots and provision of pilotage services will be removed and pilots can now be licensed without being directly involved in delivering the service. This will have the effect of widening the group of pilots who could potentially provide a service.

Port pilots currently have immunity from civil liability for a pilot's actions while engaged in piloting a vessel. This reflects the approach to pilotage administration in other states and in Commonwealth countries around the world. Amendments extend this immunity to cover employers of pilots and pilots accompanying other pilots for the purposes of training and assessing. This immunity is economically justified given the alternative would impose an increased cost on our traded goods and could place Queensland ports at a trading disadvantage compared to other national and international ports.

In summary, the Bill amends legislation administered by my portfolio to the benefit of all Queenslanders.

I commend the Bill to the House.
