



Speech by

Hon. STEVE BREDHAUER

MEMBER FOR COOK

Hansard 27 November 2001

TRANSPORT LEGISLATION AMENDMENT BILL

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (9.31 p.m.), in reply: I thank all members who have made a contribution to the debate tonight. As is always the case with transport legislation amendment bills, it has been a wide-ranging second reading debate. I appreciate the contributions made by all members on both sides of the House. The shadow minister raised a number of concerns specifically in relation to the bill, and he was about the only one who did. What I thought I might do is go through some of those issues in detail now in the hope that it might enable us to be a little bit briefer in the committee stage.

One of the first issues the member opposite raised was in relation to the fees for the location of public utility plans within state controlled roads, and I will just rattle through some of the information I have here. No fees are currently charged for the location of public utility plant in the state controlled road reserve apart from mobile phone plant. Main Roads has historically borne these costs. As the road reserve becomes more crowded, the location of public utility plant has become very costly. The prime objective of these amendments is to give Main Roads the flexibility to recover costs should this be necessary. So basically what we are looking at is cost recovery rather than profiting from the charges that we put in place.

Any conditions or fees will apply only for new installations, so we will not be charging for existing installations. Any fees to be charged would be aligned with a policy which we are yet to develop, but this will give us the capacity to do that. The policy will be prepared in consultation with utility providers and relevant government departments. A range of fees might be applied—for example, an application fee, a rental fee or an annual fee—but once again I stress that the main issue here is to assist us with cost recovery so that Main Roads is not bearing the cost of the location of public utilities within the road reserve.

Main Roads recognises that the road network provides convenient economic routes for public utility plant and supports utilisation of the routes to facilitate efficiency and achieve cost savings for the community. However, the amendments are important to enable Main Roads to better manage the road corridor and achieve efficiencies in the installation of public utility plant. I am sure that the member for Gregory would be aware that when undertaking projects like the Pacific Motorway an enormous amount of the cost is involved in relocation of public utilities. What we are trying to do with this legislation is better plan the location of public utilities so it takes into account future needs in the road network whilst at the same time not sacrificing money that is actually meant for building and maintaining roads to locate public utilities within the road reserve. So it is a cost recovery type situation.

The member for Gregory also raised the issue of tunnels and why this legislation applies only to inner-city Brisbane and south Brisbane. Basically, everywhere else in the network QR owns the corridor land from the land to the sky whereas in inner-city Brisbane the tunnels have been built under existing land titles. The reason we have to have these specific provisions in respect of the inner-city tunnels and the south Brisbane tunnel is simply the existence over those tunnels of other land tenures which, in most cases, were pre-existing, whereas in other cases the rail corridor includes not just the tunnels or the land but upwards to the sky. By vesting ownership in Queensland Transport, it is about giving us the capacity to facilitate third party access.

The next issue that the shadow minister raised related to the transport of dangerous goods by rail. He asked why we were looking at substantial compliance with the national scheme legislation rather

than absolute compliance. The response to that essentially is that the amendments adopt the effect of the national approach in Queensland, although the wording may be slightly different. In relation to what the national scheme legislation seeks to achieve, we are seeking to achieve exactly the same thing. It is just that to do that in the Queensland context the legislation and the wording might be slightly different to accommodate modern drafting practices and to operate effectively within Queensland's existing legislative scheme. So the legislative context in which it operates in Queensland is different from the legislative context nationally or in other states. Substantial compliance legally means the same thing. It is just that it means that it is not word perfect in terms of mirroring the national legislation.

The member opposite also raised issues about goods that are too dangerous for transportation by rail. Generally, there is consistency between the road and rail provisions on this issue. A difference arises in that the rail provision is worded to indicate that an offence is committed only if the person knew or reasonably ought to have known that the goods were too dangerous to be transported by rail. The road provision does not include this element of knowledge. This difference reflects the national approach. The road wording mirrors the Commonwealth's Road Transport Reform (Dangerous Goods) Act 1995 while the rail provisions reflect the Rail (Dangerous Goods Rules) Schedule in the Australian Dangerous Goods Code. So essentially what we are trying to do is mirror the national legislation.

Draft waterways management plans covered by clause 35 of the bill was another issue about which the member opposite had some concerns which related to whether the chief executive had the capacity to raise fees above CPI. This was an issue that was picked up by the Scrutiny of Legislation Committee. We have acknowledged that the Scrutiny of Legislation Committee's point is valid and therefore we have proposed an amendment to be moved during the committee stage to deal with that issue. In terms of marine pollution, the member asked why any ship would be exempted from the need to have a holding tank fitted and asked for examples. In respect of new vessels, it is a provision that is unlikely to be frequently used. That means the holding tanks will be there. However, we have the scope for such a request to be received and applied under unusual circumstances. Examples of exempted vessels may include offshore racing power boats and experimental vessels. It is just a provision that is there for exceptions should it be required.

The member talked about marine pollution issues generally, and particularly about on-board containment of ship sewage. He mentioned that it had taken us some time to get these provisions right. The member would be aware that the early consultation in relation to on-board containment of ship sewage actually occurred when he was the Minister for Transport.

Mr Johnson: Even going back to David Hamill.

Mr BREDHAUER: Yes. I picked up the stuff that the member for Gregory had been doing when I became the minister in 1998. I did not substantially change those provisions because I believed, on advice from the department—but I also believed fundamentally—that we were heading in the right direction. We legislated for those provisions early in the term of this government. It was then able to be demonstrated to us by people in the shipping industry that the legislation had significant flaws and would be difficult to work. So we agreed, in consultation with the shipping industry, to go back and work through those issues. We have been doing that for a period of about 18 months now. Not long after I introduced this bill into parliament, the final recommendations were put to me. It was suggested to me that I could introduce 30 or 40 amendments to this bill at the committee stage, which would enable us to do it in time for 1 January. However, I decided that it was not appropriate to introduce those amendments at the committee stage of this bill. They are substantial amendments in their own right and they should not be introduced at the committee stage of this bill. A Transport Legislation Amendment Bill is due in the first half of next year, so I took the decision to hold them over until that bill and to move at the committee stage of this bill only to give us an extension of time until 30 June next year to give us time to put that bill through. I could have done it tonight, and we would have been here all night debating in Committee those amendments which members would not have had the opportunity of considering prior to today. I know it will take another six months, but I decided it was better, on balance, to ask for the extension for a further six months in the legislation tonight rather than bring in all of those amendments tonight.

The compulsory pilotage areas and the pilotage issues that were raised are actually not relevant to the Cairns situation. The Cairns situation is a difficult one. Dare I say it is a situation that was put in place by the previous minister. When the time came to change over those contracts, it turned out to be problematic. We are working through those issues in conjunction with the Cairns Port Authority, the other port authorities and the industry, and I expect to be making an announcement about that in the not-too-distant future.

The member is concerned that we are going soft on drink-drivers. That is certainly not the case. In fact, the review of penalties substantially increases the penalties for drink-driving offences. The penalties for drink-driving are in no way being watered down. As currently exists for Queensland drivers, interstate drivers will now have their licences automatically suspended for 24 hours if charged with a drink-driving offence. The penalty for driving under the influence of liquor for a second offence within a five-year period is to be increased from 34 penalty units to 60 penalty units. We did have a provision,

though—and this is the matter I mentioned briefly during the member for Gregory's contribution—where motorists were given a 24-hour suspension when they were picked up for drink-driving to ensure that they did not immediately reoffend. The Chief Stipendiary Magistrate raised the issue with us and said that because that was technically a suspension, when that person—

Mr Johnson interjected.

Mr BREDHAUER: No, but under the act it was a suspension. So when that person then came to have their case heard in court, they had a previous suspension on their drivers licence. It effectively meant that the discretion of the court to give an appropriate penalty in respect of the offence was constrained, if I can put it in those terms. That was not the intention. I do not want to say that it was smart alec lawyers, but I believe it was a technical issue that was raised in the courts which we were asked to look at. We believe that the arrangement that we have come to, which is a cancellation of the licence rather than a suspension of the licence, actually gives back to the magistrate the capacity to recognise if it is a relatively minor offence and to go through the issuing of work licences so that people's livelihoods are not necessarily affected. What they were basically saying is that there was the immediate suspension and then, if they were suspended again subsequently—

Mr Johnson: Even on a minor drink-drive charge?

Mr BREDHAUER: Even on a minor drink-drive charge they were subsequently precluded from holding a work licence because of this earlier suspension, even though it was a suspension for only 24 hours. So that is why we have made that adjustment.

Finally, the member raised the possible alteration of digital images. A digital image, to be used as evidence, must be certified by the Commissioner of Police with regard to the date and time the image was taken, the accuracy of the image, things depicted in the image and the operation and testing of the imaging equipment as prescribed by regulation. So if the digital image is to be tendered as evidence, there has to be certification from the Commissioner of Police as to the veracity of the evidence that is being put forward.

Mr Johnson: It's fairly accurate.

Mr BREDHAUER: Yes. I recognise the point that the member made, but we believe we have the provisions in the act to safeguard—

Mr Johnson: Isn't that giving an out, though?

Mr BREDHAUER: No, I do not think so. I do not think it is giving an out. I think what it is doing is giving a level of security to people that the images cannot be tampered with, that the images cannot be altered, as the member suggested that they might be.

The member mentioned SPER. SPER is not actually being lenient on offenders. SPER is essentially to recognise that some people have relatively minor offences and that we should not be locking up people in correctional institutions because they cannot afford to pay a fine. I think it is important that we recognise the success that has been generated so far by SPER. There is the potential for it to increase the incidence of unlicensed driving if people have their licences suspended, but the Department of Transport, the Queensland Police Service and the Department of Justice and Attorney-General are well aware of that and are endeavouring to resolve those issues.

I will not go through all the other issues that other members raised. I appreciate the contributions that they made. I want to make one comment, though, in respect of the Tugun bypass, because it is an issue that has generated some attention today and it was raised in the debate tonight. The concern for me is that I received a letter from John Anderson in June which indicated that the Commonwealth government's contribution to the Tugun bypass could only be taken by the Queensland government from its already committed funds to the Pacific Highway upgrade. The member for Gregory might remember that a number of years ago the Commonwealth government said it was going to commit funds to upgrade the Pacific Highway between Sydney and Brisbane. Separately, it made to him—

Mr Johnson: \$150 million in Queensland—\$15 million a year over 10 years.

Mr BREDHAUER: That is right. Separately, the Commonwealth government made to the member a commitment that it would fund 50 per cent of the Tugun bypass project, and I had assumed that that commitment remained solid, but I got the letter from John Anderson in June which said that the Commonwealth's contribution basically would have to be taken out of the \$150 million contribution to the Pacific Highway project, much of which has already been spent on the M1, as the member would know, or other projects. We agreed on that basis. We said we would be prepared to look at other options such as PPPs.

Mr Johnson: Did he actually say that in a letter?

Mr BREDHAUER: In a letter. We had said we wanted to canvass issues such as PPPs, because John Anderson had said to me personally that he wanted to look at funding options in respect of these issues.

I am committed to the Tugun bypass. The Minister for Tourism and Racing and member for Currumbin knows that we have made the commitment in this year's Roads Implementation Program, which is our initial commitment, I have to say. We will find additional funds for construction, but the Commonwealth saying that the only option as far as Commonwealth funds for the Tugun bypass are concerned is to take it out of its existing commitment to the Pacific Motorway is not good enough.

Mr Johnson: What about the \$600 million on the New South Wales side? The bulk of that road is on the New South Wales side. Have you asked him the question?

Mr BREDHAUER: I have taken that issue up with the federal minister. I would hope that the member opposite will take it up with him as well. I can show the member a copy of the letter the minister sent to me. I think it is dated 29 June, from memory.

I thank all honourable members for their contributions. This is an important bill. I know that everyone in parliament has Transport and Main Roads issues in their electorates. I know the significance of them. I appreciate that they have taken this opportunity to raise them on behalf of their constituents. I commend the bill to the House.
