



Speech by

GEOFF WILSON

MEMBER FOR FERNY GROVE

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TRANSPORT INFRASTRUCTURE AND ANOTHER ACT AMENDMENT BILL

Mr WILSON (Ferny Grove—ALP) (10.29 p.m.): It is my pleasure to speak in support of the Transport Infrastructure and Another Act Amendment Bill 2003. With the Ferny Grove line a major part of the Citytrain network passing through the centre of my electorate, I have a particular interest in rail safety officers and that aspect of this amendment bill that deals with rail safety officers. I believe that the Ferny Grove station has the second largest number of commuters using the Citytrain network after the Brisbane Central Railway Station. So the issue of rail safety not just on the Ferny Grove line but across the network throughout Queensland is very important to me.

Queensland has a commendable rail safety record. To provide mechanisms for further improvement of this safety performance, we must continue to provide an effective rail safety framework. That includes building on the lessons learned from the experiences of other states. Firstly, I would like to make a number of comparisons between Queensland's rail network and those of the other states and territories. Queensland has the second highest number of railway employees and is the second largest railway network—next to New South Wales. Queensland has the third largest distance travelled in kilometres behind New South Wales and Victoria. Victoria's distance includes tram travel. Queensland has the largest number of freight kilometres travelled compared to that of any other state or territory.

Although those facts show clearly the significance of Queensland's rail operations, they also show that Queensland has a lot to gain from the experiences of New South Wales. This bill captures some of the relevant lessons to be learned from the Glenbrook accident in New South Wales. To that end, I would like to speak to that aspect of the bill that relates to rail safety officers.

In line with the strengthening of the role of the safety regulator, the bill introduces a concept of a rail safety officer. Depending on the conditions of appointment, a rail safety officer will be able to conduct safety audits, issue safety directions and investigate rail incidents. Until now, the powers of a rail safety officer had been contained in the provisions for authorised persons for a railway under the Transport Operations (Passenger Transport) Act 1994. This bill inserts the appointment provisions for rail safety officers together with existing powers that are contained in the Transport Infrastructure Act 1994. The bill provides more specific powers that were detailed as necessary for enforcement agencies in the report on the inquiry into the Glenbrook rail accident. That report recommended that enforcement persons should possess powers to interview any person or inspect anything that might give rise to an unsafe activity or outcome on the rail network.

I would like to speak in particular about the rail safety officer's role in investigating railway incidents, extra powers and liability issues. The bill enables appropriate persons within and outside the Public Service to be appointed as rail safety officers under the Transport Infrastructure Act. The director-general of transport will have to be satisfied that these persons have the necessary expertise and experience to be appointed as rail safety officers. As with authorised persons for a railway, each police officer in the state will be a rail safety officer. The ability to appoint QR staff or another accredited person's staff as rail safety officers is necessary to ensure that appropriately skilled staff employed by a railway manager or operator can respond immediately to rail accidents that happen anywhere within a highly decentralised state.

Most of the powers of a rail safety officer are to be similar to those of other authorised officers and persons doing investigative duties under various transport acts in Queensland. A rail safety officer may enter a place with the owner's consent, a public place where the entry is open to the public, or any place with a warrant. The bill provides an expansion of this concept in that a railway workplace may be entered without consent if it is open for carrying on railway activities or required to be open for an audit. The ability of rail safety officers to enter places under these conditions and the specified powers provided after entering a place are necessary for rail safety officers to effectively carry out their duties.

Under new section 152A, the bill also proposes a provision regarding civil liability protection for the chief executive and rail safety officers for any act or omission done honestly and without negligence under a railway provision. In such instances, civil liability generally attaches to the state. However, if the rail safety officer is investigating an incident and is employed by the railway manager or operator, in that instance the civil liability attaches to the accredited railway.

I am pleased about these aspects of the bill as there would always be a concern that persons affected by rail incidents may seek to sue Queensland Transport. The potential for such an action may inhibit Queensland Transport officers and other rail officers in the performance of their duties. The same provision has been widely used in other legislation in Queensland. Currently, it is in use in some 170 Queensland statutes. The provision removes the uncertainty for all parties.

Finally, civil liability protection is also provided under proposed section 152B. If a person assists a rail safety officer in an accident or emergency situation without fee or reward, the civil liability of this person attaches to the state. The same provision has been used in other transport legislation concerning assistance at accidents and in emergency situations. This provision removes the uncertainty for persons who volunteer or who are coerced to assist a rail safety officer. I commend the bill to the House.