



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

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TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

Miss SIMPSON (Maroochydore—NPA) (12.16 p.m.): The Transport and Other Legislation Amendment Bill (No. 2) seeks to bring changes to a range of acts. The opposition will not be opposing the bill, although we will be reserving our right to raise questions and seek clarification on a number of issues. We support good planning provisions which ensure that development processes take into account public transport requirements and that present and future requirements are preserved in the public interest. This bill covers a number of issues and seeks to address a number of very different issues.

The bill seeks to tighten up the development powers in the development assessment framework under the Integrated Planning Act 1997. It seeks to provide appropriately trained Queensland Transport inspectors with the power to stop and inspect vehicles for compliance with the Explosives Act 1999 and will give Queensland Transport power to deal with certain approvals granted under transport regulations to act to suspend prior approvals which could endanger public safety.

Further amendments with regard to the tow truck industry have been tabled. These will make operators subject to criminal history checks and licensing. These standards are similar to the appropriate persons checks that bus drivers now face. This will be a civil test on the balance of probabilities rather than beyond reasonable doubt.

Another change is to give a head of power to levy pilotage fees in non-compulsory pilotage areas. This will also mean that consideration will be given to a difference in how those levies are applied. As has been explained in our briefing, they are looking at changing that from gross tonnage to the length of ships. There are further changes with regard to local governments and the powers they have with regard to alterations of roads as they would affect public transport.

At the outset, I acknowledge the briefing from the minister's staff, which was extremely helpful, and also the advice with regard to the amendments that will be put to the House today. Firstly, I would like to address one of those amendments with regard to tow truck operators. We strongly support these provisions. We recognise that there are only a handful of people who cause problems, but they are most concerning when there are people who have accidents on our roads who are confronted by that small percentage of people who take advantage of people in a vulnerable time. These provisions will be about licensing tow truck operators and subjecting them to criminal history checks but also applying an appropriate persons test. This will mean that, even if they have not been charged or convicted of a criminal offence, other issues can be taken into account when considering whether they are a fit and proper person to be licensed as a tow truck operator. The opposition will be supporting these measures.

The changes that apply to planning are significant. This is an issue which is increasingly in the public arena with development. We need to ensure there is proper integration between the development and the public interest in preserving options for public transport corridors, or ensuring that if there are developments in the vicinity of public network transports appropriate consideration is taken of the impact upon those corridors.

The explanatory notes state that, when the IPA was introduced, the integrated development assessment system—IDAS—was introduced as a new regulatory regime for development assessment. It

was intended that development approvals and other legislation would be integrated under the IDAS framework while state agencies under the IPA were allowed to assess and condition development applications if they were a referral agency under IDAS. Until this point, QT was not empowered to act as a referral agency for developments impacting on rail corridors or the provision of public transport. The amendments in this bill will more expressly address that and bring it back under IDAS. This is important. The IPA has been in force for some time and we have had concerns that, despite the legislation and the stated intention of IPA, there were still things happening with development processes that did not take into account the impact on local public transport.

I will be asking questions of the minister in the consideration in detail stage, but I will flag at this point some questions regarding the intention of this legislation to protect the public interest of these corridors in relation to CAMCOS. The minister mentioned CAMCOS in his second reading speech. I would ask the minister whether Queensland Transport is looking at changing the alignment of CAMCOS which the public and landowners have been consulted upon. If so, if they are considering looking at changing the alignment of CAMCOS, why would this be done when there has already been quite an extensive public consultation process?

I would also seek the minister's assurance about another issue to do with alignment. The gradient of this corridor is quite significant. If the rail corridor is elevated, it will have quite a significant impact upon not only the visual amenity but also the noise amenity of local residents in this area. We want to see this issue resolved. We do not want to see it continually revisited—not only because there is development currently happening beside the corridor about which residents have a right to know what is happening but also because there are communities which want to know they will not have an elevated rail track that will have an impact upon the noise amenity. I seek the minister's assurance on the alignment issue and on the finalisation of this issue. If there is further vacillation, it undoes a good planning process. I think the intention of the legislation before the House is to see timely decisions made so that when people are developing and the community is making decisions about where they live, they have that information in good faith and also know that it will not be changed again in a few years time. Good planning is about having some degree of certainty. Otherwise, there will be an impact not only upon government resources but also upon private resources and the people in our local communities who may choose to live somewhere based upon the advice of government.

One of the significant amendments that have been brought forward in this legislation is the changes to the Transport Operations (Road Use Management) Act. This is to do with a new licensing regime that COAG has agreed to throughout Australia in regard to the storage, manufacture and transport of ammonium nitrate. This is one of the sad realities of life. It was once not a problem but we have realised that there are people who have intentions to use this not as a fertiliser and not in the mining industry but as explosives in terrorist acts. Thus, there had to be urgent consideration given to how governments across Australia were going to deal with this issue.

First, there was a proposal mooted publicly about banning ammonium nitrate. Then I understand that some of the industry bodies associated with the use of that product said that they had problems. That would have a huge impact upon them. There was a reconsideration at the government level across Australia as to how to deal with that, and this regulatory regime was proposed. It will not be an easy process to implement but we recognise that it is a sign of our times.

What is proposed under this legislation is to empower Queensland Transport inspectors, where appropriately trained, to act under the Explosives Act to stop vehicles if it involves a product such as ammonium nitrate. So ammonium nitrate will be designated as an explosive under the Explosive Act 1999. Until this point, Queensland Transport inspectors were not allowed to operate under the provisions of this act. With this amendment they will have the powers to do this. I know that the explanatory notes say that these people must be properly authorised. I would seek the minister's assurance about what the training is in this regard and whether there will be further regulations specifying the level of training that Queensland Transport officers will have to operate under the Explosives Act.

Once again, whilst we know that the majority of Queensland Transport inspectors are just doing their job, the difficulty we have is that these are very strong powers. On the one hand, we have public safety issues and, on the other hand, we have quite considerable powers in the hands of people who are not police. Under this act they have the ability to pull vehicles over. We know the intention of the legislation is to protect people from the potential of terrorism and the abuse of these products, but we also want to ensure that appropriate safeguards are put in place for transport officers who use those powers because they are considerable powers. I would seek the minister's advice as to what is intended with the authorisation of Queensland Transport officers. Will there be further regulations? Can he specify what type of training we are talking about? It is something that is causing some concern and we need to get the balance right. These proposed amendments will apply to any heavy vehicle to check if the vehicle is carrying explosives and a private vehicle only if the officer reasonably believes the vehicle is carrying explosives.

One of the other changes to the act deals with the amending, suspending or cancelling of approvals under the TORUM Act—for example, parking permits for disabled people, approval of official traffic signs and accreditation to act as a pilot or escort vehicle driver, vehicle safety examiner or traffic controller. I understand that permits issued for oversized loads will be included as well as vehicle modifications.

At the briefing I raised the issue of whether people who have had these permits or who have had compliance approved and then taken away would be able to have any form of compensation, and I was told that they would not. I understand from the briefing that the intention is mainly to capture circumstances where there has been some complicity between the officer who has provided the permit or the compliance and the person who is the beneficiary. Therefore, there would not be some form of compensation. I understand that there may be circumstances where there has been fraudulent use of power and that inappropriate permits have been issued or modifications provided. In those circumstances we can understand people not being entitled to compensation.

Mr Lucas interjected.

Miss SIMPSON: I thank the minister for that. I acknowledge that when there are circumstances where a fraud has been committed that people should not be entitled to compensation where they have received a benefit as a result of those powers being inappropriately exercised. However, there is still the possibility that some people may have had a compliance or a permit issued where they have not been the beneficiary of some fraudulent officer's actions. I seek the minister's advice in this regard. I note once again that these powers are intended for the public interest. They are considerable powers. We do need to ensure that they are appropriately balanced in the way that they are applied.

Another provision that relates to the approval process and local governments is worth noting. Under the Transport Operations (Passenger Transport) Act 1994 local governments must currently seek written approval from the chief executive officer if they intend to approve a development or roadworks which impact upon the public transport network. I alluded to this partly before, but this goes further because there are now provisions to make local governments more accountable if they alter their roads in a way which impedes the public transport network. I welcome this. This is about addressing a problem where there have been traffic calming devices and road design in areas which are detrimental to a good public transport network.

Mr Lucas interjected.

Miss SIMPSON: Yes. This has been a problem. We know there are those issues of amenities with speeding traffic and communities, and there is a lot of pressure on local governments to put in chicanes and speed bumps. They have happened in such a way that some are actually damaging vehicles. They are also causing problems for emergency services vehicles. They have also had this impact upon public transport. This provision is welcome. It is really talking about making this self-assessable, as I understand local governments, but there will be a code that will be developed to look at the appropriate standards that should apply to such changes to roads. This is welcome. It is something that requires appropriate consultation with local government because it is an issue to do with communities which have problems with traffic in their streets, but there is the impact that it has upon the public transport network. It is an issue.

I raised in the briefing the other situation with road design where there are developments that put in cul-de-sacs. Quite frankly, cul-de-sacs are a great social amenity. If people are in a local community it stops through traffic and there are lower crime rates because crims cannot tear off in a hurry. There are a range of good social benefits, but they have a disadvantage if they are extensively used without alternatives when it comes to public transport.

I seek the minister's further advice as to whether these provisions will also look at future public transport needs when there is a new development to ensure that there is some circuit which is available so that at least a bus route has a chance of being viable. Obviously with dead-end developments, with no road that provides a circuit to link easily into some overall network, people will be lobbying their members of parliament forever and a day and they will never have a viable public system because of the way that the road networks are designed. That is a complementary issue to the problem of local governments putting in speed calming devices in existing streets. It is a very real problem which a lot of members in this place have to deal with. We are sympathetic to people's public transport needs, but we know that development is being done in such a way that there are pockets of developments occurring without appropriate consideration being given to a public transport network.

As I understand from the briefing, at this stage the transport department is looking at existing public transport routes, but we need to grapple with the future public transport options in the way that roads are designed. That is a challenge because clarity and time frames need to be provided when people are putting developments forward so they are not left hanging forever. We always seems to be in a catch-up situation where a development is a patchwork quilt rather than something which has continuity and a consistent approach with the future public transport needs that are in place. I seek the minister's advice as to how future public transport networks are going to be dealt with, knowing that that is trying to envision

what is not currently in place with regard to public buses. That is a challenge, but it is one which is easier to deal with up front rather than later on.

There are other public transport issues that I would like to raise at this point.

Mr Lucas: TransLink.

Miss SIMPSON: That is what I was going to raise, particularly in regard to the—

Mr Lucas: We went for a bus ride together, remember.

Miss SIMPSON: Yes, I remember. I have also been on the buses since then and checked out the link to Brisbane. It was an excellent service from Maroochydore. My concern is the next step after integrated ticketing. The next tranche of the reforms is where the hard yakka really starts. We want to know when the network plan will be completed and when the funding will be in place for that roll-out, because the challenge to make TransLink really fly, to really work, is to have appropriate funding and a review of those bus services. It is about making the buses meet the trains and the trains meet the ferries and having timely services that will make public transport a viable alternative for people when they consider whether or not they take their car.

For me, like a lot of people, it is nice to take a bus trip from the Sunshine Coast, but the reality is that the services simply are not there on a regular basis to make that a viable alternative in many circumstances. That is one issue—linking regions to the CBD of Brisbane—but it is mainly those issues within regions which link services as well as those longer trip coordinations. When is the network plan going to be released? What is the funding allocation that is against that release date? We know it is going to cost money to make it effective.

The other issue with TransLink which has been raised with me is the capacity issue. We know some routes have been very popular. That has probably been an issue of unmet need. I have been critical of Sunbus in the past because of its shocking public relations and how it dealt with public concerns and its lack of timeliness in responding to concerns. With the change over to TransLink, the responsibility for services rests more squarely with government through TransLink. There was quite a considerable amount of unmet need, but with the change in the fare structure there is no doubt that there are some routes which are far more attractive. There is now this capacity issue. Obviously there is a timing issue as to how fast the new buses can be commissioned, as well as the forward planning and the allocation of funding, so people have an idea of what needs to be put in place in order to deliver those services in a timely way. The minister would know that the order form cannot simply be put in the mail and suddenly there are new buses rolling out.

Mr Lucas: It's a major issue.

Miss SIMPSON: It is a major issue, and I would welcome the minister's response on that particular issue. While I am talking about public transport issues, the minister knows that I also raised the problem of the forward allocations with Queensland Rail.

Mr Lucas: We are not going on that again, are we?

Miss SIMPSON: And I have not received a response.

Mr Lucas interjected.

Miss SIMPSON: This is actually the issue to do with tour operators trying to get forward allocations. I asked the minister a question in good faith. I have been waiting very nicely for a response. We have not seen the response. I would appreciate it if we could have a response today. People want to know. They want to know if it is true that the state's own tour operators are able to get those forward allocations but they have not; why they have not got those allocations and what is happening. That is affecting small businesspeople who need to have that certainty, but they have been left out of the loop. Could I have an answer on that today, Minister?

Mr Lucas: We will attempt to do so.

Miss SIMPSON: Would we be able to have that tabled in the parliament today, Minister?

Mr DEPUTY SPEAKER (Mr Shine): I ask the honourable member to address her remarks through the chair. A lot of these matters can be dealt with in consideration in detail.

Miss SIMPSON: I will be raising further issues when we are considering the legislation in detail, but at this stage I would just like to reiterate that we support the TransLink initiatives. We recognise that the hard yards have to be done. We have to review those network plans and ensure that the funding is in place so that we really have a proper public transport network where the planning goes hand in hand with the funding to deliver those outcomes.

I have said in this place before that we support good planning, but unless infrastructure and the recurrent funds are there in a transparent and accountable forward program where people can then know that the plans are not going to be undermined then there will be problems.

At this point I will leave my further comments to the consideration in detail stage. As I said, the opposition has raised some concerns with regard to the implementation and checks of power of transport officers, but overall we will be supporting the provisions of this legislation before the House.