



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

Hansard Thursday, 13 May 2004

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (2.00 p.m.): The Transport and Other Legislation Amendment Bill seeks to amend a number of acts for various purposes, the most significant of which is to put in place legislative machinery paving the way for a more integrated ticketing system in Queensland under TransLink. Another significant amendment, which is yet to be tabled but which we have been briefed about in broad terms, contains the new provisions to close loopholes in order to ban paedophiles from holding driver authorisation for public transport.

The bill will revoke existing contracts for bus operators who have essentially had franchise agreements over exclusive territories. They previously won these contracts to deliver agreed minimum service levels. They retained the fare box revenue and they were attracting some government subsidies for certain routes. Under the new contracts, the state government will pay operators for specific services on a per kilometre basis. Those subsidies will be paid to the operator as the passenger fares will be collected by the bus operators and returned to TransLink instead of being retained by operators.

I am advised that initially the TransLink network, which will start in July 2004, will operate on the existing transport network of buses, trains and ferries in south-east Queensland with the same timetables but with a new way of paying operators. Passengers will use one integrated TransLink paper based ticket across different modes of transport per trip. This will also involve common fare zones, concessions and ticket types for passengers.

We have been hearing about the pending arrival of an integrated public transport network for some time. Integrated ticketing is only a part of that. It was initially introduced into Queensland on selected routes in 1997 by my colleague Vaughan Johnson when he was transport minister. It was proven that it could be done. The roll out of the more extensively integrated ticketing system for south-east Queensland has been a long time coming. While it has been achieved in other states of Australia with great success, it is certainly overdue in Queensland when we consider that there is the challenge of making public transport relevant to our growing population. We all need to support effective and more accessible public transport to maintain the environment and quality of life in our communities.

Initially it will be a paper based ticket. It is envisaged that a smart card will follow. We have raised some concerns about the implementation of the new technology. Technology can make life easier, but we want to make sure that, given the expense associated with a smart card, it does deliver what is intended. This first phase will be a paper based integrated ticket. The roll out will be watched carefully.

The answer to a greater uptake of public transport utilisation is to deliver services which fit with people's lifestyles and their social dynamics. If we only look to apply mechanisms that punish car drivers it will not work. We have to look at the social factors surrounding why people will choose to shift to another mode of transport. It is really about delivering better public transport services that are flexible and meet the demands of people's lives. A truly integrated public transport system with buses meeting trains and other modes of transport is certainly an essential part of meeting those consumer needs if public transport is to be seen as an attractive alternative to the car.

Under this bill, new contracts will be drafted changing the contractual arrangements. Negotiating the new fees for transport operators is no small matter. I understand that these contracts are still to be finalised before the mooted introduction in July. I seek the minister's confirmation on the record that the contracts will be offered to all existing contracted operators in the TransLink area.

For passengers, the most significant change, other than the extension of the integrated ticketing system across south-east Queensland, will occur in the new phase of implementation which will affect the kinds of services delivered and the timetables. I understand that these will be outlined in the new network plan which will be available for public consultation later in the year. The new network plan will certainly deal with where those services are and the rationalisation of existing services. I certainly welcome the minister's advice as to what we can expect with the roll out of the new network plan.

As important as the ticket system is, the strategic issue for south-east Queensland and the rest of Queensland is the coordination and true integration of services which need to run more seamlessly and are more responsive to public demand. This would make public transport attractive. How these services are delivered to meet current demand is important, but the future planning needs of south-east Queensland as new housing developments are brought on line is also a significant matter.

We will be looking at whether there will be savings and whether those savings will be passed on in the way of lower fares. I ask the minister to advise the House whether TransLink will be offering any concessions for the unemployed. We have seen in other states that government public transport systems have been able to provide concessions to the unemployed in recognition that they have a valid need to use our public transport system in a fair and cost-effective way.

I also seek advice from the minister regarding the consultation process. The explanatory note states that the proposed amendments have generally been supported. That is all it says about consultation. I would certainly welcome the minister's advice on who has been consulted and what is meant by 'generally supported'. Obviously there are complex issues concerning the contracts and fundamental changes in the way those contracts are going to operate. The explanatory note is a little light on concerning the amendments being generally supported. I welcome the minister's feedback on that.

The other issue to deal with in the explanatory notes is the estimated cost for government implementation. Once again the explanatory note is very light on in this regard. It does not provide an outline of the estimated cost for government implementation. It does say that there is a potential cost for government if compensation is deemed to be payable to operators whose contracts may be terminated. I once again welcome the minister's advice on the record of the scope of envisaged compensation.

What is the likely risk factor to government as far as compensation is concerned? What are the time frames for compensation? If initially the network is essentially the same and it is not going to be changed until the new network plan has come in, what sort of time frames are we looking at? If operators significantly lose out in terms of the services they had been providing, I welcome the minister's advice on the appeal provisions and the likely process that operators will face in order to have those matters adjudicated and appeals upon adjudication.

One of the issues with TransLink when we make such a change to where the government, essentially, retains the fare box revenue instead of the operator retaining it and having incentives to expand their service and grow their business is what entrepreneurial incentives will there be for government to identify market needs and respond. This issue of operators no longer being the ones who have to carry out the market research in order to determine what services need to be provided has been flagged in the minister's second reading speech and certainly has been flagged publicly. The issue then becomes: how is government going to be responsive to the needs of the community and to the changing needs of the community as far as being flexible enough to deliver timely services and consider how to provide new and innovative ways of addressing not only existing public transport needs but also the changing public transport needs of communities which are in transition?

The development of a network structure will involve rationalisation. While we would all hope that there will be an extension of a number of services, I would certainly welcome the minister's feedback as to what sorts of impacts we are likely to see exist in services further down the track. Floating some of the issues of concern about standards of vehicles, obviously that has been fairly strictly regulated in the past. But vehicle standards and roadworthiness must remain a critical responsibility of the operator. We would certainly want to see a high standard encouraged and maintained in the type of public transport units that are being used on our roads.

While this issue has been discussed in briefings, I would certainly welcome the minister's explanation on the record with regard to the courtesy and community transport sector. As this is obviously a different type of public transport that is being provided, what provisions are in hand to ensure that the courtesy and community transport sector does not interfere with the transport operations? I would welcome the minister's further response in that regard.

Another interesting issue that came up in the briefings—and I thank the minister and his staff for those briefings—related to the Brisbane City Council. Obviously one of the most significant providers of public transport services is the Brisbane City Council. Apparently the Brisbane City Council has not had a contract since the end of last year. I would invite the minister's explanation on the record as to when it is envisaged that that situation will be resolved as to the nature of the Brisbane City Council contract, the length of the contract that it is likely to have and, if there is a variance in the type and the length of the contract from other operators, what general parameters he envisages—for example, the length of time of that contract. I understand that it is up to a 10-year contract for other operators that will be contracting with the government to provide public transport services.

To reiterate a point, with regard to TransLink and the future of integrated transport systems, the real issue is going to be not just the integrated ticketing system but the coordination of services. That is really where the rubber hits the road, so to speak. Commuters will really only start to see the big benefits when there is a truly coordinated public transport system. People want to see buses that meet trains and ferries—that is, a system where there is coordination—and there should be good processes in place to address the anomalies. The extension of the integrated ticketing system and the roll out in this first phase from the previous ticketing system is welcomed, but the really big ticket issue, so to speak, is the integration of the actual services and the responsiveness to community needs as those communities are in transition.

I want to come to the other significant issue in the legislation which we are debating which has already been floated publicly, and that is the new provisions with regard to driver authorisation. These have not yet been circulated in the chamber, and we will certainly be looking at the detail of those. Minister, are they very far away?

Mr Lucas: They will be here very shortly. They are being printed as we speak.

Miss SIMPSON: Thankyou. I thank the minister's staff for the briefing in broad terms upon those—

Mr Lucas: You got two briefings. You got one from me last night.

Miss SIMPSON: Yes, and from the minister as well. I trust that when we get the amendments there will be some time to look at the actual drafting of those amendments. But in good faith, based upon the briefings, we certainly support the provisions. I understand from those briefings that when we actually see the amendments they are supposed to reflect provisions within the Children's Commissioner's jurisdiction as far as the various categories of criminal offences.

Once again, there were explanatory notes. I will make this comment: I do appreciate the briefings, but it is a little difficult to go into detail upon those provisions until they are actually tabled in the House. The National Party opposition has certainly raised its concerns as to the standards of checking of people's records. There was a very high profile anomaly recently in that the outcome of a magistrate's case was that a driver was still allowed to continue to drive a bus even though there had been serious charges brought against that person. It is unacceptable to have people in a position of such trust and access to children continuing to have the legal ability to drive school buses and public transport and be placed in that position of trust where they may put children at risk.

We certainly welcome these new provisions that are to be tabled based upon the briefings that have been provided. However, I flagged a number of issues in the briefing—and I want to flag them here also—which may become potential loopholes in the future. How this new amendment that is yet to be tabled interfaces with the Rehabilitation of Offenders Act is something that we will be watching very carefully. I would invite the minister and the department to revisit this issue to ensure that those operators who are employing people are in a position where they can reasonably gain the information they need as to the appropriateness of some of the people they are employing whilst also ensuring that if potential drivers do have to make declarations they are legally able to make those and that they do not conflict with the Rehabilitation of Offenders Act.

The other issue of concern to us is how we actually do checks and ensure that the checks are rigorous with regard to people who come from overseas. There are a number of different jurisdictions that do not have the level of criminal history checks and trails that we have in Queensland or Australia generally. I have a concern as to what will be done with regard to checking the criminal history of people who are coming in from overseas to ensure that those issues are also picked up. This is not only about those people who have been convicted; it is also about those who have been charged. With regard to the blue card as it operates now, there is the ability to pick up people who have a history of charges. There is a fundamental issue here of protection of the public—protection in this case of children and vulnerable persons. The blue card provisions enable consideration to also be given to issues that may not have resulted in a conviction, but there is sufficient evidence or sufficient smoke to highlight that there is an issue of concern about that person. That is a question that I have asked as to concerns about this legislation. I was assured that previously there was the provision to look at charges that have been brought against people, but this gives more express power to the department to deal with some of these issues.

Following on from that, one of the great anomalies that we currently have is with regard to the recording of information for forensic patients—those who have not actually had a charge against them but who may have in fact committed a rape or a serious heinous offence. Some of those people will never be charged, but they do proceed into the mental health system and go through the tribunal. In other words, the trigger for them to go into the mental health system is not being charged with that offence. It may never get to that point, but there is no doubt about the fact that there has been a serious offence committed but that issue does not end up being one that is tried through a court.

I certainly also seek the minister's advice and confirmation on the record that the powers exist to deal with this issue. Although we discussed this issue in the briefings, I think that it is a very important one and certainly an issue that I would flag to the government in the future as to how it is dealt with. Likewise, how are those issues of prior history of serious offences, which are not criminal offences under the law because they go through the mental health system, dealt with in other state jurisdictions? It is extremely important, because unfortunately and tragically we are having to deal with these issues more and more. I hate to think that there could be potentially loopholes when we are seeking, by having driver authorisation in our public transport system, to have a rigorous system of providing the most qualified and safest people to be in a position of trust.

I will come back to those provisions and the alterations. I understand that the categories are going to be A, B and C, that they will follow broadly what the Children's Commissioner follows, that they will also pick up other sexual offences and that rape will be in the top category of automatic exemption. Once again, we will need to see the detail of those provisions and I will comment on them further in the committee stage.

I would like to discuss the other amendments contained in the bill. As I said at the start, this bill will amend a number of acts for different purposes. In broad terms, some of the other amendments contained in the bill are certainly not controversial. This bill amends the Land Act 1994 to allow the registration of building management statements over a perpetual lease and to delegate certain management functions for rail corridor land to Queensland Transport. There is also an amendment to the Land Title Act 1994 to ensure that building management statements for both leasehold and freehold lots will be included in the appropriate land title registers. The Transport Infrastructure Act 1994 will also be amended so that, if a sublease for a railway line passes from QR to another railway manager, any obligations for interruptions to neighbouring land transfer to the new manager. There are some amendments to the Transport Operations (Marine Safety) Act 1994. This is retrospective legislation and this deals with the issue of legislation which was made subordinate legislation and gazetted but which was not actually presented to the parliament for the possibility of disallowance. As I understand, it concerned speed zones in marine areas. The understanding of the department had been that it did not require to be subject to disallowance, as is usual subordinate legislation, by the parliament. This provision will be retrospective to ensure that those previous actions that had been taken under the law are ratified and that there is no challenge or dispute.

Other amendments contained in this bill relate to the Transport Operations (Road Use Management) Act. I want to comment about those amendments as far as they apply to local government. The provision to declare footpaths as a shared zone between users will enable local governments to provide clarification. I seek the minister's explanation as to what examples they have had of conflicts in this regard and how the minister hopes that this matter will be resolved by an amendment to the act. I understand that there also is a redefinition of a minor traffic offence and that the amendments also will allow councils to provide some stopping zones for emergency vehicles as well as helping to regulate these shared paths for the use of bicycles and wheeled recreational devices, pedestrians—

Mr Lucas: You're a keen cyclist yourself.

Miss SIMPSON: I am a keen cyclist who has lapsed in recent times. I am doing more walking. So I am competing with cyclists.

Mr Lucas: You don't use your mobile phone, though, with a cycle.

Miss SIMPSON: I am too busy holding on to the bike when I am cycling. I certainly know that this is an issue in regard to the jurisdictions of councils. Often it is a point of conflict in communities. I would certainly welcome the minister's explanation as to how this amendment is going to resolve some of those potential conflicts.

At this point, I would say that we will welcome the amendments when they come forward in the committee stage. Our intention is to support the legislation. I have raised some issues of concern. As I have said, it is not ideal that we do not have those amendments before the House at this time when I am making my contribution to the second reading debate. I know that there was a feeling that quick action needed to be put in place to deal with these anomalies in the law. I appreciate that. On that basis, we are willing to cooperate. Subsequently, we also reserve the right to raise questions in the committee stage and to seek the minister's explanation in regard to those amendments.