



Speech by

Hon. PAUL LUCAS MP

MEMBER FOR LYTTON

Hansard 20 April 2004

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

Hon. P. T. LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (12.33 p.m.): I move—

That the bill be now read a second time.

The objective of this bill is to amend a number of acts and to particularly enact legislation to facilitate integrated ticketing in south-east Queensland. Queensland Transport is responsible for developing and managing the land, air and sea transport environment in Queensland. Queensland Transport provides transport leadership through developing and ensuring implementation of a strategic transport policy agenda, transport planning and stewardship of Queensland's Transport system.

Queensland Transport works closely with the community, industry and government agencies to ensure a coordinated, consultative and integrated approach to addressing and resolving transport challenges. Our products are delivered through an extensive statewide service delivery network, including customer service centres, Queensland government agencies, marine operation bases, and regional and divisional offices. Queensland Transport aims to create and manage a world-class transport system for all our communities and industries, to prosper locally and internationally and to enhance the quality of transport for this and future generations.

Main Roads looks after Queensland's 34,000 kilometre state controlled road network—the highways and other main connecting roads in Queensland. This task involves planning, designing, building and maintaining the roads and associated infrastructure, such as bridges, on these roads. Main Roads works close in partnership with local governments, industries and communities to determine priorities for work on the state controlled network. This network carries 80 per cent of Queensland's traffic. It is the lifeblood of the state's economy and regional development. The network helps all Queenslanders' quality of life by giving them access to jobs, health, education, recreation and other services.

I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

The minor amendments in this Bill affect legislation administered by my portfolio as well as the Land Act 1994 and Land Title Act 1994 administered by the Minister for Natural Resources, Mines and Energy.

The Land Act 1994 is to be amended to allow Building Management Statements to be registered between freehold and leasehold lots where the leasehold lot is a transport corridor.

Queensland property management often involves the registration of a Building Management Statement. However, it is not currently possible to register a Building Management Statement between leasehold and freehold lots.

This means that currently where a commercial development is built above a rail corridor and a Building Management Statement is the most practical way of proceeding, both the development and the corridor must be in freehold. Commercial developments are often freehold, while the State's rail corridor is leasehold. A proposed amendment to the Land Act 1994 will specifically allow Building Management Statements to be registered in this situation.

A consequential amendment is to be made to the Land Title Act 1994 to ensure that Building Management Statements will be included in the appropriate land title registers.

The Land Act 1994 is also to be amended to allow the Minister for Natural Resources, Mines and Energy to delegate the administration of certain statutory provisions relating to rail corridor land to Queensland Transport. This reflects what was intended in the original legislation when it was introduced in 1994.

The next Act to be amended, the Transport Infrastructure Act 1994, encourages effective integrated planning and efficient management of transport infrastructure systems. It is also to be amended to deal with issues concerning rail corridor land.

The current legislation places an obligation on Queensland Rail to maintain fencing, drainage and in some cases access between parcels of land adjoining the corridor where the land has been severed by the railway. However, the legislation does not provide for when corridors change ownership. An amendment will mean that if Queensland Rail surrenders its interest in the land, and a new railway manager takes over that interest, these obligations will be transferred to the new railway manager.

The other proposed amendment will permit the immediate construction of railway infrastructure on newly acquired leasehold land without the need to change the status of the land.

At present, leasehold land that is compulsorily acquired by Queensland Transport to build a railway retains the original tenure and permitted use status it held before being acquired. For example, if the land was a pastoral lease before it was acquired, it keeps that status.

As a railway cannot be built on a pastoral lease, the land's permitted use must be changed, or a permit issued by the Department of Natural Resources, Mines and Energy. A permit is not satisfactory given the high cost of rail construction and the need for certainty in contractual arrangements, while the current process for changing the land's status may cause unacceptable delays.

The amendment proposed in this Bill will allow the land to be used for its railway purposes immediately upon its resumption being notified in the Queensland Government Gazette. This will not exempt the land from the requirements of the Integrated Planning Act 1997, and does not affect the way in which native title is dealt with. When the railway is constructed, Queensland Transport will undertake the necessary surveys, title amendments and documentation.

The next Act to be amended is the Transport Operations (Marine Safety) Act 1994. It provides for the implementation of various international and national standards and agreements for marine safety. It currently provides for a regulation to be made about the Uniform Shipping Laws Code. This Code is being phased out at a national level and is being replaced by the National Standard for Commercial Vessels.

An amendment will allow for the replacement of the Uniform Shipping Laws Code by the National Standard for Commercial Vessels and for any approved future standards, documents or agreements about ships and marine safety.

This amendment aligns Queensland with other Australian States and territories for the implementation of current and future standards for marine safety.

Also to be amended is the Transport Operations (Passenger Transport) Act 1994. It regulates public passenger transport to promote efficiency, equity and safety. There are a number of minor amendments to this Act, not counting the integrated ticketing amendments dealt with later.

An amendment will clarify that a railway operator needs to comply with the operator accreditation and driver authorisation requirements if they operate road-based public passenger services. These requirements do not apply to passenger rail services. As the Act is currently worded, it may be construed that they do not apply to bus services provided by a railway operator either.

In a related amendment, it is proposed to clarify that the Transport Operations (Passenger Transport) Standard 2000 does not apply to railway managers or railway operators providing public passenger services using fixed-track vehicles. It is intended to apply only to those who hold driver authorisation or operator accreditation, and these are not needed to operate fixed-track services.

Another amendment will remove any doubt that it is an offence to make any false representation when applying for an accreditation, authorisation, contract or licence under this Act. Currently, the offence provisions only refer to false representation made in attaining such a benefit, and are silent on the subject of unsuccessful applications.

The definition of a 'ferry' in this Act will be amended to remove any doubt that a barge can be used as a ferry. The current definition of a 'ferry' includes a 'ship, boat and hovercraft.' Some vehicular barges carry walk-on passengers for fares, and are considered to be public passenger services as defined in the Act.

It is also proposed to clarify powers for authorised persons. The Transport Legislation Amendment Act 2001 introduced new powers for 'authorised persons' when dealing with the transport of dangerous goods by rail. This introduced some minor duplication between new and existing powers which will be removed in this Bill.

The next Act to be amended is the Transport Operations (Road Use Management) Act 1995 which promotes the safe and efficient use of roads. A number of minor amendments are proposed, including three related to local government administration.

Currently, local governments are able to regulate for the use of bicycles and wheeled recreational devices on 'footpaths'. The Australian Road Rules have been adopted nationally, and have recently introduced the concept of 'shared paths'. An amendment will adopt this change in Queensland's legislation.

It is also proposed to allow local governments to regulate parking by the installation of traffic signs, and to enforce parking regulations by issuing infringement notices. This will promote greater efficiency and remove the enforcement burden from police and the subsequent impact on court resources.

Local governments will also be allowed to specify parking fees and parking permit application fees by resolution. This will be less cumbersome than the current process of setting such fees in local laws.

The next amendment concerns the way the Act currently administers approvals that allow a person to operate outside of existing regulations. An example is where a permit to exceed regulated mass limits allows the movement of large amounts of grain during harvests. An amendment is proposed to provide greater flexibility when cancelling such approvals.

To maintain public safety and protect infrastructure it is vital that an approval can be amended, suspended or cancelled. Under the existing legislation the chief executive of Queensland Transport must notify an approval holder, and give an opportunity to respond, when suspending or cancelling an approval.

The time taken for each of these processes does not encourage the chief executive to suspend a permit to allow compliance, with the option of cancellation if conditions are not met. Therefore the proposed amendment will allow for a conditional suspension, with a cancellation option, as part of the same notification process.

One final amendment to this Act is needed to extend the definition of 'official' to include any person authorised to receive information under the Act, including persons employed by an external agency. This will remove any doubt that anyone who supplies false or misleading documents or information can be prosecuted.

The Transport Planning and Coordination Act 1994 is also to be amended. The objectives of this Act are, within the Government's overall policy agenda, to improve the economic, trade and regional development performance of Queensland, and the quality of life of Queenslanders.

This Act details the power of Queensland Transport and the Department of Main Roads to compulsorily acquire land, including leasehold land. At present, the Registrar of Titles must be notified and a notation placed on land titles if freehold land is to be resumed, but not when leasehold land is resumed.

The proposed amendment will protect the public interest by creating a statutory requirement for the Registrar of Titles to be notified, and a notation placed on land titles, when leasehold land is compulsorily acquired by either Queensland Transport or the Department of Main Roads.

Perhaps the most significant area of change sought by this Bill concerns the introduction of integrated ticketing for public transport in South East Queensland by TransLink.

At the moment, there are many different public transport options to choose from in South East Queensland. Bus, train and ferry services are all run by different operations often with their own individual fares, zones and concessions.

From July 2004, TransLink will provide one single public transport network covering South East Queensland from Noosa to Coolangatta and west to Helidon.

Just one ticket will take you wherever you want to go on buses, trains and ferries within the new system. Zones, fares and concessions will be standardised across the system, providing one set of rules for everyone.

TransLink is working together with the Queensland Government, Brisbane City Council, Queensland Rail and private operators to improve the integration of services—making it easier for you to get where you want to go.

TransLink is all about getting you where you want to go quickly and conveniently. Over time the TransLink system will ensure that buses, trains and ferries work together to help you reach your destination quickly and efficiently.

To introduce integrated ticketing in South East Queensland will require several changes to the Transport Operations (Passenger Transport) Act 1994. These changes will generally apply only to those services in South East Queensland that will be subject to integration.

The first of these amendments relates to the offence of providing services without a contract in circumstances where such a contract is needed. This is to allow a maximum penalty of 160 penalty units to apply where operators are not contracted for an area or route on an exclusive basis. This will be the norm under TransLink's model of integration where operators will no longer have market rights to an area. Instead they will be paid to operate the required type and number of services, and the State will keep any revenue.

Another amendment relating to TransLink services will remove the requirements for its operators to conduct a market-based needs assessment. Since they will not take the fare revenue and will have limited opportunity to affect market outcomes it is not appropriate to hold them responsible for meeting patronage targets as currently specified in the Act.

The next amendment, also prompted by the fee-for-service nature of the TransLink contracts, is to remove operator's entitlements to State reimbursement of concession revenue. Since the State will retain fare box revenue and operators will be paid a fixed amount to provide services there will be no revenue shortfall to operators when concession fares are offered.

This Bill will also create new provisions in this Act to facilitate the administration of TransLink contracts. Where it is proposed to declare or amend a TransLink service contract area or route, the chief executive will have a discretion to invite offers from any affected operator, any TransLink service contract holder, or from the public. Compensation may be payable to any affected existing operator who then does not submit an offer or is not awarded a TransLink service contract.

The next amendment is designed to consolidate the existing powers for authorised persons and authorised persons for rail. With the new integrated ticketing system it is expected that the enforcement duties for all three transport modes—buses, ferries and trains—will be performed by one body or group. An officer performing these duties will need to go between transport modes to monitor ticketing and other offences, and should have one set of powers to do so.

In a related amendment the fare evasion and other offence provisions will be consolidated so that the same provisions will apply to all segments of an integrated bus, ferry and train journey.

Another amendment will allow local governments to impose additional requirements to protect their transport property from damage such as graffiti. The Act will continue to provide for a minimum standard of compliance. However, a local government may require, through a local law, a higher standard of compliance in relation to property or infrastructure owned or operated by the local government.

This Bill will also introduce provisions to clarify the process to be followed by Queensland Transport if a TransLink service contract is surrendered, cancelled or terminated. In this situation the chief executive of Queensland Transport will have the discretion to invite any or all TransLink service contract holders to offer for the affected services, or to invite public offers.

Finally, a power is needed to terminate the now existing service contracts held by operators within a declared TransLink area in South East Queensland. This is to allow a new contractual scheme to be implemented which will transform the public transport network into one system that allows passengers to travel easily by bus, train and ferry. The existing service contracts currently include a right of termination in the public interest. I commend the Bill to the House.