



Speech by

**Hon. Paul Lucas**

**MEMBER FOR LYTTON**

Hansard Tuesday, 5 October 2004

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## **TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)**

**Hon. P.T. LUCAS** (Lytton—ALP) (Minister for Transport and Main Roads) (12.37 p.m.): I move—

That the bill be now read a second time.

The objective of this bill is to progress legislative amendments to reflect the intended role for Queensland Transport in respect to development assessment under the Integrated Planning Act 1997. This role is one of ensuring development decisions are made in a manner that supports the ongoing provision of public transport to communities, and secondly to protect rail corridors from potential negative impacts of development. These amendments will effectively help to safeguard the government investment in transport. The bill will also introduce amendments to the Transport Operations (Road Use Management) Act 1995.

The first of those amendments deals with the regulation of explosives. In particular, it deals with the transportation of explosives on our roads. In June of this year, the Council of Australian Governments held discussions on a number of significant counter-terrorism issues. As a result of those discussions, COAG agreed on a national approach to restrict access to security sensitive ammonium nitrate to only those with a legitimate need. Ammonium nitrate is currently classified as a 'dangerous good' in Queensland. It is used in primary industry as a fertiliser and also is widely used by the mining industry as an ingredient in explosives. Regrettably, it does have the potential for misuse.

The COAG agreement seeks to put in place a consistent licensing regime throughout Australia for the manufacture, storage and use of ammonium nitrate. The states and territories are using their best endeavours to have the legislative regime in place by 1 November 2004, with administrative arrangements to be finalised as soon as possible thereafter.

As a result of the COAG agreement, Queensland's chief inspector of explosives will shortly be declaring ammonium nitrate to be an 'explosive' under Queensland's Explosives Act 1999. The licensing regime to apply to ammonium nitrate will include regulation of its transportation. It is in this area that the transport inspectors employed by Queensland Transport are ideally placed to play an important role.

There are currently around 130 transport inspectors in Queensland. Those inspectors have the power to stop and inspect vehicles to ensure they comply with our transport acts and, in particular, our transport of dangerous goods legislation. The Inspectors are, however, specifically excluded by legislation from dealing with the transportation of explosives. Once security sensitive ammonium nitrate is declared an explosive, our transport inspectors would lose the right to stop and inspect vehicles carrying it.

The amendments contained in the bill are about commonsense. We need to declare ammonium nitrate an explosive to help preserve the security of our state. With our 130 transport inspectors out there on the road network we are well placed to assist with the enforcement of the Explosives Act. While the Department of Natural Resources and Mines has the responsibility for the administration of the Explosives Act, the assistance of the transport inspectors in enforcing the requirements of the transport of explosives is invaluable.

The cooperation of our trained specialists to respond to a security issue such as this would be expected and demanded by our community. The transport inspectors involved will receive the necessary training and will be the appointed inspectors under the Explosives Act. They will also be given the power to stop and inspect vehicles to check that any explosives are being carried in accordance with the Explosives Act. In recognition of the right of ordinary citizens to go about their business, the inspectors will only be able to stop private vehicles where they hold a reasonable belief the vehicle is carrying explosives. This is an important change to our legislation—important to ensuring we honour our commitment to COAG but, more specifically, important to ensuring we continue to enjoy a safe and secure lifestyle.

A further amendment to the Transport Operations (Road Use Management) Act deals with 'approvals' issued by Queensland Transport to people authorising them to undertake certain activities under that act. Those approvals cover a wide range of transport related areas ranging from, for example, registration for your car to the accreditation of vehicle safety examiners to permits for people to operate oversize vehicles on our roads.

Many of those approvals have a direct link to road safety. For example, vehicle safety examiners are responsible for inspecting modified vehicles to ensure they are not defective and are safe to be used on our roads. Vehicle modifications can be as minor as the substitution of an air cleaner or as substantial as the lengthening of a vehicle's chassis or the installation of a larger, more powerful engine. Approval as a vehicle safety examiner therefore carries a significant responsibility to the department and to the general public in relation to road safety.

Occasionally approvals are granted and the subsequent activities of the approval holder are inappropriate. For example, there have been occasions when vehicle safety examiners have approved modifications to vehicles without conducting the appropriate inspection of the vehicle. This type of behaviour presents a real risk to public safety.

The Transport Operations (Road Use Management) Act specifies circumstances in which approvals can be amended, suspended or cancelled. There is currently a power for the chief executive to immediately deal with a number of approvals if those approvals have endangered or are likely to endanger public safety such as overwidth load permits as an example. It is now proposed to extend that power to amend, suspend or cancel any approval where the chief executive considers it is necessary to protect the public interest. For instance, this could apply to an approved inspection station that might be charged with vehicle theft or fraud offences.

To ensure natural justice, the exercise of these powers by the chief executive will remain subject to the existing review and appeal rights. These amendments will not affect those rights in any way. It is expected that these provisions will rarely be used, but they are important provisions to ensure the public is not exposed to any unnecessary risk.

The Integrated Planning Act 1997 introduced a new regulatory framework for assessing and regulating development. Along with the introduction of this legislation came an expectation that, over time, all approvals relating to development would be assessed under the integrated development assessment system framework established under the Integrated Planning Act. This is the case with the legislative amendments proposed in this bill.

In relation to the amendments to be introduced, I will begin by addressing the amendments to transport legislation which deal with rail corridor protection and land use and public transport integration and conclude with the amendments to the Integrated Planning Act necessary to enable the operation of the transport legislative amendments. The amendments to the Integrated Planning Act will also enable Queensland Transport to take up its intended role in inputting into development decisions in a way to both protect and benefit sustainable transport systems.

The Transport Infrastructure Act 1994 is also to be amended to enable Queensland Transport to be involved in development applications with the potential to impact on the safety and operation of railways. Such development may include large residential estates close to a rail corridor. These estates may result in the need for a new rail crossing or may significantly increase the amount of traffic on an existing level crossing. Referral agency status under the Integrated Planning Act would allow Queensland Transport to assess potential impacts and respond to the application in a way to address impacts on the rail corridor.

Another example of development which may impact on the rail corridor may be a proposal adjacent to the corridor which involves filling of a site, with potential changes to drainage flows. Hence Queensland Transport would have the ability to assess potential drainage impacts to ensure the safety of the rail corridor would not be compromised. These powers are similar to existing powers for Main Roads for protecting state controlled roads against potential impacts of development.

The Transport Operations (Passenger Transport) Act 1994 is being amended to remove the approval power relating to developments which could impact on the ability to provide public transport. This approval power is to be carried over into the Transport Planning and Coordination Act. The reason for the change in location for this power is related to the objectives under the Transport Planning and Coordination

Act. These are considered to more closely reflect the intended outcome of increased integration between land use decisions and transport.

The changes being made to the Transport Planning and Coordination Act reinstate the approval power under the deleted section 145 of the Transport Operations (Passenger Transport) Act. Further changes are included to clarify the intended outcome of this approval power. These include—

- ensuring development does not have a significant adverse impact on public transport;
- assisting public transport to become an increasingly attractive alternative to the private motor vehicle;
- promoting urban development that maximises the use of public transport; and
- increasing access to public transport, particularly through walking and cycling.

It is intended these changes will bring about better design of urban development to accommodate public transport. Outcomes such as connectivity between urban areas, access to public transport stops, good design in transport orientated development around identified public transport interchanges and mixed uses around identified public transport interchanges can be assisted through the progression of development assessment powers for Queensland Transport.

One may wonder how the existing powers operate now. This is one reason for seeking the amendments, as the operation of powers relating to public transport integration and rail corridor protection has been of concern. The fact is, the powers as they stand are outside of the proper regulatory regime under the Integrated Planning Act and hence are sometimes neglected by various local government. This is due to their lack of linkage with the integrated development assessment system and also the lack of penalties under the transport legislation for not seeking the appropriate approvals. This has over time led to land use decisions that impact negatively on the transport system.

The current situation enables existing transport approvals relating to development to go unrecognised under the integrated development assessment system. Thus, if a development approval is issued under the Integrated Planning Act and no secondary approval is sought under transport legislation, the initial approval remains valid and the development may progress without the impacts on transport being adequately addressed.

Once the proposed amendments contained within the bill are enacted, Queensland Transport will have direct input through the second stage of the integrated development assessment system. This input will be in relation to outcomes on rail corridor protection and the ability to provide public transport. Conditions set by Queensland Transport during this stage will go onto the final development assessment notice to the applicant.

An example of impacts on transport interests can be given relating to strategic corridor planning, such as the Caboolture and Maroochy Corridor Study. The CAMCOS corridor, as it is more commonly known, is an identified corridor for mass transit in an area under significant growth pressures. Development decisions made over, and adjacent to, this corridor have the potential to affect its long-term viability. How would the corridor operate, for instance, if a large residential community was approved over the corridor with no provision for linkages and no input sought from Queensland Transport? This again would be a waste of strategic government planning and in the long run becomes a very costly exercise in playing 'catch-up' with the development industry. If we are smart, however, the government has the opportunity to put in place mechanisms to ensure that development can be designed in such a way to enable the provision of sustainable transport options as well as protecting identified strategic transport corridors.

I put it to the House that Queensland is leading the way in this field. Whilst New South Wales and Western Australia have statutory guidelines on land use and transport integration, these are guidelines for local government only to be taken into account for specific developments. What is being put in place here is the ability for state government to be directly involved in development decisions so far as they affect Queensland government investment in sustainable transport options, that is, conditioning developments impacting on public transport and railways. Queensland Transport will be able to be involved with the development industry through development applications made under the Integrated Planning Act to bring about better designed communities that maximise the use of public transport.

The amendments will form one part of the jigsaw of integrating land use and transport. It is recognised that other aspects can be dealt with through land use planning schemes and regional plans. Queensland Transport is also pursuing outcomes on land use and transport integration through these means, along with other state agencies and the Department of Local Government, Planning, Sport and Recreation.

There is a clear link between impacts of land use decisions on transport efficiencies, thus Queensland Transport has a legitimate interest in the management of the land use system to ensure transport systems are not detrimentally affected. I commend the bill to the House.