



Speech by

Hon. Paul Lucas

MEMBER FOR LYTTON

Hansard Thursday, 21 October 2004

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

Hon. P.T. LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (4.13 p.m.), in reply: I thank members from both sides of the House for their contributions to this debate. It is always enjoyable to have a well-informed debate with constructive suggestions and appropriate questions. I thank honourable members for that.

The member for Maroochydore, the shadow minister, indicated opposition support for the bill and the foreshadowed amendments. On behalf of the government, I thank her for that. She indicated the need to eradicate the bad element in tow truck operations and the appropriate test that would be applied for that part of the proposed legislation.

The honourable member raised a few issues concerning CAMCOS corridor planning. I am keen to ensure the certainty of corridor planning and I am also keen to ensure some responsiveness to community need and design efficiency over the time frame towards construction. It is very important to remember with corridors such as CAMCOS or indeed any corridor that, until such time as we actually build the corridor, they are reasonably indicative. The reason is that we need to have flexibility for improvements in the future.

For example, we have identified the corridor from Grandchester to Gowrie and from the Little Liverpool Range up to the Darling Downs. Someone might say to us that they can come to an arrangement to provide a better alignment. That is something that we will always entertain. I think the important test is what decisions the government makes and whether it has made decisions in the best interests of the community. That is something that I am more than willing to be judged on. Corridors have been shifted on a number of occasions in a minor sense with CAMCOS—at Pelican Waters, Mooloolaba and the Sugar Road area.

We should also note the importance of corridors and stations integrating with surrounding development in a mutually supportive fashion so that development supports our infrastructure and our infrastructure supports the development. I know the honourable member agrees with me on that. We have to make sure that if we are going to have a station somewhere it will be a benefit in terms of the housing and other services that might attract people to the station and vice versa.

The member asked about the impact assessment study for CAMCOS. I am happy to confirm the IAS did address questions of noise and visual amenity associated with the corridor. Where an elevator corridor was to be considered the IAS also addressed the amenity issues.

The member also asked about training for inspectors under the Explosives Act in relation to enforcement. No more regulation is proposed. Training is provided for at part 6 of the Explosives Act. Section 78(1) allows the chief executive to appoint inspectors. Transport inspectors will need to demonstrate they know dangerous goods provisions before they are sent to explosives training. This training will be two days and will cover security identification of goods, codes of practice, security provisions and an understanding of and interpretation of the Explosives Act and regulations. ASIO checks will be conducted before approval is granted. Police will also be involved and can call transport inspectors and explosive inspectors to their aid.

In relation to TransLink, the honourable member asked about integrated ticketing. The smart card pilot will be introduced in the second quarter of next year along the Redcliffe-Sandgate corridor. It is expected the full roll-out will occur by the end of 2006. With regard to the question of the network plan I advise the House that this plan maps out public transport service and infrastructure improvements across south-east Queensland over the next 10 years and provides a three-year rolling program of improvements.

Due to its importance, a full survey was recently undertaken of all members in south-east Queensland. I wrote to all members to ask for suggestions. I think that is important because honourable members are in touch with the people in their electorate, I would hope. I wrote to all members seeking some suggestions. That is in addition to the other studies that we are doing. The government will be considering the network plan in the future. Full public consultation will occur.

TransLink is looking at capacity issues across the network and has already started delivering some serious service enhancements as part of the government's election commitments of \$1.75 million per annum. They include \$500,000 for both the Gold Coast and Sunshine Coast. The honourable member and I had a very pleasant short bus ride together. There is \$750,000 for Ipswich. This funding will provide new and more frequent services.

Mr Cummins interjected.

Mr LUCAS: Yes, the Minister for Emergency Services was on the bus as well. The member for Caloundra was on the bus as well. We were all on the bus.

The member for Maroochydore would also be aware that SunROC mayors have supported the introduction of TransLink. In fact patronage of the Sunshine Coast service has increased by 22 per cent since the introduction of the new system. We should thank Steve Bredhauer for the wonderful work that he did in that regard.

The honourable member also mentioned issues of cul-de-sacs and their impact on public transport planning. That is a point very well made, as was made by a number of other honourable members. I am not suggesting that we should ban cul-de-sacs. No-one is doing that. It is important to remember, though, that if we want to actually have an appropriate development, increasingly developers are seeing the benefit of having it public transport friendly. That is actually attractive to people. The further out one is from the central business district the more important that is. We want to encourage that. I am not going to have the cul-de-sac police out too much. It is more about a whole-of-system approach in terms of development—how, as an integrated hierarchy of roads, the development will work. I should point out to honourable members the role the Office of Urban Management will play in south-east Queensland and our future planning and the delivery of the services.

The member for Mount Ommaney indicated that we need to provide for public transport in new developments. She referred to the Centenary Highway and the impact that increasing traffic volumes are having on that and therefore the need to encourage public transport. With the Ripley Road extension I have my people from Main Roads identifying the land for a rail corridor should we need to do that in the future. We have provision in our agreement with the developers of Springfield for a public transport corridor along the Centenary Highway. The honourable member for Mount Ommaney also indicated a number of the benefits of TransLink.

The member for Pumicestone referred to the power of Queensland Transport inspectors to inspect ammonium nitrate and indicated that the Scrutiny of Legislation Committee had considered the issue and in her opinion the powers were justified. Reference was also made to her husband, the former chair of the committee, who is a person I have the greatest personal regard and respect for as a parliamentarian and a legislator. I take this opportunity to pass that on to her. The honourable member also indicated her support for the government's decision to accelerate the final stage of the Caboolture bypass.

The member for Hervey Bay talked about the need for road infrastructure in Hervey Bay, and I thought he made an extremely good point. He is a very tireless advocate for his electorate. There is some discussion at the present time in Hervey Bay about the present River Heads Road, which some people believe needs improvement. That is a council road. If we get in a situation where councils want to play this lowest common denominator stuff in attempting to foist their responsibilities on to others and if state funds are diverted to do that, then state funds are not eligible to be spent where state funds should go. The honourable member made the point that he wants more money for his electorate, but he wants state funds spent on state roads because there is work to do there as well. The best deal for the people of Hervey Bay is for the council not to make excuses and for councillors who get rolled in their own council meeting by their fellow councillors because they tried to get up priorities not to try to blame it on the state government. If councils stick to council priorities and put money into that and the state government puts money into state government priorities, we will get more and not less.

I was delighted with the member for Gregory's very fond tribute to Don Muir, the retired deputy director-general of Main Roads. Don is truly a great guy, a wonderful bloke to work with, a real gentleman

and a great professional engineer. He will be sadly missed and is much loved by the staff of Main Roads. He also paid tribute to departmental officials generally. Vaughan was a very well-regarded Transport Minister within the department as someone who was always kind, courteous and supportive of the Public Service. I do thank him for that, and I am the first to acknowledge that. He spoke about the need for future road and rail planning for corridors, and he indicated some of the challenges involved in doing that. It is not always easy to do that, but of course it is much easier to do it up-front than it is to do it later on. He spoke about transport inspectors. He mentioned the issue of distances in front of wide loads that pilot vehicles travel, and we will look at that. He also mentioned the second range crossing in Toowoomba, and I will talk about that a little bit later in response to what the member for Toowoomba North said.

The member for Gregory indicated that one ought not tip the bucket on the federal government and others whenever there are funding issues involved. I have to say that I will work cooperatively with the federal government, but I will not hesitate to jealously advance Queensland's interests regardless of who is in government, because that is what ministers should do. I note that Vaughan himself in fact locked horns with Gary Hardgrave on more than one occasion, and that reflects of course more on Gary Hardgrave than it does on the member for Gregory, because I know that the member for Gregory would have been vigorously advancing the state's interest in those discussions.

The member for Broadwater spoke about the need for corridor protection. She gave an example of decisions that sometimes can cause problems for public transport. The example was in relation to a canal at Hope Island in her electorate, an issue that we are working through at the moment. The member for Mudgeeraba spoke about street design and cul-de-sac issues and the possibility of discouraging public transport. I should say to the honourable members from the Gold Coast that I had an excellent meeting the other day with the Gold Coast City Council—with the mayor, the deputy mayor and a number of other councillors. It was actually a very positive meeting. They have very much an understanding and a focus on the council's role in public transport issues on the Gold Coast. I am absolutely thrilled to be able to work further with them in that regard, so I do thank the Gold Coast council.

The member for Springwood spoke about TransLink's successes and the need for increased services with respect to Logan bus services. She also spoke about developments and new estates. As I said before, increasingly good public transport planning in estates is a selling point, not a negative. The member for Mirani spoke about explosives inspection issues and the importance of those to his electorate. I want to thank the member for Mirani for the role he has played together with the member for Mackay in relation to the east-west connector issue in Mackay. As he indicated, in the past certain groups sought to stymie the east-west connector project. A levee has to be built there for the Pioneer River in any case. I actually had a very good inspection with the acting mayor, Greg Thompson, the member for Mirani and the member for Mackay a little while ago when we were there on the ground in Mackay looking at the possibilities and also speaking with a number of community groups. This is not a political issue. This is an issue of good administration, and I am delighted to work on a bipartisan basis with the member for Mirani in relation to this issue and I thank him for his interest.

The member for Algeester spoke about the population growth in her electorate. She spoke about the government's intention to conduct a feasibility study of the Greenbank rail line in terms of possibly using that for passenger services. She also spoke about the state government's commitment of \$25 million for the Acacia Ridge rail crossing, which the federal government has not committed to. As I said, if it is good enough for it to contribute half the money for the Callemondah rail overpass in Gladstone—and that is good, and well done—then it should commit the other half for the Acacia Ridge rail crossing, which I understand is one of the busiest rail intersections in Queensland, if not the busiest. The member for Greenslopes spoke about rail and a local government interface and best design and designing for not only safety but also efficiency. The member for Mount Coot-tha spoke about the use of QT as a referral agency under the integrated development assessment scheme. He also spoke about the importance of placing appropriate conditions on developments such as buffer zones, noise barriers and the like.

The member for Gladstone referred to the important safety issue of the Callemondah overpass, which I mentioned before. She asked about booking inspectors and centralising those sorts of things. In relation to that, the system has now been operating for 12 months and has seen 12,000 bookings made through the Internet. We are in the process of reviewing staff roster arrangements for vehicle inspections and driver testing. This is to further improve efficiencies and work practices and further reduce waiting times. Waiting times at the moment average from 15 to 20 minutes across the state. The average wait times for the booking service itself is three and a half minutes. When I say 15 to 20, I think that is across the counter and not on the phone. One of the reasons we introduced this system was that, prior to it being introduced, some 3,500 vehicle inspections a year were lost due to no-shows. That is your tax dollars going up in smoke. That is a waste and inefficient. This has been significantly reduced. The member for Gregory also commented on escort vehicles. Travel distances are contained within the pilot escort vehicle. The honourable member for Gladstone spoke about inspection powers and the need for inspectors in relation to ammonium nitrate to be careful and sensible in their conduct, and I would certainly adopt that view.

The member for Indooroopilly spoke about explosives inspection powers and the like and also public transport planning. He is a very keen supporter of public transport and cycling and the like. The member for Bundamba, who is one of the tireless advocates here in relation to the interests of the people of Ipswich and the surrounding area, spoke about the Ipswich Motorway and the half northern bypass. She expressed her concern, which is a concern that I have, that Cameron Thompson's proposal has not actually been studied. He put out a publication saying that it could be built in four years. I would like to know who told him that, and I would welcome him providing the document that says that it can. Having said that, the Commonwealth has agreed to the study. We will undertake a study. We will undertake the appointment of people to do the study. It is their money, but I do not think that it is the solution. Anyone in the Ipswich community who thinks that we should give up on fighting for the Ipswich Motorway is really not serving the interests of the community well. I am glad to say that Labor representatives say that we should continue to keep up that fight, which I agree with. She also spoke about the River Road consultation strategy that is out and also the state government's commitment to the \$120 million Ripley Road extension.

The member for Toowoomba North—'Mr Fibre Composites'—spoke about the need for my department to work further in relation to fibre composites. I hear the honourable member loud and clear. I certainly will take that on board, and we will see what we can do in relation to that. I know that already we are very interested in what is happening in fibre composites, so watch this space. He spoke about cul-de-sacs and the need to design for buses. He spoke about roadworks in Highfields in part of his electorate. He also spoke about the second range crossing in Toowoomba. I want to say this about the second range crossing in Toowoomba: it has not been ranked as a higher priority compared to the Ipswich Motorway. The feeling has been that we should fix the Ipswich Motorway first, because people from Toowoomba have to go via Ipswich anyway. One thing about the second range crossing is this: we agree with the Commonwealth on the route and how it will be delivered. The land has been identified and the Commonwealth has now agreed to give us the balance of the money to purchase it. If Cameron Thompson's half northern bypass gets mired in endless studies and a lack of feasibility and the like, then we should also very seriously consider what we can do with the second range crossing. I will continue to work on that.

The member for Nicklin referred to people skills needed by QT inspectors. I agree with him on that point. He spoke about the booking inspection process. He spoke about the Landsborough to Nambour rail duplication. He is right in a sense that ultimately we do need to duplicate the line between Landsborough and Nambour. It would be a bit odd to have the line duplicated there and not have the Caboolture-Landsborough line duplicated first. So we need to look at the Caboolture-Landsborough duplication and realignment first. That is something that we will do in the near future.

The member for Mansfield spoke about TransLink. As I said, the member for Mansfield is a multijourney bus fanatic. He talked about the advantages of smart cards and integrating journeys so that we will know more and more about how people wish to travel. I have to say, as I have said before, that when it came to public transport, I often used to think that the people of outer metropolitan Brisbane—Redlands, Logan, Caboolture, Pine Rivers and the like and further out—were the poor cousins. Those of us in Brisbane tended to have a better go than the people in those areas did. So these initiatives are about redressing that imbalance. There are still great services in Brisbane—and we are improving the services in Brisbane—but we recognise our obligation to the people in those outer suburbs. I am very pleased that we have been able to do that.

The member for Chermside spoke about explosives. He said that he had received positive feedback about TransLink. He said that he would like us to increase the number of ticketing outlets. The member spoke about tow truck operators and also the issue of vehicles being removed from private property, which we are having a look at on an ongoing basis. The member also spoke about integrated planning, future corridors and notification. I agree with him on that point. I think that, with future corridors, there is a need to make sure that people understand where the future corridors are, because they seem to forget about that and then, all of a sudden, we are in trouble when we actually want to use the corridor that we have actually been sensible enough to preserve. So we will ensure that we let people know about those things in advance.

The member for Hinchinbrook spoke about ammonium nitrate and the role that fertiliser plays in the manufacture of explosives. In Australia, 98 per cent of ammonium nitrate is used in mining as a fertiliser and two per cent is used as an explosive. Some 540,000 tonnes of ammonium nitrate a year is produced in Australia. That is a lot of ammonium nitrate.

Mr Purcell: Most of it on Gibson Island.

Mr LUCAS: That is right—at Incitec, in the electorate of the parliamentary secretary to the Minister for Public Works and Housing, which is just a stone's throw across the creek from mine. Incitec do a wonderful job.

The member for Hinchinbrook also spoke about third-party access and the need to change our dialogue with industry. However, the problem is that Pacific National is here to stay. It is competing with us

on our network. I will give the member an idea of what Pacific National does. As far as I am aware, Pacific National does run rail services anywhere south of Rockhampton, I think, but certainly south of Gladstone, whereas we do in many instances. We need to understand that, to continue to provide services, we need to make changes. The essence of viability in the long run is to make changes where we need to make them. If we do not do that, we will end up like New South Wales where that state threw its hands up in the air and flogged off its rail track and flogged off its freight business. I think that we need to make some hard decisions, but it is about giving rail a future.

Before closing, I would like to indicate that at the consideration in detail stage of this bill I will be moving a number of amendments to the Tow Truck Act and to the Transport Operations (Marine Safety) Act. I table the explanatory memorandum to those amendments.

In my second reading speech I spoke about amendments to be made to the Transport Operations (Road Use Management) Act 1995. Those amendments involved various approvals issued by Queensland Transport. I provided the House with some examples of these approvals. I also highlighted the need for the chief executive of Queensland Transport to be able to take action on those approvals if there was any risk to public safety or it was otherwise in the public interest.

The amendments I am proposing to move to the Tow Truck Act complement the amendments to the Transport Operations (Road Use Management) Act, that is, the amendments deal with issues of public safety and the public interest as they relate to the tow truck industry. They also deal with who is an appropriate person to work in the industry.

Previously, the member for Chermside read an article that appeared in the *Sunday Mail* in August. We do not want unacceptable people in the tow truck industry. If a person is a thug, or a standover merchant, then that person has no place in the tow truck industry. I want to send that message extremely clearly to people. If a person goes bashing people at the scene of an accident, if a person has a character and a conduct that indicates that they are not suitable, then they should be out. This legislation will allow that to happen.

The chief executive of Queensland Transport issues a number of licences and certificates under the Tow Truck Act 1973. Firstly, there are licences issued that operate tow trucks; secondly, there are driver certificates issued to individual tow truck drivers; and, thirdly, there are assistance certificates that authorise people to assist the tow truck driver at the scene of an incident or during the seizure of a vehicle. Those licences and certificates can be cancelled or suspended by the chief executive of Queensland Transport on certain grounds. Those grounds include, for example, if the holder of the licence or certificate has been convicted or an offence against the Tow Truck Act, or if they have been charged or convicted of an offence under Queensland's Criminal Code.

I can read this into the record, but if the shadow minister is happy for me to seek leave to have it incorporated, I can do it that way.

Miss Simpson: I am happy.

Mr LUCAS: I seek leave to have the remainder of my response incorporated.

Leave granted.

The amendments I am proposing to move to the Tow Truck Act complement the amendments in the Bill to the Transport Operations (Road Use Management) Act. That is, the amendments deal with issues of public safety and the public interest as they relate to the tow truck industry. They also deal with who is and isn't an appropriate person to work in the industry.

Currently, Mr Speaker, the Chief Executive of Queensland Transport issues a number of licences and certificates under the Tow Truck Act 1973. Firstly, there are licences issued to operate tow trucks. Secondly, there are 'driver certificates' issued to individual tow truck drivers. And thirdly, there are 'assistants certificates' that authorise people to assist the tow truck driver at the scene of an incident or during the seizure of a vehicle.

Those licences and certificates can be cancelled or suspended by the chief executive of Queensland Transport on certain grounds. Those grounds include, for example:

- if the holder of the licence or certificate has been convicted of an offence against the Tow Truck Act 1973; or
- if they've been charged or convicted of an offence under Queensland's Criminal Code; or
- if, in the opinion of the chief executive, the person is no longer a fit and proper person to hold a tow truck licence or certificate.

The chief executive's current power, however, to cancel or suspend a tow truck licence or certificate does not cover all circumstances where that action might be appropriate.

For example, there have been instances of tow truck drivers seriously assaulting other tow truck drivers at accident scenes or at insurance assessment centres. In fact, the most recent of these incidents happened only about 6 weeks ago.

Once the offending driver has been charged by police, the chief executive can take action under one of the existing grounds in the legislation—that is, on the ground that they have been 'charged with a disqualifying offence'. Until that charge is formally laid, however, the tow truck driver can continue operating and continue dealing with the general public. In some cases, it could be several months before the police have fully investigated an allegation and formally laid charges. During that time the driver is quite entitled to continue driving and continue dealing with the public.

In these circumstances, the public would expect—and rightfully so—that the Department would take some immediate action against the offending driver.

Previously, where a driver assaulted another driver at a crash scene, it had been thought that action could be taken on one of the other grounds in the Act—that is, that the driver was no longer a 'fit and proper person' to hold a licence. A recent court decision, however, has cast doubt on the Department's ability to take action on that ground.

In that case, a Sunshine Coast tow truck driver assaulted another driver at a crash scene. The assault left the other driver with a fractured bone near his eye socket, problems with his eyesight and post traumatic stress disorder. The offending driver was charged by police and subsequently convicted of assault occasioning bodily harm. When he was sentenced in the District Court the judge reportedly described the attack as 'a sudden, cowardly and vicious attack'. He was sentenced to serve 18 months in jail but, after serving about two months, that sentence was suspended for four years. While he was still under that suspended sentence the driver applied to have his tow truck driver's certificate renewed.

After looking at the circumstances of the case, the Department decided that the driver was no longer a 'fit and proper person' to hold a driver's certificate and it refused to renew that certificate. Remember, this was a tow truck driver who had assaulted—and quite seriously—another driver at the scene of a crash, a place where people are often disoriented and vulnerable.

The driver appealed to the Magistrates Court and the Magistrate hearing the case decided that, despite the assault and despite the fact that it occurred at a crash scene, the driver was in fact a 'fit and proper person' to hold a certificate. So the Department had to reissue his tow truck driver's certificate.

The clear message from this case was that the courts may take a broader interpretation of the 'fit and proper person' test than may have been expected. As a result, the Department's ability to take action on this ground is brought into question.

Where a tow truck driver engages in this type of behaviour, the chief executive needs to be in a position to act promptly and decisively by immediately suspending that driver's certificate. The chief executive also needs to be in a position to review whether or not that person is an appropriate person to continue to hold their licence or certificate.

In summary, the amendments I'll be moving will do two things. Firstly, they'll allow the chief executive of Queensland Transport to cancel or suspend a licence or certificate on a number of new grounds:

- The first of those grounds is where there has been, or is likely to be, a risk to public safety because of the holder's conduct;
- The second ground applies where the person is no longer an 'appropriate person' to hold the licence or certificate—and the amendments will provide a list of matters that will need to be considered when determining whether someone is an appropriate person;
- And the final ground is where it is in the public interest for the chief executive to cancel or suspend the licence or certificate—and, again, the amendments will provide guidance on when it will be in the public interest to take that action and will also provide some examples.

So that's the first limb of the amendments.

The second limb is to adopt an 'appropriate person' test for the grant or renewal of a tow truck licence or certificate. This new test is to replace the existing test which looks at whether the person is a 'fit and proper person' to hold the licence or certificate. And, as I've already said, the legislation will provide some specific guidance on who is and isn't an appropriate person for the purposes of the Act. The aim here is to ensure very close consideration of exactly who is and isn't suitable to be working in the tow truck industry. This is an important issue because tow truck drivers attend car crashes where people are often disoriented and vulnerable. We need to ensure that those vulnerable members of the public are protected and are dealt with appropriately.

It is not expected that these provisions will need to be used very often. If a situation does arise, however, where public safety is endangered or where the public interest demands some action, it is essential that the chief executive can take that action.

I should also emphasise that a person who has their licence or certificate cancelled or suspended will still be able to take advantage of the existing appeal and review mechanisms in the tow truck legislation. Under those provisions, the person can ask the Department to review any decision. They can also apply immediately to the Magistrates Court to have the decision 'stayed'—that is, to have the suspension deferred until the decision has been reviewed.

These provisions will ensure that natural justice is extended to anyone whose licence or certificate is suspended.

While some disciplinary matters involving tow truck drivers can be dealt with under existing provisions, there are situations where the power of the chief executive needs to be clarified and strengthened and these amendments will do that.

Mr Speaker, I foreshadow that I will also be moving an amendment to the Transport Operations (Marine Safety) Act 1994. The amendment deals with establishing a clear head of power to make a regulation about fees for the services of a pilot in both pilotage and compulsory pilotage areas.

The amendment will also establish a clear head of power for fees for delays to, or the cancellation of, pilotage services.

The Office of Queensland Parliamentary Counsel (OQPC) recommended this amendment.

Additionally, Crown Law has recommended that the criteria for charging fees for the services of a pilot be changed from being based on gross tonnage to length overall of a ship. Length overall is much more easily calculated than gross tonnage.

This amendment is an important one because it will provide a clarified and consistent approach to the requirement for pilotage and the application of pilotage fees in Queensland ports.

It will allow for Maritime Safety Queensland to—

- Recover the full cost of service provision in line with the Queensland Treasury Whole of Government Review of Fees and Charges—Guidelines for Agencies; and
- Improve transparency in the way pilotage fees are charged; and
- Support this government's goals for building Queensland's regions.

The changeover from calculation of fees for pilotage services by reference to length overall instead of gross tonnage will not take effect until the Transport Operations (Marine Safety) and Other Legislation Amendment Regulation completes its Regulatory Impact Statement period and is approved by Cabinet for introduction.

Motion agreed to.