



Speech by

Hon. Paul Lucas

MEMBER FOR LYTTON

Hansard Tuesday, 23 November 2004

TRANSPORT INFRASTRUCTURE AMENDMENT BILL

Hon. P.T. LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (2.21 p.m.): I move—

That the bill be now read a second time.

In the early hours of last Tuesday—at one minute past midnight—a diesel tilt train travelling from Brisbane to Cairns derailed near Rosedale, 50 kilometres north of Bundaberg. Eight of the nine cars left the section of track including the locomotive. Some 128 of the train's 156 passengers and crew were injured, but thankfully no-one was killed or sustained life-threatening injuries. Emergency services arrived at the site by 1 a.m. after being alerted by nearby residents who were the first on the scene to help. All passengers were evacuated from the train by 3.40 a.m.

The objective of the Transport Infrastructure Amendment Bill 2004 is to introduce provisions which will ensure that complete and thorough investigation of rail safety incidents can occur in Queensland. The Transport Infrastructure Act 1994 establishes a legislative regime which contributes to overall transport effectiveness and efficiency, provides for adequate levels of safety and provides a high level of accountability. With respect to rail safety, the Transport Infrastructure Act contains provisions which set out the arrangements for both the accreditation of railway operators and the investigation of railway incidents in Queensland.

Queensland Transport is the independent state regulator for rail safety and has responsibility for the coordination and/or conducting of independent investigations into rail safety incidents in Queensland. Queensland Transport's Rail Safety Unit was established in 1995 to undertake this role and perform a number of other functions relating to rail safety. Queensland's railway track network of 10,400 kilometres is the second largest in Australia. Queensland is also the third largest in terms of kilometres travelled and the biggest freight carrier in terms of distance. There are 29 accredited railway operators using rail infrastructure in Queensland, including heritage railways, with Queensland Rail being the major commercial operator, now being joined by Pacific National.

Queensland has an enviable rail safety record. There has not been a fatality involving a passenger train derailment or collision in almost 20 years, and Queensland's record in relation to rail safety incidents in general is better than any other Australian state, excluding Tasmania. The number of rail fatalities, excluding suicides, per 100,000 population in Queensland is 0.053. This is compared to 0.211 in New South Wales and 0.226 in Victoria, which has the highest fatality rate. These statistics include level crossing incidents, car collisions and pedestrians.

A crucial element in rail investigations is the revelation of the truth without fear of further judicial proceedings for witnesses. Queensland Transport adopts a 'no-blame' approach to rail safety investigations with the sole purpose of revealing the causes of an incident so that lessons can be learned and action taken where necessary to prevent further reoccurrences and improve safety for all Queensland rail users. In this regard, rail safety investigators' powers of investigation have been adequate. Following the diesel tilt train derailment on 16 November 2004, which occurred on the north coast rail line approximately 50 kilometres north of Bundaberg, it became apparent that it was necessary to modify existing legislation to allow for the best possible investigation to be undertaken for the tilt train incident.

The recent tilt train derailment should not detract from Queensland's excellent rail safety performance record. However, the amendments in the Transport Infrastructure Amendment Bill 2004 have the potential to significantly empower the investigation into this incident and future rail safety investigations and are largely based on Commonwealth legislation. I will provide more detail on the amendments shortly. However, in summary, they will introduce provisions to protect witnesses in a rail incident to speak freely without fear of future judicial proceedings and will assist in revealing the true cause of incidents to improve rail safety.

An investigation by rail safety officers appointed under the Transport Infrastructure Act commenced immediately after the recent tilt train incident. The investigation team is chaired by an officer from the Australian Transport Safety Bureau and brings together the best skilled resources for undertaking this task of conducting an independent investigation. It is preferable that this investigation continues through to its completion. These amendments will ensure that this investigation and any future investigation conducted under these provisions identifies the causes and contributing factors to the incident. These amendments are pertinent to providing the appropriate level of protection to witnesses so that they are prepared to make information available in an investigation to determine the truth. Any abrogation is balanced by the protection of excluding the use of that information in any judicial proceeding.

The amendments will ensure that any answer, document or thing required by a person to be given to a rail safety officer conducting a rail safety investigation will not be admissible in evidence against the person in a criminal, civil or administrative proceeding. Amendments also introduce both restrictions on disclosing information gathered during an investigation or board of inquiry and exemptions under the Freedom of Information Act 1992. These amendments are complementary to the amendments I mentioned earlier which protect witnesses from civil, criminal and administrative proceedings against the person. The information discovered in a rail safety investigation is solely for the purpose of determining the cause of the incident, and access to such information must be restricted.

To properly complete the protection afforded to witnesses, the amendments also provide that rail safety officers not be compelled to give evidence in any criminal, civil or administrative proceedings about any information or evidence gathered by them in an investigation. Amendments will also require the government to table a report in parliament within 14 days of it being received. This includes the report which will be prepared at the conclusion of the current tilt train derailment investigation. This report will offer full transparency on the findings of the investigation.

Given that the investigation into the tilt train incident has now been under way for seven days, I consider that the legislative amendments I have outlined will ensure that the real cause is revealed. Therefore, provisions have been drafted to have a retrospective effect to 16 November 2004, being the day of the incident, to ensure all of the investigative procedures are afforded the protection of these amendments.

In summary, the provisions within the Transport Infrastructure Amendment Bill will ensure that rail safety investigations conducted by Queensland Transport can reveal as far as possible the true cause of rail safety incidents in Queensland and that action can be taken as far possible to prevent reoccurrences to ensure rail safety is improved in the future. It is essential that the current tilt train derailment investigation can also continue, and these amendments will extend to that investigation. I commend the bill to the House.