



Speech by

## Fiona Simpson

MEMBER FOR MAROOCHYDORE

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

**Ms SIMPSON** (Maroochydore—LNP) (2.49 pm): This bill before the House amends 25 acts and 12 regulations. Some of the changes are mundane but others are controversial and unacceptable to the opposition. Under the LNP, Queensland is not for sale. Thus it is no surprise that we will be strongly rejecting amendments in this bill that facilitate Labor's dishonest sale of Queensland's assets. The LNP will also be standing up for Queensland against moves to hit motorists once again with price hikes caused by Labor's economic incompetence.

Queenslanders are hurting under Labor's economic mismanagement. They are tired of being price gouged to make up the difference for projects that have been poorly managed by this Labor administration. The sections of the bill that the LNP will be opposing include the extension of tolling powers—for the minister to declare additional roadways as tolls and potentially roads that are not currently tolled. We will be opposing sections that further facilitate the sale of Queensland's assets, such as businesses and assets of QR, the ports and motorways, which is abhorrent to the LNP.

Thanks to Labor's mismanagement, Queensland is now the most expensive state in this nation in which to own and operate a car. The proposed new Queensland driver's licence will end up costing the most in Australia—more than double what it costs motorists currently. That increase comes on top of record increases in registration, with Queensland having the most expensive registration and also the highest petrol prices, thanks to the petrol tax that was brought in by Labor. These increases are taxing motorists off the roads and, as a result, they are certainly not seeing a benefit.

But let me address this new Queensland driver's licence. On at least three occasions legislation has come before this House to provide a legislative base for this licence. It is a project that is yet to come to fruition. But we know that the cost of this project, which initially started out at about \$20 million, is now up to around about \$100 million. Owing to mismanagement, this project has blown out in cost. Other things have changed since this project was first mooted. One thing we were told is that it was going to be really smart. All we have seen is a bit of smart acting from the government about the price increase. The new driver's licence was supposed to be about cracking down on fraud and that it contained a chip that was supposed to store information. But these days, if you ask government members what will be stored on that chip they cannot answer you. We asked that question when this matter previously came before the House in other legislation and there was no answer from the government. We have asked that question in briefings and, once again, there has been no answer from the government. This government expects Queenslanders to pay more than double for a licence under a new licensing scheme but it keeps how it is going to use the information contained in it secret and clutched to its chest.

Originally, this new licence was supposed to have the address contained inside it and not displayed. The government belatedly woke up to the fact that a lot of other establishments rely on being able to see people's address on their licence. Then there arose the perplexing question as to who was going to have card readers. Obviously, a lot of pubs and clubs were not going to have readers. We were told that even the police were not going to have readers. Once again, the introduction of the new driver's licence has been a shemuzzle. It has been a mess. There has been a cost blow-out and motorists are expected to pay for that.

Where is the value for money? Today in this House we heard the transport minister stand up and say, 'Trust us. It's value for money.' But the government still cannot tell us exactly how it is going to use it. That is a secret that the government is not sharing with Queenslanders who are expected to pay for this new driver's licence and that is not good enough. Nobody believes what the government says about privacy when it has broken its promise about so many things—the cost of this project, the new fuel tax, the asset sales. So who would trust the government with the privacy issues associated with this card? What information will be stored on the card? Who is going to have scanners? Who is going to have access to those? Those questions remain unanswered by this government.

But it is not only a new Queensland driver's licence that is up for public debate; it is also the proof of age card, because those Queenslanders who do not have a driver's licence will be expected increasingly to have a proof of age card which, as far as we are aware from previous public comments, is going to cost the same amount as a driver's licence. Ultimately, this card will become the de facto Australia Card—an identity card that people will be expected to carry with the ability to store information that the government will not tell you how to access and check and who will have access to it. This card is becoming an Australia Card, where people are going to find that information on this card will potentially be held by this government. If that were not the case, why on earth would the government pursue a project of issuing a card with a chip that holds information? It is time the government came clean not just on the full cost of this project; it is time it came clean on the major privacy issues that it has failed miserably to answer.

Already, Queensland has many unlicensed drivers. When governments start to price gouge motorists and others for the cost of a driver's licence, will we see more and more people choose not to have, or fail to be able to afford, the take-up or renewal of their driver's licence? This issue raises the very real spectre of more and more unlicensed drivers on our roads. I believe that is a major concern, because it has ramifications for people who may be involved in accidents with those who were driving unlicensed. If you hike up the price of a driver's licence this much, you are taxing off the road those who are obeying the law or allowing others to drive unlicensed.

I want to also address another taxing issue that exists under this government. I am not talking about Kevin Rudd's new super tax and the jobs that will be lost from Queensland and the way in which this government has rolled over and played dead in regard to Queensland's royalties going to southern states and even then not being quarantined for infrastructure. I want to talk about the powers in this legislation that give the Department of Transport and Main Roads the ability to extend where they apply tolls. Not that long ago I asked the main roads minister about the possibility of this government putting distance based tolls on Queensland's roads. I refer to that question, because the minister did not answer it. It was not a yes or a no or a maybe; he refused to answer the question. We know that this government has investigated at a high level where else they can apply tolls on Queensland's roads.

For those who are not familiar with the term distance based tolling, I will explain that it tolls people on a section of road between point A and point B. It uses technology to toll people over that distance as opposed to the set-up of some existing motorways, such as the Gateway and Logan motorways, where people are able to get on and off and they pay their tolls at tolling booths that are located at a fixed point. So distance based tolls for Queensland, particularly with the motorways, could mean that we will see more motorways tolled than there are currently. People will find that entries and exits of motorways will have a tolling gantry in future. It means a different way of applying the tolls. But this government has refused to release all of the reports that have been made on extending this way of tolling Queensland's roads. I call on this government to release the reports. Enough of their secrets. Queenslanders have a right to know.

That is one reason we will be voting against this head of power to give the government a means of applying tolls across other roads beyond those that have been publicly identified as being in the pipeline. That is a head of power that we are not prepared to extend to the government without understanding what it is up to. We do not trust this government and neither should Queenslanders. Why on earth would you give more tolling powers beyond the existing projects that have been mooted? Why on earth would you give a blank cheque to a government that has abused its access to Queenslanders' dollars and which cannot keep its sticky fingers out of Queenslanders' pockets?

Motorists in Queensland have a reason to be furious at the way they have been price-gouged by this government. They are paying the highest costs in this nation due to this government's mismanagement. They are sick and tired of it and are calling for change. We will stand up for good economic management. We will stand up against the sticky fingers of this Labor government in the pockets of motorists because we sure as heck are not seeing that money go into infrastructure. It is going into the bottomless pit of a mob who could not run a chook raffle.

I want to turn now to some of the other aspects of this legislation. I will address the issues of speed cameras which has been in the news lately. We actually saw this legislation before the parliament—shock, horror—on 24 March 2010. For the benefit of this House I will quote from my contribution in that debate. I said—

We certainly want to see clarity and ensure that there is legislative backing to enforce these provisions, but the fact that the cameras are in operation and that legislative clarity has not been there I think will surprise a lot of people. I asked whether there were any

current legal cases pertaining to this, and I was advised that there were not. We certainly understand that the law must be clear. But one area in which the government is not speedy is ensuring timely legislation.

It is worth repeating those words because has that not been shown to be true? Those cameras were already up and running and we were told that they were not going to apply the fines from those cameras, that they would wait until the legislation was in place. Now we find that they did not even have the administrative processes to apply the law properly in place and that there have been literally thousands found to have been speeding but the legislation and how it was applied was a bit shonky.

This is not the first time under this government that we have seen legislation passed through this House to be shonky in how it has been applied. I cannot let it go unnoted that limousines that were required by legislation only three years ago to have electronic booking systems will no longer have that requirement under this legislation because the government got it wrong. It put through provisions in relation to which it had not undertaken consultation, had not listened to industry and obviously did not listen to the state opposition when we warned that it had it wrong and that the proposal as it was would not work. Here is the evidence of that, with provisions in this legislation to revoke those sections in regard to limousines requiring electronic booking systems.

I want to refer to the comments made on 9 October 2007 by my colleague Tim Nicholls, the member for Clayfield, who was the shadow transport minister at the time. He drew this matter to the government's attention. Its answer at the time was to abuse the opposition. Its answer at the time was to abuse those who raised a dissenting voice to the heavy hand of government. It failed to listen. Now it has been proven that we were right because we were listening to those who were telling us it was unworkable. The revocation of that section comes forward in this legislation.

This government has become very arrogant in the way it designs legislation. We saw in March—only a few months ago—that there were provisions in legislation before the House to deal with a repair register in the motor vehicle industry. Those provisions could not be proceeded with because, once again, the government had not carried out the appropriate consultation before bringing that legislation to the House. It is up to government to use its powers appropriately and in a timely way to ensure that the business of Queenslanders is undertaken safely and in an orderly way.

This brings me to the issue of maritime safety and some of the extraordinary situations we have witnessed in the last couple of years under this government. The spill which occurred within Moreton Bay from the *Pacific Adventurer* was an extraordinary event but one which should have been foreseen by Maritime Safety Queensland. The two independent reports that were written as a result of that incident, which analysed the response of the various government agencies and how they handled the incident, were damning in regard to Maritime Safety Queensland. I have no doubt that there are individuals who tried their best, but one cannot ignore the facts when one reads these reports. They highlight just how far short this government has fallen in applying the resources of the people and their taxes to the protection of the environment and to maintaining that order that I was talking about.

Let me refresh the memories of members in this House. Page 27 of *'Pacific Adventurer' oil spill: independent review of responsiveness of the Disaster Management System support*, dated February 2010, states—

Maritime Safety Queensland has knowledge and expertise in oil spill response, but has limited capacity to deal with large scale oil spill incidents without additional support.

Page 27 goes on to say that they could not manage this alone. The report states 'there is currently no model'. They had no model in place to deal with this. They had no plan in place to deal with a major oil spill. It makes one ask what on earth this government is doing. This is basic—'Environmental Protection 101'. There should have been a plan to deal with a major oil spill in Queensland waters and certainly in Moreton Bay.

What I think is disturbing is that this government is still tinkering around the edges. We welcome the additional penalties that are in this legislation that will apply to those who pollute our waters. However, I will continue to call for a full overhaul of Maritime Safety Queensland because what we have not seen from this government is an acknowledgement of the major leadership issues, the systemic issues in government and what occurred during that oil spill. Page 22 of the *Response to the 'Pacific Adventurer' incident: report of the Incident Analysis Team—February 2010* states—

NPMC should consider endorsing an approach in situations where the environmental agency is slow in approving a response to a sensitive area affected by an oil spill, that the IC should be empowered to take the appropriate action.

There was a lack of leadership across agencies and clarity about who was doing what. That was clear in the reports that we are tabling. I am happy to refer to the comments I have previously quoted in this parliament from these reports. We see only denial from this government. It is still patting itself on the back over the way this matter was handled. As I have said, individual people may have done their best, but the lack of leadership and the systemic failures were quite clear. All we see is denial from a government that wants to tick policy boxes rather than take action on fixing the issues. It certainly has not done that. It is

damning considering the fact that we have now seen another issue arise with the *Shen Neng 1*. This incident occurred in Commonwealth waters, but still the issues pertaining to state waters have not been resolved. More needs to be done than just looking at the fines that apply. More needs to be done in regard to the whole system of prevention and a more adequate means of coordinating a response if an incident does occur.

For this transport minister to say that it is completely acceptable to have a coal ship come in and unload in sensitive waters off Fraser Island as if it is an ordinary event I think needs to be condemned. Where are the plans in place to deal with these issues when we have an incident such as that involving the *Shen Neng 1*? To suggest that it is acceptable to have it come into the waters around Hervey Bay and off Fraser Island, a sensitive marine area, I think is just another example of this government laying down and copping it and potentially exposing the environment due to its lack of plans and actions in this regard.

I asked in the briefing about some of the other powers in regard to maritime laws that are proposed. There are powers that are to be extended in regard to directions that can be taken by the department in state waters. I asked about whether the state would in fact be liable if there were consequent maritime pollution or damage that occurred as a result of a state direction. The answer was qualified but indicated that, yes, it was possible for the state to be liable if something occurred as a result of a state direction.

I would say that we want to see a far better system of response in future from any government agency and certainly better coordination of government agencies if an incident were to occur in future. No-one wants to see any incidents. Considering the amount of shipping traffic up and down our coastline and the potential for future expansion of the mining industry and other general freight being carried along our coastline, it is time that we demanded greater accountability and greater governance and ensured there was a far better system of response in future. It is just not good enough for this government to use its spin and ignore the warnings contained in government reports. I think that is why we are so wary about some of the statements to date. It is quite clear that the government has learned nothing, that it has no intention of changing its spots. Its members are still congratulating themselves on a situation which resulted from, quite frankly, good luck rather than good management with regard to the way in which the *Pacific Adventurer* in particular was dealt with.

I want to address an issue that I alluded to at the start of my speech—that is, how this government has misled the people of Queensland about asset sales. There are provisions here which will be facilitating the sale of the assets and the structure of QR and the Port of Brisbane and other provisions with regard to tollways. The LNP opposes these sales and will be opposing these sections of the bill. We have made it quite clear that this government could not run a chook raffle. The sale of QR alone will only pay about 18 months of the interest bill on the debt that has been racked up under Premier Bligh and the Labor government. What we have here is an example of this government selling off the house to pay the grocery bill. It does not have a debt reduction strategy. It also does not have a plan to ensure that capital that it comes by is quarantined for infrastructure. Quite simply, what we still see is a government that has no clue with regard to the good economic management of this state.

That is made quite clear when we see it rolling over and playing dead for the Prime Minister, Kevin Rudd, when he comes along and says that he has a great big new tax and he is going to take it out of Queensland based industries and is going to send it to South Australia, New South Wales and Victoria and, by the way, it is not quarantined for infrastructure. I do not feel quite so grateful to the Prime Minister for ripping off Queensland that way. At the end of the day, we know it is not coming back and going into infrastructure for Queensland. It is crumbs at our table and it is being taken out of the future potential income stream of industry in this state. It is impacting on jobs already.

I think it is extremely pertinent to address how this Labor government manages its infrastructure and then the sale of that infrastructure. At the briefing about Queensland Rail I asked the question once again: how are the assets being broken up for sale? I had asked a question on notice of the minister as to what rail lines were up for sale and which assets, and the minister simply referred me to a website. One would think that maybe the detail was on that website, but no, it was not. When I asked again at the briefing about the proposed break-up of those assets, particularly with regard to which rail lines, once again that information was not forthcoming. There are rail lines in Queensland that are not just for coal; they have other users. What the access arrangements will be in relation to those rail lines which carry coal and intersect with other infrastructure has not been revealed. Once again, in the secret state of Labor and its asset sales, we do not see what is really proposed for the restructure and the sale of assets. That is a secret that is held close to the chest of this government and whatever it proposes to do in future, and we are not prepared to agree with it and write a blank cheque. There has been a lot of warning from industry about QR becoming a private monopoly and what that will mean for the marketplace as well, and those issues remain unresolved.

I asked the question again in the briefing as to what the access arrangements will be with privately controlled infrastructure and they were unable to provide clarity about that point; quite frankly, I do not believe the briefing did either. This government is willing to grab the cash but it is not willing to tell anybody

how it intends to protect the public interest in access to these assets for future industry and the public good of Queensland. Particularly in relation to how it owns and operates infrastructure, government has to have a view beyond today—has to have a view beyond just a quick grab for money—and also for future generations of this state. We see no plan from this government as to how it is going to address those basic public interest tests not just for today but for the future, and that is of major concern.

Last week with my colleagues I travelled around North Queensland and I met with people from across industry. The way that Queensland Rail is being flogged off and the arrangements post sale continue to resonate as a major concern. We have seen nothing done by this current government to address ongoing concerns. So we will be opposing those provisions of the bill which relate to the facilitation of this asset sale.

I want to address another issue that is contained in this bill and that is the Gold Coast Rapid Transit system. The LNP supports delivery of a rapid transit system for the Gold Coast. As it is one of the largest cities in Australia in its own right, it is critical to have good and real integrated public transport systems, and I stress the words 'integrated public transport systems'. While this proposal certainly does not address all of the integration issues, we believe it is a piece of infrastructure which will be supported strongly by many in the community for the long term. Yes, there are issues that still have to be resolved in relation to how it interfaces with the community, and we always reserve the right to demand that there is value for money and probity in the way that these projects are brought together. So the other day it was rather interesting to see a backflip from the federal government, which was originally going to give a grant and then going to give an equity injection but has now gone back to giving a grant towards the Gold Coast Rapid Transit project and it gets announced as something new.

It is quite clear that there have been a lot of fights behind the scenes with Treasury and the federal government—maybe the transport minister was not involved—to try to resolve the funding issues around this project. The fight over the equity injection versus the grant has been high up there because the federal government has got a little bit jack of the way the state government has mismanaged some of its infrastructure projects. We certainly want to see this project proceed with value for money and attention to some of the issues that are obviously impacting upon people who are affected by that corridor. I will never resile from the fact that they deserve to be represented as well. It is not good enough for government and Big Brother to come along and say they have the might and they will ignore the impact upon local people. It is important that, as part of the implementation of this infrastructure, those local impacts are taken into consideration and the people who are caught in the process are not forgotten. At the end of the day, governments have a lot of resources; individuals do not, and they can feel very disempowered if government does not give some consideration to the impact upon their lives.

As I have mentioned, 25 acts and 12 regulations are being amended in this bill. However, one that is a particular concern that was raised by the Scrutiny of Legislation Committee in quite a lengthy contribution to the House was the acquisition of land provisions. I asked questions about this once again in the briefing. The Scrutiny of Legislation Committee report notes—

Clauses 113, 178, 198 and 202 which may be inconsistent with the requirement that legislation provide for the compulsory acquisition of property only with fair compensation.

It is an understanding that if the state, in the public interest, needs to acquire people's property, there should be fair compensation, and that is a principle we should always fight for. As I alluded to before, a state government or any government has a lot more power than the individual when they are dealing with acquisition and some of those individuals can find themselves facing quite a stiff fight unless government attempts to be fair and understands the relative power of acquisition and does not abuse its power over the little people. I think that there would be few members in this parliament who would not have had situations where constituents have faced the heart-wrenching situation of losing their home with government exercising its power of acquisition over their property.

I personally knew people who had heart attacks and died when faced with a future acquisition.

**A government member:** Oh!

**Ms SIMPSON:** I do not think that is a laughing matter. It should provide a wake-up call to show how the powers of government are used with regards to people's private property. The government must apply not only fair compensation, but also justice and compassion in the process. The fact that the Scrutiny of Legislation Committee warns that this legislation may be inconsistent with the requirement for fair compensation rings loud alarm bells.

In the briefing I asked how some of the changes to land acquisition would apply. I was told that if a property was going to increase in value because of proposed transport infrastructure to be built near the property, the owner should not get a windfall from the purchase or acquisition of their property by the government. While that sounds all well and good in theory, I know of examples where people have gone into negotiations with the government because of a proposal to build a road through their property, and this government's negotiators have said, 'You don't deserve as much for the land that has been acquired,

because the balance of the property has spiked in value only because of the road that will go through it. Therefore, we will not give you as much for the land that we are taking, even though we believe you have had a windfall benefit on the balance of the land.' In that example, the road was a limited access road which the property owner did not have access to.

I give that as an example because I get very wary when governments seek to extend their powers with regard to the acquisition of land provisions and I wonder whether in fact they are telling the whole story. Certainly we see cases where some negotiators will say whatever it takes and quote whatever piece of legislation is useful for government, regardless of whether it is consistent. Once again, the little person is fighting for fair compensation against a very well resourced government and they can find themselves left out on a limb. I have major concerns about the provisions before the House relating to the acquisition of land because, as it stands, the practice is not always fair, compensation is not always fair and certainly the power balance between people and the government is not fair. Do governments need the power of acquiring land for a public good? Yes they do, but certainly I will fight for the rights of people to have fair compensation and to be protected from an abuse of power in that relationship, because that is not in the interests of Queenslanders.

A lot of other provisions are referred to with concern by the Scrutiny of Legislation Committee. I will come to some of those when we consider the bill in detail. I wish to address some of the heavy vehicle provisions in the legislation. Certainly we support national model legislation and reforms where the interests of Queensland are upheld and we will always fight for those changes to be, first and foremost, of benefit to our state. It is a big nation and there are a lot of differences across state borders, but there is a lot of traffic within our state borders because of the vast distances of the state. That is why any changes must take into consideration the very unique needs of this state.

There are measures in the legislation that I support, but there are some questions that I must raise, particularly with regard to those changes as they apply to an additional power for the department to charge for damage upon roads. There is an existing power for the department to apply for damages when trucks have caused damage to roads. I asked a question about this in the briefing because I wanted to know what the difference was between the existing power and what is proposed under the national reforms in this legislation. It was explained that there was an additional power and that we do have an existing power. However, even in the subsequent briefing note, which I did not receive until after midday today, the department does not really provide clarification as to the real difference between the existing power and the new power. I ask the minister to explain what the differences are, because so far her department has not provided that clarity. Its information has been fairly rudimentary. We have a right to know about changes that are made when the power already exists in another form.

I have asked whether the legislation will address the issue of rail bridges being hit by trucks. That is a pretty relevant issue because if a vehicle is too high and hits a rail bridge, it can damage the bridge and knock out the rail service for some time. That has been a big issue, particularly around South-East Queensland where we rely on a certain frequency of service. If a bridge is out, it throws the whole network into confusion. As I understand it, this legislation does not sufficiently address that issue. I call on the minister to explain not only the legislative provisions that need to be put in place, but also when they are going to do that and how the provisions will be toughened up. I would also ask him to refer to the need for appropriate gantries to protect rail infrastructure. We have heard talk about it, but we are yet to see action.

If oversized trucks try to go under those bridges, the damage they cause can have a major impact not only on the infrastructure but also on the services. People are getting sick and tired of seeing damage done to infrastructure and their lives thrown into chaos due to the inattention of those who are driving in places where they should not be. As I understand it from the briefing notes, the driver may be up for a \$4,000 fine for inattention and the department may be able to pursue civil damages. However, I think that there is a hole in the legislation. I call on the minister to tell us what the government will do to fix this and to toughen up the provisions in regard to people who damage rail assets, especially when the effects of that damage are amplified through their impact upon rail services. Obviously boom gates is another issue that has had a considerable impact.

Other changes in the legislation relate to transport infrastructure, such as vehicle access to driveways. It was explained that currently approval can be given attached to either the land or the person. This provision appears to be fairly uncontroversial as it is about clarifying the situation. There had been some administrative difficulty where, if the land was sold and the approval was attached to the person, the approval expired. This amendment makes the approval consistent and attached to the land. Certainly that seems to make a lot of sense.

Other changes in the legislation relate to the definition of rail infrastructure, clarifying that it will include parking for a train station and that this will exempt that land from the development approval process. There were some later briefing notes on this issue. I ask the minister to further explain the types of development that can occur and outline the specific limitations on what can occur under this definition. I

think there is always a lot of wariness about land that is under state control avoiding an appropriate approval process with regard to local amenity, local roads and local council.

Other changes to transport infrastructure include the environmental impacts on development, such as noise. The department will be able to order that these be mitigated by developers. Following recent legislation that clarified explicitly that rail, port and public passenger transport infrastructure had this power, I understand from the briefing that it put in doubt the implicit power, according to the department, for road infrastructure, thus the clarification in this legislation.

I have already referred to concerns about those particular land acquisition provisions and the implications for landholders. I call on the minister to explain and to clarify the issues of development and what can potentially occur within these corridors with the redefinition of rail land. To reiterate our position, we are opposed to Labor's assets sale. Queensland is not for sale under the LNP. That is why we will oppose those sections of this legislation.

We also believe that it is time to give Queensland motorists a fair go. We will not be extending carte blanche power to the minister in the declaration of tollways when some of those future tollways can include existing roads. That would be completely unacceptable. We will also be standing up against other toll hikes and charges that will see motorists' pockets further gouged.

Turning to the new Queensland driver's licence, this is the third time we have seen this before the House. On principle, we will be opposing this provision because we are sick and tired of seeing motorists ripped off and not getting straight answers from a government about how it intends to use the information. I have launched an e-petition today with regard to the price hike of the proposed new Queensland driver's licence. I urge all Queenslanders to have their say and sign that petition to send a message to this government that they care about getting value for money and to stop this government from putting its sticky hands in their pockets all the time.

We will support the other provisions of this legislation but, as outlined, we will be opposing some of these key points and we will address those further at the consideration in detail stage.