Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

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TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

Ms SIMPSON (Maroochydore—LNP) (4.54 pm): I rise to speak to the Transport and Other Legislation Amendment Bill 2011. Overall, the LNP welcomes the changes included in this bill. It is an omnibus bill that covers many amendments to sundry pieces of transport legislation. However, there are some provisions that the LNP has serious concerns about and which we will be raising during the course of the debate.

Government members interjected.

Ms SIMPSON: The drink-driving reforms included in this bill, which obviously are not of concern to the members who are continuing to talk in the chamber—

Mr DEPUTY SPEAKER (Mr Powell): Order! Members on my right, the minister is having trouble hearing the shadow minister's contribution to this debate. I have called for order. If you want to continue to debate the previous piece of legislation, do so outside of this chamber.

Ms SIMPSON: The LNP supports these tougher provisions in regard to drink-driving laws. In fact, it was the LNP that introduced its own alcohol ignition interlock bill into the parliament and forced the government to take action. Subsequently, the LNP's bill was largely copied and adopted by the Bligh Labor government. Thus the provisions that we see in this bill that seek to further toughen the drink-driving laws by providing an additional level of offence are certainly a step in the right direction.

As the explanatory notes for this bill state, around 23 per cent of the fatalities on our roads are linked to drink driving. Every life lost on our roads is one too many. Almost as bad is the havoc that is caused for those who have been injured or who have to live with the trauma of having lost loved ones in an accident. This legislation addresses some concerns raised through the adoption of alcoholic ignition interlocks, particularly for people in regional areas. These were matters that were raised in briefings during the previous tranche of legislation that was introduced and we were assured then that the legislation would address those matters. But we understand that further clarification in regard to these matters to address the fact that alcohol ignition interlock installers are not available in all areas of regional Queensland needed to be provided in this legislation. Thus we welcome any further clarification to enable the appropriate implementation of these laws.

This legislation introduces a middle alcohol limit of between .10 and .15 blood alcohol content. Currently, there is only a low-level alcohol limit of .05 blood alcohol content or high-level alcohol offences above .15 blood alcohol content. In effect, that meant that those who just tipped over the limit of .05 blood alcohol content could be treated as committing the same offence as those who were approaching the highly intoxicated, higher blood alcohol content limit and potentially those people faced the same level of penalty. The LNP welcomes the introduction of the middle-level offence with an increased penalty of between $1,400 and $2,000 and the potential disqualification from driving of between three and 12 months with a licence suspended immediately. I note that a person who is guilty of committing a middle-level offence and who does not have a licence will be disqualified from applying for one. I would hope so, and that is something that this legislation seeks to enforce.

In addition, the bill before the House extends the time for an alcohol test to be performed from up to a maximum of two hours to up to a maximum of three hours. This is a practical change to enable a more effective implementation of the testing, particularly in regional areas. It also addresses resourcing issues. The arresting and detaining officer can also conduct the breath analysis for drink-driving offences. We understand that both these provisions are welcomed by police and are considered to be practical in their implementation.

There are additional provisions in this legislation regarding licence suspensions imposed by magistrates. I thank the minister for the briefing that was provided this week and note that the minister has responded to some of the questions that we put forward. I will confess, though, that we only just received this before coming into the House so if I double up on some of the questions that the minister has answered that is not intended. We will certainly seek to work our way through the points of clarification in cooperation with the minister.

I want to raise an issue in relation to licence suspensions imposed by a Magistrates Court and seek the minister's further clarification in this regard. Previously it was possible for work licences to be provided for low-level drink-driving offences where those applications were made to a Magistrates Court. An issue has been raised with me by constituents who in fact were not charged with drink-driving offences but who incurred a suspension of their licence due to other reasons, such as SPER offences. They found that they ran foul out of the provisions to gain access to work licences. This is something I raised with the previous minister. I appreciate that it may not have been understood that I was not talking about drink-driving offences; I was actually talking about people who had had licences suspended for other reasons. In no way will we advocate for people who have a dangerous driving record being allowed back on the road where it is inappropriate, but it seemed to be somewhat of an anomaly that low-level drink-driving offenders were able to gain a licence to drive during certain hours so that they could go to work when other offenders with suspended licences did not appear to have that discretion in law. I seek the minister's clarification as to whether these provisions before the House will address that anomaly. I would be more than happy to provide the minister with supplementary information from constituents who were not able to gain a work licence and that has disproportionately impacted on their ability to go about earning a livelihood when there were drink drivers who were able to gain a work licence.

There is a new provision in the act in relation to civil bans. We welcome it in that it will provide safer spaces for people travelling on public transport. We are aware that the issue of abuse of alcohol is a problem not only with regard to roads and drink drivers but also with regard to people travelling on public transport. The bill before the House expands the recent changes to the Liquor Act to extend civil bans to troublemakers on public transport. It is not only to do with liquor-licensing offences; it also covers a broader range of issues. We will support this provision as an important move towards making public transport safer.

There are some concerns that will be raised more fully when my colleague the shadow minister for public transport and member for Aspley addresses this bill. However, I will briefly raise some of these concerns. We hold a concern that this provision will only come into effect after 10 offences within 12 months. The explanatory notes state—

... the court must be satisfied that the person has committed an act of violence. That is, committed an act of violence against another person or property on the public transport network, of such a nature that the act of violence would cause a person in the vicinity to reasonably fear bodily harm to any person or to damage property.

Our concern is that 10 such offences is a lot of fear and violence to spread within 12 months. In briefings we have asked the minister whether these 10 offences are separate incidents or whether one incident could involve multiple offences within the provisions of this bill. It would be appreciated if the minister could clarify this in her response. There are also provisions regarding driver-disqualifying offences in relation to children. There are further clarifications that are needed in the explanatory notes.

I will move on to the taxi bailment section. Once again, these are provisions that will be covered more fully by my colleague the member for Aspley, who is the shadow minister for public transport. I note that this bill brings in a compulsory single written and signed bailment agreement between taxidrivers and operators. The explanatory notes state that this will ensure a fairer and more transparent system to enable drivers to work in the taxi and limousine industries. The LNP welcomes this as a move towards reform.

My colleague the shadow minister will provide more information in this regard but, as members are aware, we have been advocating for reform of the taxi industry for some time to deliver a world-class taxi service in Queensland. It must be recognised that there are many hardworking taxidrivers in this industry. We must work with the broader industry to ensure they are properly protected. However, yet again I will state that it is critical that the government plays its role and cleans up its act as far as being the regulator and enforcer of standards in the taxi industry. This industry, like so many others, can be let down by just a few. It is a tough life out on the rank. The public have a right to know that it is a safe travelling environment for them and a safe working environment for those who are driving cabs. It is the responsibility of government to ensure that that occurs and that those in the industry are the appropriate people who have the appropriate levels of enforcement and support.

The bus and transit lane enforcement provisions are controversial provisions that came before this House not that long ago as a trial. We are opposing these provisions as we believe that without adequate resourcing it is about revenue raising rather than about safety on our roads. The LNP supports, where appropriate, the freeing up of police to concentrate on major offences instead of on the operation of T2 and T3 lanes. However, what we are seeing in this legislation is a permanence of the trial. It is penny-pinching, with no additional resources being provided to transport officers to enforce T2 and T3 high-occupancy vehicle lanes. This is putting lives at risk.

We remain highly concerned that, despite this additional and potentially onerous job being part of transport officers' duties, the minister has confirmed that no new transport inspectors are to be employed. The primary role of these officers has traditionally been road safety. In particular, they take primary responsibility for policing heavy vehicle safety and taxi enforcement. That is why we have raised these concerns previously and that is why we are raising them again today. This is about revenue raising for the government, not about road safety. Without the proper resourcing to do this job those opposite will not convince us otherwise. The job of ensuring that vehicles are safe on the roads, in particular that the heavy vehicle industry is supported and enforced, requires appropriate resources. We believe these provisions are unacceptable and put the lives of Queenslanders at risk because they are part of a revenue-raising rather than road-safety policy approach.

The explanatory notes state that the trial has been successful in reducing travel times. Nowhere is it stated by how much. Perhaps the minister could inform us in her response as to how this has been assessed and the methodology of assessment. The public has a right to know how the revenue from the fines that are levied in these lanes is being utilised. It is time that the focus truly was on road safety and that revenue raised from offences was quarantined for road safety. I understand there are currently about 170 transport inspectors across the state. Increasingly they are being moved away from heavy vehicle enforcement into other areas of enforcement to do with congestion management. We believe that this is not the right balance. This is another example of how the current government has lost its way and has its priorities wrong.

I turn to the issue of the sale of surplus land. We were concerned that the bill removed the right of a landowner who had had land resumed to reacquire that land. I note that this issue is included in the minister's notes of explanation, which were received just before I started my speech. I will quote from the minister's explanation, but first I will explain why we had concerns. We were concerned that the bill appeared to read that it would become discretionary or up to the chief executive officer to choose whether or not to offer land back to the former owner where that land had been acquired under the acquisition of land provisions for the purposes of a transport corridor or infrastructure. I note that the minister says that, if within seven years the chief executive wants to retain any surplus land, the original owner must be given the right to repurchase the remaining land. I take it that the minister is saying that that right still remains, but I would welcome her confirmation on the *Hansard* record that there is in no way a removal of the right of a landowner to have land offered back and that that is not just at the discretion of the chief executive officer.

In respect of the acquisition of land, we feel very strongly that, while this very powerful piece of legislation may be used for the public good to acquire property for public infrastructure, there be a balance to ensure that any person whose land is taken away is appropriately compensated and is not burdened by an inappropriate power relationship with government. As we know, having one's land acquired is very stressful. I feel very strongly that there is a need for government to do that not only more sensitively and compassionately but also in a way that respects the impact upon the value of people's land and the fact that they do not necessarily get to choose the market in which they are forced to sell. I seek the minister's clarification with regard to the rights of a landowner to seek to have land sold back to them.

I turn now to the issue of the Gold Coast light rail. The LNP has consistently supported the Gold Coast Rapid Transit project as it moves towards better public transport so desperately needed for residents of the Gold Coast. This bill includes the second tranche of amendments 'to support the delivery and establishment of the Gold Coast Rapid Transit light rail project'. It is disappointing to see a number of issues addressed in the first tranche of amendments that have required revisiting in this legislation. Time and again we see the government come back to fix errors or omissions in legislation only recently passed. Yes, we need clarity in legislation, but is it not better to get it right in the first place?

This bill revisits the provisions for the establishment of private-public partnerships for the Gold Coast Rapid Transit project that were addressed in the last legislation. This bill revisits the provisions for land tenure that were addressed in the last legislation. This bill revisits the provisions for the operator franchise that were addressed in the last legislation. This bill will 'clarify and resolve anomalies in existing legislation for light rail and busway'. This bill will 'clarify the original intent of legislation introduced by the Transport and Other Legislation Amendment Act (No. 2) 2010', and so it goes on. It is difficult for the community and industry to have faith in the government when repeatedly it is shown up for not doing its homework.

I am concerned that this legislation expressly states 'compensation is available only for physical damage caused by the attachment of overhead wiring to a building'. Surely the government is aware that economic and property damage and diminishment can occur from many impacts other than just the attachment of overhead wiring. Minister, what case examples have been identified that make it necessary in the government's mind to bring through this change? Has this the potential to be challenged in the courts or is it being challenged legally, prior to going to court, resulting in this provision coming before the House? I would welcome an explanation about the legal action or potential legal action that is pending in this regard. I am concerned that this appears to be a heavy-handed action that does not take to heart the best interests of the community and business. I ask the minister to clarify this in her response.

I note that the bill excludes light rail operators from operator accreditation, driver authorisation and standard requirements of the Transport Operations (Passenger Transport) Act 1994 as they will continue to fall under the Transport (Rail Safety) Act 2010. This appears sensible, but in her reply I ask the minister to outline whether she is satisfied with the rail safety legislation, which was designed largely to address heavy rail safety and not light rail. The legislation also provides exemptions with regard to accredited railways. I note that the bill amends the Transport (Rail Safety) Act 2010 to define the types of 'low risk railways that may apply to the chief executive for exemption from the need to comply with all or some of the accreditation requirements'. I ask the minister to provide more detail on which railways these provisions apply to and to what extent this will alleviate the responsibility for interface agreements, for example. I note that the legislation passed last year allowed two years for the implementation of interface agreements. Members of industry have raised with me very serious concerns that little or no progress has been made on this very important safety reform and they remain concerned that the government has taken its eye off the safety balance due to its rush to sell off Queensland Rail. We will be watching this issue very closely. I also note that the interface management regime will be extended to busways.

Before I move on to other provisions in the law, I note that we raised the issue of low-risk railways with the previous minister during briefings on the previous act. We referred to railway operators that operated primarily on their own land where there was no public access and it was not a tourist attraction and whether the legislation would contain provisions to exempt such operators. Maybe that is what is looked at within the legislation, but certainly we would welcome examples being put forward as to what types of operations will be exempt from accreditation so that we understand the differences between those and other types of railway operations. I welcome the amendments that insert whistleblower protection for reporting potential breaches of rail safety and/or rail safety issues to the rail safety regulator. Again I say that safety is very important and it cannot be compromised. The LNP is committed to the protection of whistleblowers.

I turn to yet another example of sloppy work on the part of the government in respect of legislation coming back before the House. This relates to the sale of Queensland Rail and the application of the Land Act 1994. As all Queenslanders are aware, the government's divestment of state assets restructured QR Ltd to create QR National and Queensland Rail Ltd. During this restructure, the opposition repeatedly asked the previous minister how the sections of rail on the north coastline overlap between QR National and Queensland Rail Ltd. Time and again the previous minister either refused to answer or could not answer. Today it would appear that we find out why. The government had not properly set up the leases and subleases for this cash grab. This bill is needed to clarify that a concurrent sublease involving the rail network is exempted from certain sections of the Land Act 1994. I would have thought that that would have been a pretty fundamental issue to address prior to the sale that the government was hell-bent on. If we are seeing this arise only now, it leads to the question: what else has been missed? The explanatory notes state—

It has become unclear what powers the chief executive has to enter and investigate rail corridors as a result of the divestment of QR Ltd.

That is yet another fundamental issue that has been missed. If the government was a schoolchild it would receive an 'F' for fail for its efforts. It was in a hurry to hold this fire sale, that is for sure. I note that there are changes in some other areas about which clarification is required, in particular the removal of ambiguity regarding fencing and drainage obligations. We asked the minister during the briefing whether this was due to any court action and we would appreciate it if the minister could address this in her response.

There are also provisions in this bill with regard to interfering with a railway. I note that the definition of 'interfere with a railway' in the Transport Infrastructure Act 1994 has been found to be likely too broad and potentially misleading. I note also that the development industry has protested to government with concerns about the scope of this section, the lack of review and appeal provisions. I understand that these are being provided in the drafting of this legislation, and we certainly support the clarification of this.

I move on to the issue of the chief executive as owner of rail corridor and non-rail corridor land. The LNP supports the recognition that the chief executive is the owner of rail corridor and non-rail corridor land where a development application may be required. It is vital that the state interests and state resources are properly protected in the development of such land.

There are also aspects in this legislation concerning transport noise corridors. I would ask the minister to please explain to the parliament how the application with regard to noise corridors has been changed in the laws that have been brought before this House. I particularly ask for the minister's assurance that there is going to be a consistency in the application of the noise policy across these corridors and across the state.

Finally, in respect of this legislation—but not finally in terms of the debate on the clauses when we will address more issues in detail—I want to acknowledge that this legislation also provides a streamlining of the release of information. This relates to information that is not publicly released but is privately released. This may include examples where somebody has accumulated points on their licence due to traffic offences and seeks access to that. It will streamline paperwork around that issue so that people can more easily gain access to their personal information.

We support this legislation with those concerns noted. I have a number of questions as this is quite a wide-ranging piece of legislation. I also acknowledge that we do support strongly the drink-driving reform laws and believe that this is a step in the right direction. We will continue to advocate for road safety. We will continue to advocate for the appropriate enforcement of road safety on our roads. We are disappointed that the government is diverting resources into other areas that are not focused first and foremost on road safety.