



Speech By
Steve Minnikin

MEMBER FOR CHATSWORTH

**TRANSPORT (RAIL SAFETY) AMENDMENT REGULATION (NO. 3):
DISALLOWANCE OF STATUTORY INSTRUMENT**

 **Mr MINNIKIN** (Chatsworth—LNP) (7.53 pm): I rise to briefly talk about the Transport (Rail Safety) Amendment Regulation (No. 3) of 2012. I will frame my discussion with a little background information. On 2 February 2012 the Governor in Council officially endorsed amendments to the Transport (Rail Safety) Regulation 2010, which introduced prescriptive hours of work and rest for train drivers. The amendments were in response to concerns raised with Queensland's rail safety regulator in respect of new operators being accredited to operate in Queensland with non-union industrial agreements; fatigue issues resulting from poor rostering or excessive shift lengths; and some operators not complying with relevant industrial provisions within agreements.

At the time of the amendments the fatigue risk management framework to be applied under the rail safety national law was not yet known. As such, the Department of Transport and Main Roads considered that prescribed maximum hours of work and minimum rest periods for train drivers was the best approach. After undertaking extensive research and public consultation, the members of the Standing Council on Transport and Infrastructure unanimously voted that, with the exception of New South Wales, the rail safety national law should not contain prescribed hours of work and rest for train drivers. A decision was made that further regulation of train driver hours of work and rest was unnecessary red tape and a burden on industry.

Consistent with Queensland's requirements, the rail safety national law already contains a number of requirements to manage fatigue including a general duty for rail transport operators to ensure that rail workers do not carry out work while impaired by fatigue; a mandatory requirement for operators to include a fatigue risk management program as an element of their overall safety management system; detailed requirements for the fatigue risk management program including a requirement for operators to determine safe hours of work and rest for rail workers; and considering commuting time and the impact of work scheduling practices on social, psychological and physiological factors that may affect rail workers, amongst other matters.

Protection for the hours of work and rest for train drivers is considered to be adequately provided for under industrial agreements and workplace health and safety legislation. Essentially, the Transport (Rail Safety) Amendment Regulation (No. 3) of 2012 removed the prescriptive hours of work and rest periods for train drivers. The amendment occurred before the regulation came into effect, meaning that Queensland has never had prescribed hours of work and rest for train drivers.

It is important to note that this approach aligns with the rail safety national law, which is being implemented throughout the country, and means rail transport operators will continue to comply with fatigue management requirements that have operated successfully since the introduction of the Transport (Rail Safety) Act 2010. These requirements enable the rail safety regulator and the rail industry to work together to manage fatigue risks. I also point out that the decision to remove the prescriptive hours of work and rest was supported by the *Rail safety national law: fatigue risk*

management—hours of work and rest draft regulatory impact statement and strongly supported by the rail industry.

Since coming to office, taking up my role as Assistant Minister for Public Transport nearly a year ago and reading past policy and decision material, I have been astounded by the lack of common sense and business acumen shown by past Labor transport ministers, and the disallowance motion moved by the member for South Brisbane is evidence that this tyro management style is continuing. Given her impeccable union pedigree at the Peel Street politburo, the genesis behind the member for South Brisbane's disallowance motion has the fingerprints of some grubby union deal all over it. Let us not forget that the member owes so much to her comrades in Peel Street for her election win last April, in addition to getting across the line courtesy of Greens preferences and holding on by approximately 575 votes. Members should never confuse the verbal gusto of those opposite with intellectual substance.

This regulation is consistent with the Newman government's policy to cut red tape and regulation and ensure there is change in the culture of government to one that actively reduces unnecessary burdens on the industry. Consistent with our approach, the Transport (Rail Safety) Amendment Regulation (No. 3) of 2012 reduces red tape by removing prescriptive requirements that do not reflect the complexity of fatigue and the diversity of risks faced by industry.

In our first 12 months in office the Newman government has overseen a 10 per cent reduction in category A rail incidents compared to Labor's final year in government. Category A incidents range from serious passenger slips and falls to major incidents such as derailments. The member for South Brisbane obviously did not get the memo that there were 38 category A safety incidents in January-March 2012 compared to 20 in the same period this year. As Minister Emerson stated recently—

The last three months under former Transport Minister and now Opposition Leader Annastacia Palaszczuk were the worst transport safety figures since July-September 2009.

Ms PALASZCZUK: Mr Deputy Speaker, I find those comments offensive and I ask him to withdraw.

Mr DEPUTY SPEAKER (Mr Watts): I ask the member to withdraw the comments.

Mr MINNIKIN: I withdraw. The hypocrisy of those opposite never fails to surprise me. The member for Bundamba likes to jump up and down and wave her arms around with her so-called one woman crusade to 'take you Tories down' as though we are champagne-swilling capitalists. How does she explain—

Mrs MILLER: I rise to a point of order. I find the member's words offensive and I ask him to withdraw.

Mr MINNIKIN: I withdraw. How does she explain that her gang of democratic socialists had staff numbers in corporate areas such as marketing, corporate services and finance increase between 60 per cent and 120 per cent over the last four years of Captain Bligh's stewardship? Labor could not even keep its trackside vegetation management practices under control, let alone run an efficient passenger network. In the dying days of the Bligh Labor government, who could forget the chaos for hundreds of thousands of passengers due to network failures under the incompetent watch of the now opposition leader? On any measured scorecard—whether it be rail safety or fare increases—the Labor Party best stick to Hornby train sets! Is it any wonder the people of Queensland had enough of its sheer incompetence with every facet of public administration? To be frank, if anyone wants a reminder of what will happen if the ALP recycles past failed members, whether they be ex federal or state comrades, I would merely invite them to bring friends and guests to the public gallery and observe firsthand the paucity of democratic socialist talent across the chamber. The Treasurer was right when he stated that they are the most overresourced opposition in history. At least they are consistent in that even as an opposition they show very little for the return on investment as they did when in government.

By way of positive contrast, we are strengthening confidence in the co-regulatory approach to fatigue risk management by allowing industry to work with the regulator to adopt appropriate fatigue risk management practices tailored to meet their individual needs. Whilst it is true that rail is considered to be one of the safest modes of transport, the effectiveness and efficiency of the rail system can be impacted by inconsistencies. We are maintaining efficiencies for interstate operators by only requiring them to comply with a national fatigue risk management plan. Unlike those seven incompetent economic tyros opposite, the Newman government makes evidence based decisions that have proven outcomes. We are not a government that acts before it thinks, looking for the next 30-second media grab or producing coffee table quality books and brochures with glossy pictures with no hope of projects ever being developed.

Very simply, this is about getting government off the back of industry in an area that is already being well managed. It is about continuing to work together to ensure the safety of industry employees, our passengers and our railways. A difficult concept for the seven geniuses opposite to fathom is that government needs to get back to playing the role of central court umpire and not trying to swing the racket of each player's shot so that both players win the trophy in some left-wing utopia. Labor wants to control—I repeat, Labor wants to control—whereas we want to empower. Its mantra is to overregulate it, tax it, control it or paste over it. Queensland has a mature rail industry that continues to innovate and meet best practice safety standards. I am very proud of the efforts of Minister Emerson in making public transport more frequent, affordable and reliable. His No. 1 priority will always be the safety of passengers and crews, regardless of the mode of transport. In finalising my contribution to this debate, the Newman government is focused on getting Queensland back on track and working alongside industry for the benefit of all Queenslanders.