




Speech By
Andrew Powell

MEMBER FOR GLASS HOUSE

Record of Proceedings, 28 February 2017

RAIL SAFETY NATIONAL LAW (QUEENSLAND) BILL

 **Mr POWELL** (Glass House—LNP) (4.55 pm): Colleagues, isn't it refreshing to be in the chamber talking about trains in a more positive light than we have certainly been able to over the last six months under this Palaszczuk Labor government and its constant rail fail? I am pleased to declare from the outset that the LNP will be supporting the Rail Safety National Law, because it does follow on from the preparatory work that the LNP undertook while in government, particularly around the COAG transport ministers' table. It also follows our passing of the Heavy Vehicle National Law and the implementation of that scheme in Queensland.

While Queensland currently only has a standard gauge interstate freight line from the New South Wales border into Acacia Ridge, this Rail Safety National Law will still benefit interstate rail operators and bring legislative consistency between the states. The bill will also allow the Office of the National Rail Safety Regulator to become the rail safety regulator in Queensland, taking these functions from the Department of Transport and Main Roads.

Over a number of years Queensland rail safety laws have largely become homogeneous with the framework for the national law and laws in other states. The main difference is that we were not yet ready to sign up to the ONRSR when the scheme began in 2013. The other differences between the existing national law that we will be adopting today and the existing legislation include the requirement under the national law to conduct a cost-benefit analysis where a decision is likely to result in significant costs or expenses to a rail operator. While, yes, this could be seen as an extra bit of red tape to jump through, this also provides more rigour around the effects regulatory changes have on operators. The benefit of regulatory changes should outweigh the costs to operators and the regulators.

The national law will not allow for the ONRSR to have—sorry, it will allow for the ONRSR to have an exemption granted to low-risk railways.

Ms Trad: Got it!

Mr POWELL: I got it right. I thank the Deputy Premier for her interjection. These are railways that are not connected to or associated with the tracks of another railway or a rail or road crossing. The department told the committee during the hearings that there are approximately seven of these operators that this applies to and include some cane rail operators and tourist operators. I hope the minister can ensure that these small operators continue to not be disadvantaged as a result of the implementation of this national law. Some of the other safety measures introduced by the national law include a duty for people loading or unloading freight on rolling stock to ensure that such operations are carried out safely. This is a similar step to that taken with the chain of responsibility reforms recently debated and passed with regard to the National Heavy Vehicle Law.

This bill will also strengthen drug and alcohol requirements for rail safety workers. The current law allows for a BAC, or blood alcohol content, of .02. Under the national law, as the Deputy Premier previously outlined, this will be zero. Once the ONRSR becomes the regulator in Queensland, they will be undertaking random testing of workers. This is an important tightening of the rules. Rail accidents in particular can be catastrophic and these changes will hopefully save lives.

Because the national law harmonises the rules amongst the states, it also harmonises the penalties for breaking them and that is to be expected. Perhaps one harmonisation that is a little bit worrying, especially for smaller operators, is the change in fee structures to mirror the national law requirements. While I was not initially going to refer in detail to these, I think it is worth outlining what those fees might look like. There will, for instance, be an annual accreditation fee. Currently, only 16 out of the 67 accredited rail transport operators pay such a fee here in Queensland. Under the new system, every accredited operator will pay a fixed flat fee and a variable fee based on the kilometres of track and kilometres travelled. Small operators and track managers are likely to pay more with high-frequency operators benefiting from a reduction in fees. I do note seven commercial operators will pay less, 21 will pay more and there will be little impact on the remaining 15 operators.

There will also be an annual registration fee for private sidings. The 20 rail infrastructure managers in Queensland will pay increased fees under the Rail Safety National Law, with increases ranging from between \$145.45 and \$382.15 annually.

There will also be an adjusted rail safety investigation fee. The existing rail accreditation fee calculation will be remodelled for Queensland to cost recover the Australian Transport Safety Bureau services. The fee will be aimed at high-frequency rail transport operators travelling the most rail kilometres because they have the highest risk of an incident.

The ONRSR is taking these fees for their operations. I would expect that they would be able to, on an ongoing basis, justify why operators will pay more. I would also ask that the minister keep an eye on these fees to ensure Queensland operators are being treated fairly. Perhaps the minister could assure operators that the ONRSR will be transparent in their costs and the fees that they are charging.

These reforms are meant to introduce efficiencies for both the regulator and operators by introducing consistency in laws and economies in scale for the task the regulator needs to undertake. As I stated at the beginning, this adoption of the Rail Safety National Law is a continuation of the work started under the previous LNP government. It benefits interstate operators and it strengthens the safety requirements. For that reason the LNP will be supporting the bill.