




Speech By
Andrew Powell

MEMBER FOR GLASS HOUSE

Record of Proceedings, 23 August 2017

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

 **Mr POWELL** (Glass House—LNP) (4.15 pm): I rise to address the Transport and Other Legislation Amendment Bill 2017. As we just heard from the Deputy Premier, the bill is largely a technical bill, with a number of minor amendments to a range of transport related legislation that is often the case regardless of who is in government, who is the transport minister and the day-to-day operations of the Department of Transport and Main Roads. For the record I will read into *Hansard* a number of those minor amendments.

As the Deputy Premier mentioned, there are changes to the transportation of dangerous goods. These come about as a result of nationally agreed amendments that particularly relate to infectious substances. The amendment removes any technical argument that an exemption available for the transport of small quantities of dangerous goods could also be available for the transport of infectious substances. The example given by the Deputy Premier, I think, was nail polish. Certainly we appreciate that clarification provided following the recommendation of the committee.

Infectious substances are pathogens such as bacteria, viruses or fungi that can cause diseases in humans and animals. The bill proposes to provide that the exemption only applies to the transport of a load of dangerous goods on a rail vehicle if the dangerous goods are not and do not include infectious substances of United Nations division 6.2 and the total quantity of each type of dangerous goods in the load is less than the quantity prescribed by regulation for that type. Again, the committee did look at this and called on the Deputy Premier for clarification. I note that she provided that this afternoon.

The bill does make a minor amendment to the Heavy Vehicle National Law Act 2012 by inserting a new section to clarify the head of power for the specification of fees payable under the Heavy Vehicle National Law (Queensland). This will mean that fees under the national law can be specified in a regulation.

There is a minor amendment to the Rail Safety National Law (Queensland) Act 2017 to delete a redundant definition on local regulation; an amendment to the Transport Infrastructure Act 1994 to clarify the process that allows DTMR to carry out consultation on behalf of the minister with a local government, railway manager or a light rail manager prior to making a relevant declaration, revocation or designation or entering into a road franchise agreement; and an amendment to the Transport Operations (Marine Safety) Act 1994 to ensure that vessels which are not regulated under the Commonwealth act continue to be appropriately regulated under Queensland legislation. There was some discussion, if I recall correctly, around this exact scenario when that bill was debated.

There is an amendment to the Transport Operations (Passenger Transport) Act 1994 that proposes to make amendments around safety and security reasons limiting the information about a transit officer to be included in a written report to a unique identifying number; to clarify that the powers of an authorised person to use reasonable force extend to an area adjacent to public transport infrastructure; and to clarify when a person may be automatically refused driver authorisation.

There is an amendment to the Transport Planning and Coordination Act 1994 to provide a more effective process for working with local governments undertaking roadworks, enabling DTMR to mitigate the impacts on scheduled passenger services. This will also remove the requirement to declare a prescribed transit node and clarify that the value of works does not affect the compensation payable for the resumption of land.

As we also heard from the Deputy Premier, there is an amendment to the Transport Security (Counter-Terrorism) Act 2008. Since that act was introduced, the security environment has clearly evolved. I do not think anyone in this House, across Queensland or across Australia would dispute that. For very clear reasons, the security information the department obtains and shares has obviously increased. To mitigate against the risk of any misuse of secure information that is administered under the act, the bill proposes to make the following amendments to the act that will increase the maximum penalty for a breach of confidentiality under the act from 60 penalty units to 200 units and provide for a five-year periodic review of the act to ensure the legislation remains appropriate and effective. They are the minor amendments and technical amendments that this bill addresses.

The major aspect of the bill is around the development of a proof of age card. As has been said, Transport and Main Roads currently offers an adult proof of age card, which was previously known as the 18+ card. Obviously that card is only available to people 18 years of age and over, but it does contain a photo of the person as well as their name and date of birth along with identifying features such as an ID number. This bill is proposing to change the age of eligibility for a card from 18 to 15 years, with a consequential name change for the card. What that technically does is allow young Queenslanders who do not yet have a driver's licence or a passport to access an official government ID card. We all know the kinds of facilities that would require such a proof of age card: banks, telecommunications and utilities companies and government agencies. As a father of five children, the eldest of whom is 16, I can see the eminent sense in developing a card for 15- to 18-year-olds. Part of me wishes that my 16-year-old son had not gone and got his learner's. I think the roads are definitely a lot more unsafe since he has! No, he is a very sensible young man who is well on his way to getting his 100 hours and he will be knocking on his DTMR's door in no time to get his provisional licence.

Mr Cripps: You were 16 once.

Mr POWELL: I was 16 once.

Mr Minnikin: A long time ago.

Mr POWELL: It was an awfully long time ago, member for Chatsworth. For those young men and women between the ages of 15 and 18 who, unlike my son, have not gone and got a licence, have not had a need for a passport but do need some form of photo identification, this proof of age card will clearly come in handy.

In summing up the amendments, there is nothing really that the opposition finds overly contentious. We will not be opposing the bill. In the last couple of minutes of my contribution I want to address two elements that were identified by the committee. I acknowledge the committee members, particularly deputy chair Ann Leahy and the member for Gympie. There were two items that the committee did ascertain. One of those was around the consultation on the bill. I take on board what the Deputy Premier said: that depending on the nature of the scope of change that is being mooted in the legislation that there are varying degrees of consultation, but I do find it rather interesting that under questioning the committee discovered that the only consultation that really occurred was with government agencies themselves. Basically, a group of public servants sat around a table, had a bit of a discussion and said, 'Yep, we think this is a good idea. Give it a thumbs up. We will throw it into the parliament.'

Mr Perrett: *Yes Minister.*

Mr POWELL: I take that interjection from the member for Gympie. It is a bit of a *Yes Minister* episode. It is important to note that the entire committee, not just the non-government members, made the following comment—

The committee is concerned that the department did not undertake any specific community or industry consultation in relation to the amendments proposed in this Bill. The committee is of the view that consultation undertaken during the committee inquiry process should not be seen as a substitute consultation process and that consultation would have allowed the department to resolve any concerns raised by the public prior to the Bill being introduced to Parliament. The committee therefore strongly recommends that in future the department undertakes public consultation on proposed amendments, no matter how minor the issues may appear.

That is something that all members in this House need to be aware of. As we continue to strengthen the robustness of the committee system, the ability for the committee to ask probing questions of the department and to garner submissions from third parties and other interested

stakeholders does form a level of community engagement, of consultation, but it should never replace that initial consultation when progressing amendments of this nature with the broader community in the first place. I am concerned that departments in particular will fall into the trap of relying on the committee process for the broader consultation rather than doing it themselves.

We do not always want to have to amend legislation. In this case we are not, but we saw it most recently in the Trading (Allowable Hours) Amendment Bill. That could have been prevented if the minister and the department had done the consultation properly in the first place. I acknowledge the committee members for drawing that out. I think it is a warning to all ministers and departments: do not get lax in your community engagement, in your consultation with the broader public around amendments, no matter how minor you may consider them.

One of the reasons that would have been important, and I commend the committee for drawing this out, is had the community heard what the government is proposing to charge for this proof of age card there may have been a significantly higher level of consternation from some of the key stakeholder groups. What is being proposed is a \$66.65 charge. Many on the committee believe that that is too high, when one thinks about the age bracket, 15 to 18, and I certainly agree with them when you compare it to what other jurisdictions are charging for similar cards. Let us look at it: South Australia \$22; Victoria \$10; the Australian Capital Territory, \$6.27—that is \$60 less than what the Queensland Department of Transport and Main Roads is going to be charging our young 15- to 18-year-olds for this card.

I note that in addressing the recommendation by the committee the Deputy Premier basically said, 'The cost of the card is the cost of the card and we need to recoup that cost from whoever purchases it.' That is true to some extent, but governments have an ability to offer concessional fees. They do it all the time. They do it around public transport, they do it around seniors cards and they do it around electricity. Councils do it around rates. Every government of every tier can offer a concessional rate if they see it is of benefit to the consumer who is purchasing that product. In this case why would we not take the lead from some of the other jurisdictions and demonstrate a willingness to offer an affordable product to young people aged 15 to 18 more commensurate with what potentially the benefit for them is? Why are we not charging what South Australia is charging, which is \$22? Even better, why are we not charging \$10 like Victoria or \$6.27 like the ACT? I suspect part of it is that our costs of production are way too high. I suspect those jurisdictions are producing cards far more cheaply than what Queensland is and therefore even there the concession is not as great as what it potentially is.

I guess we have come to expect from this government that whenever there is an opportunity for a fee, a tax or a revenue-raising exercise they will go for the maximum dollar. We have seen that with car registration where, after freezing family car registration for the entire term under the LNP government, we have seen year on year 3½ per cent increases to vehicle registration—that is double CPI—despite constant notices of motion in this House, despite regular debate and petitioning by many Queenslanders for some relief from those increases. The government has finally agreed to cap it to CPI but not this year and not next year. They will do it in two years time. There is no relief in sight for the many motorists of Queensland who have to pay those exorbitant increases in vehicle registration.

I want to take this opportunity to remind members that the LNP has made a commitment that, like we did between 2012 and 2015, we will again freeze family vehicle registration for the term of an LNP government. People have a very real choice. There is the LNP opposition that is offering relief when it comes to those cost-of-living bills that I know mums and dads around Queensland are facing—they are sitting at the kitchen table, they are trying to work out how they will pay their rego, their vehicle insurance, their electricity, their water, their rates—by freezing vehicle registration, or there are those opposite, who will continue to jack it up double the rate of CPI, by 3½ per cent. They might eventually offer CPI relief in a couple of years time, but my guess is that one cannot trust them on that.

There is a very real choice between the LNP, which is hearing what Queenslanders are saying and knows that the cost of living is hurting, and the ALP, which is turning a deaf ear to that. Again, I implore the Deputy Premier and the Palaszczuk Labor government to reconsider the cost that they are proposing for the proof of age card. A charge of \$66.65 is outrageous in comparison to the charges in other jurisdictions. Let us take a lead from the southern states and offer the card at a rate that is far more affordable for young people. Let us show them a level of courtesy and understanding that clearly this Labor government is incapable of doing. We will continue to listen to the debate this afternoon, but, as I said, given the technical nature of most of the amendments, the LNP opposition will not be opposing the bill.