




Speech By
Joan Pease

MEMBER FOR LYTTON

Record of Proceedings, 28 February 2017

RAIL SAFETY NATIONAL LAW (QUEENSLAND) BILL

 **Ms PEASE** (Lytton—ALP) (5.34 pm): I rise to speak in support of the Rail Safety National Law (Queensland) Bill 2016. Queensland has one of the most extensive rail networks of any state in Australia, growing to more than 9,500 kilometres of operational track and 67 accredited rail operators over the last 150 years. Our rail network provides the basis for a vital transport system delivering connectivity to strategic areas in regional Queensland; supports agriculture, mining, manufacturing, retail and tourism industries; and mass commuter transport services in South-East Queensland. This bill will deliver a consistent approach to policy and regulation across Australia and remove most inconsistencies between states to adopt national rail safety regulations and investigation reforms by applying the Rail Safety National Law as the law of Queensland and establishing the Office of the National Rail Safety Regulator as the rail safety regulator in Queensland.

The Rail Safety National Law (Queensland) Bill 2016 was introduced and referred to the then Transportation and Utilities Committee in September 2016. The committee sought advice from the Department of Transport and Main Roads and stakeholders and subscribers were invited to lodge written submissions to its inquiry. The committee received two submissions as well as written advice from DTMR on the bill. The written advice included responses to matters raised in the submissions. Further, a public departmental briefing on the bill was held in Brisbane on 12 October with DTMR and the Office of the National Rail Safety Regulator. Whilst I was not on the committee at the time of this review, I want to acknowledge the work of the committee and the secretariat and congratulate them for the work they undertook, in particular the chair, Mr Shane King, the member for Kallangur.

As I stated earlier, Queensland has one of the most extensive rail networks of any state in Australia, growing to more than 9,500 kilometres of operational track with 67 accredited rail operators. It provides the basis for a vital transport system delivering, as I have said, connectivity to strategic areas in regional Queensland; supports agriculture, mining, manufacturing and tourism industries; and mass commuter transport in South-East Queensland. It is recognised as an efficient mode of transport for moving bulk commodities such as coal, minerals, agricultural products, livestock and large volumes of passengers across a geographically vast state. Queensland has Australia's largest export coal rail network, as well as having some of the country's most remote and iconic passenger trains including the *Spirit of the Outback*, the *Gulflander* and the *Savannahlander* services.

The state's rail transport industry is made up of a very diverse group of organisations, with rail transport operators ranging from major corporations operating thousands of kilometres of freight, coal or passenger services to the enthusiastic volunteers who operate small historic and tourist railways. There is a strong safety culture among the 65 accredited rail operators in Queensland. The Department of Transport and Main Roads as Queensland's rail safety regulator has provided a strong focus on informing the railway industry about the appropriate safety standards, helping them to comply with legislation, undertaking investigations and checking that safety standards are maintained.

Queensland already has a strong record in rail safety, with ongoing downward trends in safety occurrences and a robust co-regulatory environment. Encouragingly, even with the substantial increase in total rail kilometres travelled over the last five years, the total number of serious rail safety incidents

directly resulting from rail operations has decreased. In 2015-16, for instance, there was not a single rail safety related fatality in Queensland. Further, 2015-16 also saw the lowest number of serious safety occurrences in five years. Similarly, while still a continuing concern, near misses between trains and road vehicles at level crossings has decreased every year since 2011-12.

Queensland's rail network transitions to the national regulator with this strong safety performance and this is expected to be further reinforced by implementing the national rail safety reforms in Queensland. The Queensland government will continue to work towards ensuring the safety of Queensland's travelling public by safeguarding the integrity of the rail network through relevant state policies and investment priorities that include enhancing rail safety and rail infrastructure safety.

As I have said, Queensland Rail continues to undergo significant growth. The increasingly competitive environment has raised some concerns about train driver fatigue and excessive shift lengths. Rail safety is dependent on human performance and is, therefore, vulnerable to human factor issues, such as fatigue. To address those concerns, on 8 July 2016 the Queensland government made an amendment to the Transport (Rail Safety) Regulation 2010 to include additional fatigue provisions that require a rail transport operator's fatigue management program to state the standard or alternative work hours and rest periods applying to the operator's train drivers. The fatigue provisions will complement existing fatigue management requirements and will provide a safety net for those rail transport operators with a less mature approach to fatigue risk management whilst allowing rail transport operators to operate using alternate hours if they can demonstrate that they have adequate fatigue management processes in place to mitigate the risk of operating outside the standard hours.

To provide sufficient time for operators to comply with the additional fatigue requirements, the additional fatigue provisions will not commence until 1 July 2017. To ensure that these fatigue requirements continue to apply to rail transport operators in Queensland following the commencement of the Rail Safety National Law, the members of the Transport and Infrastructure Council agreed unanimously to the policy position to include Queensland's train driver fatigue provisions in the Rail Safety National Law National Regulations 2012.

Therefore, Queensland Rail transport operators will need to comply with the Queensland-specific standard work hours and rest periods following the commencement of the Rail Safety National Law. This is similar to the approach taken by New South Wales, with their fatigue management requirement in relation to train drivers within New South Wales, which is also contained as a schedule to the Rail Safety National Law National Regulation 2012. That means that Queensland will continue to maintain its high standard of safety.

Currently, the standard work hours and rest periods are for a two-driver operation, a maximum shift length of 12 hours; for a one-driver operation, a maximum shift length of nine hours; for suburban passenger rail operations, a maximum shift length of nine hours, but no more than eight hours can be spent driving trains; a break of at least 12 continuous hours between each shift where the driver's shift ends at the driver's home depot; a break of at least eight continuous hours between each shift where the driver's shift ends at an away depot; and no more than 12 shifts in any 14-day period and a maximum of 132 hours to be worked in any 14-day period.

The length of a shift is all time between the signing on and signing off of a shift. However, the shift can be up to 16 hours in cases where the train driver, after completing their driving tasks, is provided transport as a passenger to the home depot, or away depot, by the rail transport operator. The Queensland government will continue to work towards ensuring the safety of Queensland's travelling public by safeguarding the integrity of the rail network through relevant state policies and investment priorities that include enhancing rail infrastructure safety. I commend the bill to the House.