




Speech By
Rob Molhoek

MEMBER FOR SOUTHPORT

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RAIL SAFETY NATIONAL LAW (QUEENSLAND) BILL

 **Mr MOLHOEK** (Southport—LNP) (5.11 pm): As the chair of the committee has pointed out, this is not the most exciting piece of legislation but there are some important changes foreshadowed within these amendments and the committee did indeed go through this with a great deal of rigour. We did, however, only receive two submissions: one from the Australian Rail Track Corporation and a second from the Association of Tourist Railways.

It may interest the House to know that Queensland has one of the most extensive rail networks of any state in Australia. In fact, its current growth trajectory is for some 9,500 kilometres of operational track with 67 accredited rail operators operating over the last 150 years. The heavy rail system in Queensland provides the basis for a vital transport system, delivering connectivity to strategic areas of regional Queensland supporting agriculture, mining, manufacturing, retail and tourism industries and of course mass commuter transport services in South-East Queensland. It is recognised as an important mode of transport for moving bulk commodities like coal, minerals, agricultural products, livestock and large volumes of passengers across this geographically vast state. It is 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 *Gullflander* and the *Savannahlander* services.

Mr Costigan: What about the *Inlander*?

Mr Rickuss: What about the *Bushlander*?

Mr McEachan: The *Quilpie Connection*?

Mr MOLHOEK: Mr Deputy Speaker, can you call the member for Lockyer to order?

Mr DEPUTY SPEAKER: I call on the member for Lockyer to cease interjecting. I call on all in the chamber to listen to the member for Southport. The member for Southport has the call.

Mr MOLHOEK: I take the interjection from the member for Whitsunday. Was it the *Quilpie Connection* that you were suggesting? Sorry, that was the member for Redlands.

There are also a number of registered private sidings owned by organisations that are not transport operators. Some belong to mining companies and some are used to load bulk commodities onto railway wagons.

The history of the legislation goes back as far as 1995. It was recognised that there was a need for a more collaborative approach between the states; hence in 2010 the Queensland government introduced the Transport (Rail Safety) Act and the Transport (Rail Safety) Regulation 2010, which were in fact at that time based on the National Transport Commission's Rail Safety Model Law. At that time the legislation included a range of strategies around fatigue management, emergency management plans and increasing the skill requirements for rail safety workers and drivers. I wonder if those on the other side of the House have perhaps considered the need to increase the number of available drivers on the current commuter networks in South-East Queensland, because that has been nothing but a

debacle in recent months. Past regulation also covers accredited railway operators in Queensland including Queensland Rail, Aurizon, Pacific National, Airtrain and a range of tourist and heritage rail operators.

In terms of the amendments proposed, the bill also makes a number of minor and consequential amendments to some 10 other acts: Coal Mining Safety Health Act 1999; Mining and Quarrying Safety and Health Act 1999; Queensland Rail Transit Authority Act 2013; Work Health and Safety Act 2011; Coroners Act 2003; Queensland Competition Authority Act 1997; Right to Information Act 2009; Surat Basin Rail (Infrastructure Development and Management) Act 2012; Transport Infrastructure Act 1994; Transport Operations (Passenger Transport) Act 1994; and Transport Planning and Coordination Act 1994.

There are a number of amendments that are brought about as a result of this legislation, but the two main benefits of this proposed amendment relate to better drug and alcohol management. The Transport (Rail Safety) Act 2010 states that a railway operator must ensure, so far as is reasonably practicable, that each rail safety worker who is on duty has a blood alcohol content of less than .02 in their blood or is not impaired by a defined drug. Currently, drug and alcohol testing of rail safety workers extends only to train drivers who may be tested by the police under the provisions of the Transport Operations (Road Use Management) Act 1995.

It is proposed, however, that the current requirements be changed in order to increase safety standards in Queensland. The bill proposes that the Rail Safety National Law be applied so that it will be an offence for a rail safety worker—which includes a train driver—to carry out or attempt to carry out rail safety work while there is present in their blood more than the prescribed concentration of alcohol, which is now .00, or while a prescribed drug is present in their oral fluid or blood, or while they are so much under the influence of alcohol or a drug as to be incapable of effectively discharging the function or duty of a rail safety worker. This policy will be supported by the Office of the National Rail Safety Regulator, which proposes to undertake random, targeted and post-incident testing of rail safety workers.

The second significant benefit of this proposed legislation and the amendments relates to a shared responsibility to ensure the safety of railway operations and to ensure that those staff or persons engaged in the loading or unloading of rolling stock have a clear understanding of their obligations and responsibilities in respect of these activities. As stated in the explanatory notes to the bill—

The Rail Safety National Law introduces a duty for persons who load or unload freight on rolling stock to ensure, so far as is reasonably practicable, that such operations are carried out safely. This change is expected to increase rail safety standards in Queensland.

There are a couple of other points to note. The proposed law will come into effect from June 2017, in just a few months. It is interesting to note that these changes have been adopted in every state of Australia bar Queensland. These amendments simply bring us into line with other states. As the Rail Safety National Law and the Queensland laws were both passed on a national framework, there is a lot of consistency between our current legislation and the national law. That is why today we are dealing with only a fairly small number of changes.

Significantly, existing laws do not require a cost-benefit analysis to be conducted around costs, expenses or the work of transport operators. The new law requires a cost-benefit analysis to be conducted so that the Office of the National Rail Safety Regulator is held accountable and so that there is absolute transparency in decision-making processes. Rather than simply imposing requirements on rail transport operators with little regard to cost, there will be a requirement for the regulator to be accountable to those operators. It will need to justify whether there is a discernible safety benefit or an improvement of a meaningful nature.

I have touched on the drug and alcohol issue. I mention the provision within the legislation with respect to application fees. Currently, only 16 out of 67 accredited rail transport operators pay accreditation fees. Under the new system, every accredited operator will pay a fixed, flat fee. This brings us into line with what is happening at the national level. There are also assurances that historical rail groups and operators of non-main infrastructure—cane tracks and so on—will be exempt from these provisions.

I am happy to stand in the House and support the legislation as presented. As the chair of the committee has rightly done, I thank the committee for its work. While there were only two submissions received, many hours were spent by the committee in trying to get our minds around the devil in the detail. We certainly had a lot of questions for the representatives of the Australian Rail Track Corporation. We grilled them at length about the financial implications of this legislation. We were relatively relaxed with the fact that it would not mean a significant cost impost on operators but rather it

would hopefully deliver some significant efficiencies across the scheme and better safety outcomes. I commend the bill to the House.