



Speech by

Hon. Rachel Nolan

MEMBER FOR IPSWICH

Hansard Thursday, 8 October 2009

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Hon. RG NOLAN (Ipswich—ALP) (Minister for Transport) (11.35 am): I move—

That the bill be now read a second time.

This bill proposes changes to legislation to strengthen the transport sector and contribute to a healthier and greener Queensland. These changes will help achieve our Toward Q2 ambitions. Amendments in this bill will: prevent adverse impacts from transport generated environmental emissions; allow the general manager of Maritime Safety Queensland to direct the master of a ship; allow a person who would otherwise be disqualified to hold a driver authorisation in exceptional circumstances; provide a trial for transport inspectors to undertake enforcement of high-occupancy vehicle lanes; and make minor changes to ensure delivery of the government's transport infrastructure program and to improve or clarify legislation.

The bill proposes amendments to the Transport Infrastructure Act 1994 and the Transport Planning and Coordination Act 1994 to ensure environmental emissions generated from transport infrastructure do not adversely impact the health and amenity of our community or the operational integrity of Queensland's transport system.

As land use patterns change and development surrounding public transport infrastructure intensifies, it is paramount that measures to mitigate impacts on environmentally sensitive development, such as housing and education facilities, are integrated into development to ensure community health and wellbeing. Complaints regarding environmental emissions from public transport can result in more stringent operating conditions that may reduce the operational integrity of the transport network. Where the operational integrity of the network is compromised, so is the quality of service provided to Queenslanders.

In many cases complaints are made by landowners who have purchased property adjacent to public transport because of the convenient access to transport services. Some of these people then begin to complain about the public transport services because of the noise, vibration or light that is emitted from these services, in behaviour typically associated with the not-in-my-backyard mentality. Much of the land surrounding public transport corridors was developed before knowledge about the adverse impacts of environmental emissions on community health and amenity was advanced. This is no longer the case. We now have a better understanding of potential threats to community health and amenity. Techniques and construction materials for mitigating adverse environmental impacts are understood and readily available for use by the building industry. There is no reason for land to be developed without taking measures to mitigate adverse environmental emissions from public transport.

The amendments to the Transport Infrastructure Act 1994 and the Transport Planning and Coordination Act 1994 will enable the Department of Transport and Main Roads to utilise the integrated development assessment system framework to place conditions on specified development on land affected by environmental emissions from public transport. The department will be able to ensure

development conditions mitigate impacts on the health and wellbeing of the development's occupiers and users. This will help to reduce community complaints regarding environmental emissions because new developments will be designed and constructed with community health and amenity in mind. When a person buys a property with the knowledge that the development was designed and constructed in compliance with the exposure limits, it is unreasonable for them to complain about everyday emissions from public transport.

Further amendments to the Transport Infrastructure Act 1994 will extend the same powers to apply to emissions from freight rail and ensure we can protect the safety of Queensland's ports and their neighbouring communities. The amendments will provide the department with the power to ensure development near a port does not adversely impact the port and that development addresses risks posed to the health, safety and amenity of the community. The amendments also add a new requirement to ensure that the construction and operation of all government supported transport infrastructure is carried out in a way that reduces impacts on the environment.

Practices, management strategies and benchmarks developed in Queensland and Australia will be recognised as best practice approaches for addressing issues related to the construction, maintenance and operation of transport infrastructure. The amendments reaffirm the government's commitment to environmentally responsible infrastructure and development.

The government is serious about ensuring a high level of maritime safety and guaranteeing protection for Queensland's marine environment. The bill will amend the Transport Operations (Marine Safety) Act 1994 to enable the general manager of Maritime Safety Queensland to direct the master of a ship to navigate or operate the ship in a specified way.

Mr Messenger interjected.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Burnett, not only are you out of your seat, you are also disorderly. The transport minister has the floor.

Mr MESSENGER: I rise to a point of order. I find that the transport minister is wasting time this morning. In the spirit of cooperation she could table that speech so there is enough time—

Mr DEPUTY SPEAKER: Order! That is not a point of order. Please take your seat. The transport minister has the call.

Ms NOLAN: A related amendment provides a power to direct a person in charge of a place to allow the ship to be berthed there and grant access to the ship. Maritime Safety Queensland will be able to better manage the operation of ships in exceptional circumstances when the public interest requires it, for example, in a similar situation to that experienced earlier this year with the arrival of the cruise ship *Pacific Dawn*. Honourable members will recall the *Pacific Dawn* entered Queensland waters carrying passengers and crew affected by the H1N1 virus, commonly known as swine flu. However, at that time no regulatory provisions were available to expediently deal with the ship. The proposed amendments ensure that the next time Queensland is faced with such a situation it is adequately empowered to do so.

I stress that these powers can only be exercised in exceptional circumstances when the exercise of the power is clearly in the public interest. These powers will be utilised in circumstances such as a health crisis or a natural disaster when the public interest demands it.

Transport legislation contains provisions to prevent people convicted of particular crimes from receiving an authorisation to drive a public passenger vehicle. These provisions were first introduced in 1994 and have been amended over the subsequent 15 years. In the intervening period, the government has introduced the blue card system for regulating child related employment and ensuring the protection of children and young people. As the transport provisions and blue card provisions were introduced at different times, there are some inconsistencies. These amendments seek to bring transport legislation into line with the blue card legislation as far as practical.

The amendments mean that a person convicted of a category A offence who is under 17 at the time of the offence will be eligible to apply for driver authorisation as these offences will now be considered category B offences. For category B offences, the chief executive must refuse a person's application or suspend or cancel a person's driver authorisation unless the person can demonstrate to the chief executive's satisfaction that an exceptional case exists. If the application is rejected by the chief executive, the applicant has the right of appeal.

In making the decision, the Transport Operations (Passenger Transport) Act 1994 makes provision for the Commissioner for Children and Young People and Child Guardian to advise the chief executive on whether the commissioner considers that an exceptional case exists. In such a case, the chief executive must take the commissioner's advice into account. This amendment provides an individual, in these circumstances, with the natural justice process while still maintaining a high level of protection for the travelling public. Members would no doubt agree that this amendment provides the right balance in ensuring the community has safe and secure public transport while allowing individuals to have their

individual circumstances reviewed in determining whether they should be allowed to drive public transport vehicles.

Another significant amendment provides for a trial to be conducted in 2010 of additional powers for transport inspectors to undertake enforcement activities for high-occupancy vehicle lanes. This government wants to ensure that high-occupancy vehicle lanes are being used as effectively as possible to contribute to a sustainable transport system for South-East Queensland. Ensuring the efficient operation of our transport network is a key element of the government's congestion management approach.

By using our existing network more efficiently, we can make great gains in reducing the impact of congestion. That is why this government is taking the innovative approach of trialling giving transport inspectors additional powers to enforce high-occupancy vehicle lanes, such as T2 and T3 transit lanes and bus lanes. When used properly, high-occupancy vehicle lanes offer improved travel time and greater reliability for members of the community who choose a green travel option, such as car-pooling or catching a bus. Unfortunately, some road users are continuing to ignore the restrictions that apply to high-occupancy vehicle lanes.

Currently, only police officers have the legislative powers necessary to undertake enforcement of high-occupancy vehicle lanes. This government is taking a new approach by introducing a trial of additional powers for enforcement of transit and bus lanes by transport inspectors. The aim of the trial is to deter misuse of high-occupancy vehicle lanes by an additional on-road enforcement presence.

The amendments in this bill give transport inspectors additional powers to allow them to stop private vehicles that are unlawfully using high-occupancy vehicle lanes during the trial. Transport inspectors are a highly visible and experienced presence on our roads. Through their work with heavy vehicle management and vehicle safety, they are already an important part of a safe, well managed road system.

At the end of the trial period in 2010, the government will consider the results of the trial with a view to making a decision about whether to make the powers ongoing. If the trial is successful in combating traffic congestion, the government will continue these powers. These amendments form another part of the government's commitment to tackling the problem of congestion. They are an important part of creating a healthier, greener and stronger transport system and helping create tomorrow's Queensland.

In 2007, the Transport Operations (Passenger Transport) Act 1994 was amended to provide for secure taxi ranks, supervised by rank marshals and security guards in Brisbane and regional locations. Secure taxi ranks have proven to be very successful in ensuring the quick movement of late-night revellers from entertainment precincts. Marshals and guards at secure ranks reduce the risk of incidents and increase the feeling of safety for patrons and taxidriviers. This has direct benefits for the taxi industry as a whole by increasing public confidence in taxi services and thereby increasing patronage.

The amendments in 2007 also introduced a taxi industry security levy for taxi service licence owners to fund secure taxi ranks. The legislation requires taxi service licence holders in areas where a secure rank is operating to pay an annual levy. The levies paid by taxi service licence holders contribute around 40 per cent of the cost of running the secure ranks, with the Queensland government meeting the remainder of the costs.

The Department of Transport and Main Roads currently pursues nonpayment of the levy through the court system. This is time consuming and costly for the department. These amendments will allow the department to suspend or cancel the taxi service licence for nonpayment of the levy. It is important that the department is able to effectively recover debts from nonpayment of the levy to ensure that all taxi service licence holders in areas where a secure rank is operating contribute equally towards the ongoing and successful operation of the rank.

This bill proposes amendments to the Transport Infrastructure Act 1994 to relocate the authorised officer's appointment and powers currently contained in three waterways management plans. The relocation of these powers to the Transport Infrastructure Act 1994 will achieve consistency with other transport legislation by: automatically recognising a police officer and inspectors appointed under the Fisheries Act 1994 as an authorised officer for enforcement purposes of a waterways management plan; and reflect contemporary drafting standards by enabling these authorised officer's powers to be open to greater scrutiny.

The bill also amends the Transport Security (Counter-Terrorism) Act 2008 to define 'law enforcement agency'. This ensures the chief executive's capacity to apply, in Queensland, information relating to transport security obtained from other jurisdictions is clear. Finally, the bill amends the Maritime Safety Queensland Act 2002 to remove a redundant requirement for the general manager to prepare a strategic plan and amends references to individual port authorities in the Transport Infrastructure Act 1994 to reflect name changes under the Corporations Act 2001. I commend the bill to the House.