



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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TRANSPORT (RAIL SAFETY) BILL

Mr CRIPPS (Hinchinbrook—LNP) (5.31 pm): Mr Deputy Speaker, please accept my apologies. Perhaps some of the fault lies with me in respect of that matter. I certainly have nothing but respect for the standing orders of the parliament.

I rise to make a contribution to the debate on the Transport (Rail Safety) Bill. The explanatory notes accompanying the bill state—

The main purpose of this Bill is to provide for rail safety legislation that will form part of a system of nationally consistent rail safety laws. The Bill sets out legal duties and operating requirements that are to be applied on a nationally consistent basis to all parties responsible for rail safety and will underpin future national regulations, compliance codes and guidelines.

The explanatory notes go on to assert that the proposed legislation—

... builds on the existing co-regulatory approach through the implementation of a number of regulatory best practices, including by clarifying the roles and duties of responsible parties, providing for more timely and transparent decision-making by Rail Safety Regulators, and equipping Rail Safety Regulators with the powers and tools they require monitoring and enforcing compliance with the legislation.

My interest in this bill stems from remarks made by the Minister for Transport during her second reading speech when introducing this bill into the House whereby she made the following observation—

Level crossing accidents pose the biggest risk to safe rail operations with the possibility of catastrophic results.

The minister stated further—

This new bill also addresses safety at level crossings.

The bill proposes to require the state and local governments and private road owners to enter into agreements with rail transport operators as to how they will jointly manage level crossing safety. It will be no surprise to members that my interest in reforms proposing to improve safety arrangements at rail level crossings in Queensland relates to two tragic accidents at rail level crossings—one on 27 November 2008 and the other on New Year's Day 2009, each of which involved fatalities in my electorate of Hinchinbrook.

The first of these tragic accidents occurred at the rail level crossing at Rungoo on the Bruce Highway between Ingham and Cardwell on 27 November 2008. Tragically, two Queensland Rail drivers lost their lives when the tilt train collided with a southbound B-double truck. A subsequent investigation found that the truck had no mechanical faults or defects despite driving into the path of the northbound tilt train. The report also found that the tilt train had no faults or defects that contributed to the collision and that the advance warning signs, road pavement markings and the positioning of the level crossing flashing lights at the Rungoo level crossing were compliant with current relevant standards.

The report found that the flashing lights at the level crossing operated for 26 seconds prior to the train reaching the crossing, as designed. However, the report found that vegetation on the north-eastern side of the level crossing impeded vision of the Bruce Highway to the north for a train approaching from the south. The report also said that the same vegetation impedes the vision of a driver of a southbound vehicle of a northbound train. Despite that, at the time I made the observation that the driver of a southbound vehicle should have regard for the warning signs and lights on the road approaching the rail level crossing—which were operational—not whether or not a driver can see a train coming.

I agree with the findings of the report that praised the response by Queensland Rail staff on board the tilt train and the emergency services personnel who attended the scene of the accident and who provided timely and effective care to tilt train passengers. The report ultimately found that the B-double truck driver, although holding a current heavy vehicle licence, failed to stop at the level crossing. The report found that factors contributing to this failure to stop included the driver's failure to observe the flashing rail level crossing lights and the low expectancy that a train was approaching. The report recommended improvements to the structural integrity of train cabs and allowing compulsory drug and alcohol blood testing of persons involved in road or rail accidents.

Today, I invite the Minister for Transport to update the House on the progress made by her department in implementing these recommendations from the Rungoo accident report. I look forward to hearing from the minister in her summation at the end of the debate.

The second of these tragic accidents occurred at a rail level crossing at Mundoo, south-west of Innisfail, on 1 January 2009. This accident, which involved a truck colliding with a southbound QR *Sunlander* service, underlined the need for individual motorists to take care at rail level crossings and for authorities to undertake safety upgrades and improve maintenance of warning signs. Tragically, the driver of the truck was killed in the accident.

The report compiled after this accident contained a number of findings, listed factors that contributed to the accident and made a number of recommendations to improve safety at rail level crossings. I also invite the minister to advise the House of the progress made by her department in implementing the recommendations from the Mundoo accident report. Again, I look forward to hearing from the minister in her summation at the end of the debate.

The investigation found that the operation of the train in terms of speed, the sounding of the locomotive horn and braking was appropriate and that the stop sign on the western side of the level crossing more than met the Australian standards. However, the approach warning signage for the level crossing on Aerodrome Road was not fully compliant with current standards and the road markings were in poor condition. There were no 'rail' or 'X' pavement markings on either side of the crossing, although these are not mandatory in all circumstances and were not mandatory on Aerodrome Road, which is the road on which the accident occurred. Regrettably, the investigation found that the driver of the vehicle involved in the accident did not come to a halt at the stop sign and was not wearing a seatbelt at the time of the collision. The report indicates that, had the truck driver come to a halt at the stop sign, he should have been able to perceive the oncoming train.

These two accidents were a shock for all North Queenslanders. These two accidents prompted a number of level crossing upgrades across North Queensland. At this point I might say that I was pleased with the way in which the previous minister for transport responded to the two accidents in my electorate of Hinchinbrook. On both occasions he announced that a fully independent investigation would be undertaken, chaired by a representative of the Australian Transport Safety Bureau.

As I observed in this place following the first rail level crossing accident at Rungoo, the Australian Transport Safety Bureau has for some time been calling for additional warnings for motorists approaching level crossings and the National Road Safety Action Plan in 2003 addressed the issue of level crossing safety. The Australian Transport Council has previously described railway level crossing crashes as one of the most serious safety issues faced by the rail system in Australia. As I have said before, I understand that funds and resources are finite and that competing priorities, including other transport safety initiatives, make addressing these issues problematic. However, I suggest that on the issue of level crossing safety Queensland is still behind, given the attention the issue has been given by national transport authorities for several years.

I acknowledge, as the shadow minister for transport has acknowledged, that additional funding has been allocated to upgrading rail level crossings by the federal government through its Boom Gates for Rail Crossings Program. I understand that \$42.7 million was allocated to upgrades for rail level crossings in Queensland, including eight in the electorate of Hinchinbrook. Could the minister advise of the progress of the upgrades of those rail level crossings under the federal program in my electorate of Hinchinbrook?

Other rail level crossings in the Hinchinbrook electorate were identified for upgrading as a result of the investigations conducted following the fatal accidents at Rungoo and Mundoo. I welcome the announcement by the Queensland Rail Level Crossing Task Force that safety upgrades for four rail level crossings in the Hinchinbrook electorate will be fast-tracked. Of the four level crossings identified in the Hinchinbrook electorate, three were located on the Bruce Highway between the townships of Cardwell and Ingham, including the rail level crossing at Rungoo where the accident had occurred between the tilt train and the B-double in December 2008. I would like to acknowledge that these rail level crossings have been subsequently upgraded. Interestingly, the then minister for main roads indicated that the upgrade of the northern section of the Cardwell Range would include a road bridge over the level crossing involved in the

rail level crossing accident at Rungoo. Both the former federal coalition government and the federal ALP have made commitments to that particular project so it should be a priority for AusLink funding.

I have recently heard the current Minister for Main Roads talking about the commitment of the Rudd Labor government to the upgrade of the northern half of the Cardwell Range crossing. This is a very important project for North Queensland which happens to be in my electorate. When I wrote to the Minister for Transport in December 2008 he advised me at the time that, whether or not the Rungoo rail level crossing was incorporated into the upgrade of the Cardwell Range crossing, achieving grade separation between the road and the railway line would in effect depend entirely on the amount of AusLink funding forthcoming for that project. I wonder whether the minister could advise whether enough funding will be provided by the Rudd government for grade separation at Rungoo as part of the upgrade of the Cardwell Range crossing in the interests of both road and rail safety given its recent accident history.

I hope the fact that the Rungoo rail level crossing has already been upgraded to a boom gate and flashing light standard, in accordance with the recommendation of the Queensland Rail Level Crossing Task Force report, will not give the Rudd government or the Bligh government an excuse not to incorporate a road bridge separating the grade of the northern side of the Cardwell Range crossing. I look forward to the minister's advice on that issue. While the report of the Queensland Rail Level Crossing Task Force identified eight crossings between Mackay and Cairns that were considered priorities for safety upgrades, there are 1,800 public crossings in Queensland and that means that there is much more work to be done in relation to rail level crossing safety in this state.

The last issue that I want to canvass in relation to these two incidents and rail safety was a finding that was common to both the investigations completed following the accidents at Rungoo and Mundoo. The issue relates to passenger manifests. The report in relation to the Rungoo incident identified the matter as a safety issue, stating that the passenger manifest on the tilt train involved in the accident with the B-double did not contain all of the contact telephone numbers or addresses of the passengers. The report thought the issue was serious enough to include a recommendation that QR Passenger take action to ensure that as far as possible passenger train manifests are accurate in terms of names, addresses and contact telephone numbers of the people actually on the train. What this basically translates to is that QR did not really know who was on the tilt train at the time of the accident at Rungoo. This finding alarmed me at the time.

In respect of the accident that occurred at Mundoo, the report similarly found that the manifest detailing the addresses and identities of passengers travelling on the *Sunlander* that collided with the truck on Aerodrome Road at the time of the accident was in the order of 54 per cent or 61 out of 112 passengers. My concerns were reinforced after the second incident at Mundoo. The problem only comes into focus when there is a serious accident or incident. I can fully understand that it would be terribly difficult for any sort of accurate passenger manifest to be kept for services like Citytrain that service communities in South-East Queensland. The sheer volumes of passengers involved would make it almost impossible. However, in respect of long-distance QR passenger train services to northern, central and western Queensland, surely we must be able to reasonably expect that QR will be able to know the identity of more than 54 per cent of its passengers on the train at any given time. I invite the minister to reassure the House that this issue concerning passenger manifests has been addressed following these two reports.