

SUBMISSION TO PARLIAMENTARY COMMITTEE

THE PUBLIC WORKS UTILITIES COMMITTEE

**RE : Transport and Other Legislation (Personalised Transport Reform) Amendment  
Bill 2017**

Committee Members: Mr Shane King MP, Member for Kallangur, Chair  
Mr Rob Molhoek MP, Member for Southport, Deputy Chair  
Mr Matt McEachan MP, Member for Redlands  
Mr Jason Costigan MP, Member for Whitsunday  
Mr Chris Whiting MP, Member for Murrumba  
Ms Joan Pease MP, Member for Lytton

Opening Statement : Firstly I would like to commend this committee for listening and understanding the concerns of all operators at previous meetings, and to this I acknowledge your commitment again to quality feedback sessions. Thank you.

In regards to Public Transport, the previous Acts and Regulations developed over many years had served the public well. So good was it that it was seen as a Benchmark by other States and Countries. With the introduction of Ride Share the Government chose this opportunity to de-regulate the Public Transport industry. The history of deregulation has a chequered past. Any Entity that involves the Public, Employees and Public Safety must have a base Legislation, to ensure SAFETY and STANDARDS are met and a fairer playing field across industry.

This change is not driven by Innovation nor Technology change. The change is focused on Economics to reduce cost to Government and drive down Public Transport Fares thus named REFORM **As stated in the Minister's Speech introducing the Bill into Qld Parliament, safety is always the top priority** for the government and the bill focuses on the safety of personalised transport services, **creating safety standards** across the industry.

**As stated Explanatory Notes Page 4 ;** Government regulation will be maintained only to the extent necessary **to ensure safety**, equitable access and accountability in the provision of personalised transport services. Less government regulation will encourage more innovation in the delivery of services leading to improved customer outcomes. Consumer benefits resulting from personalised transport reform are expected to be significant and include more competitive fares, shorter waiting times, higher quality services and greater convenience.

The govt has a responsibility to SAFETY and ECONOMIC responsibility in the new act and regulation to:-

1. ensure that the correct tax is paid on business transactions eg (booked hire driver must have ABN ) for the benefit of the community. Tax invoices must be issued for all services and be subject to gst.
2. ensure that booked hire surge pricing is outlawed and set a maximum fare only similar to taxi industry, govt seen to act fairly for all.
3. booked hire/taxi entities must provide a 24/7 service and have minimum number of vehicles available for none peak times. or there may be a time when no public transport will be available
4. licence fee must be set to recoup some costs for **iaap** and include the security levy for all taxi, booked hire services , for fairness. and this fee set at \$2500 pa will guarantee honest and committed industry participants.
5. ensure that "hire on-the-spot" does not result in booked hire vehicles illegally parked near taxi ranks and entertainment precincts thus unsafely acting as default taxi rank.
6. The number of book hire vehicles must be controlled. Potential to have booked hire entities for many differing groups eg the women only, indigenous only, LGBT only, creates potentially discrimination.

## IMPROVEMENTS TO THE BILL effecting TOPTA

### 1. Part 2 Clause 6 Amendment of s 24

*Insert (2)* - Driver Authorisation qualification BHTX will only be issued with a registered ABN and shall be applicable for the Driver/ Operator of a Limousine, Taxi or Ride Share vehicle only.

The purpose of the change is to ensure correct tax obligations are delivered and a black cash economy does not grow. Drivers who work in ride share are self employed and thus require an ABN

### 2. Part 2 Clause 14 Insertion of new s36AA

*Omit* - Removal of Chapter 5 – 36AA No compensation for changes to market entry restrictions.

The purpose of change denies natural justice which should not be denied

### 3. Division 5 booking entity authorisations - SubDivision 3 general provisions – 91ZG (3)

*Omit (3)* - Must be removed, this statement is a direct removal of evidence from Legal justice in a Court of Law. Should illegal activities be ongoing such as drug supply these details as mentioned are evidence and must be available to legal entity.

### 4. Part 5 Enforcement – Division 1 – Section 91ZJ Chief executive may suspend driver licence

Rewrite part (1) - *omit*- 3 year period , committed 3 or more relevant driver offences –*insert*- 1 year period, committed 1 driver offence.

Remove part (2) completely –*omit* ,*part 2 . does not compliment the law*

Should a driver be charged with drug offences, drink driving, assault to public, sex offences and waiting court action, these are serious offences and driver must be suspended from working in a public forum. This is a must until resolution of the charges.

### 5. Part 6 General provisions - Division 2 – part 91ZW – Taxi Industry security levy.

**Rewrite to ensure ride share contribute to patrons security.** Ride share booking use pick up area near to taxi ranks which are near to entertainment precinct. Alcohol fueled violence occurs in identifying a ride share booking in similar location near to entertainment precinct club and taxi rank which is used as a pick up reference point by ride share. As such the levy should be paid when attaining a License to operate as Ride share.

### 6. Part 3 Amendment of the Transport Operations (road use management) Act 1995

#### Clause 34 amends section 79

**Zero BAC and under influence of illegal drugs** is in place and will apply to ride-share. Nevertheless the issue here is HOW WILL ENFORCEMENT BE IMPLEMENTED. HOW WILL RIDE SHARE VEHICLES BE IDENTIFIED. Taxis and Limos are easily identified by plate. RIDE SHARE MUST HAVE UNIQUE IDENTIFIER such as a RS plate eg RSA001-RSZ999 that is 24,000 returning plates. **Refer to regulations.**

## RE : Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017

SOME IMPROVEMENT HAVE OCCURRED IN 2015 TO Transport Operations Public Transport Regulation 2005.

Improvements to this Regulation are,

1. **Part 2 Amendment of Motor Accident Insurance Regulation 2004. New part 8 div2  
Amendment of sch 1 (motor vehicle classes)**

*Omit – (1) and (2)*

*Insert - (1) Schedule 1, entry for vehicle class 4 or 6 or 26*

*Class 4 limousines – Class 26 booked hire vehicles and taxis*

*In summary do not remove class 4- insert 4,6 and 26 as vehicle classes.*

Expensive executive Limousines are currently class 4 and must remain class 4. The reason why is that limousines work in a unique corporate environment and do not undertake Public work, Due to cost of service, limousines are not exposed to the public passenger movement demand as booked hire vehicle and taxis do. Thus the RISK of injury or accident is very low. A risk assessment would confirm this. Vehicles with L plate to remain on class 4.

Booked hire vehicles and Taxis perform same task and have the same risk profile. Thus both must have the same class 26 or 6 CTP insurance.

The purpose of this change is to ensure the risk profile is matching the class of operation.

2. **Part 3 Amendment of Transport Operations Passenger Transport Regulation 2005**

**Division 1 General Provisions**

**S117c Booked hire service signs**

*Section 117c – omit paragraph (2) – (4)*

*Insert at - (2) Motor vehicle used for the purpose of providing Booked Hire Services, shall be issued with Number Plates issued by TMR supplied at a cost to Licence Holder( schedule 9) . Number plates will be issued with the Booked Hire Service Licence Approval. These plates are owned by TMR and leased to the Booked Hire Service Licence holder. Plates will be returned upon cessation of holding a Booked Hire Service Licence. Should plates not be returned motor vehicle will be classified as unregistered, until new plates are sourced from TMR.*

*The plates shall be identified and range from RSA001 –RSZ999 that accommodates for 24,000 ride vehicles for booked hire services. These plates can be reused.*

*Identifying number plates allows enforcement officers and police to easily identify a booked hire services vehicle, allowing for easy checking of compliance to relevant safety laws eg 0% blood alcohol level, under influence of drugs, fatigue, and other compliance factors.*

The purpose of this change is to ensure that Booked Hire services vehicles are easily identified by recognition software by traffic police patrol cars and other enforcement officers. Safety of passengers in any vehicle must be taken seriously. Drink driving and driving under influence of drugs including fatigue is a growing concern considering these vehicles all start from home.

### 3. Part 7B Amendment of Transport Operations Passenger Transport Regulation 2005

#### Part 7B Vehicle Security camera systems

#### Division 3 – General Obligations

#### 117V Obligation on operator of service

Omit -1a and insert new-1a—the vehicle is authorized to provide a taxi service or booked hire service which collects public passengers including women , indigenous people, NESB, LGBTI, the elderly, the disabled that may require camera footage for the purpose of clarifying any incidents of harassment, discrimination, violence or others legal matters.

The purpose of this change is for legal reasons and in the interest of public safety. At times complaints of a legal nature will require sound evidence in a court of law.

### 4. Amendment of Sch 9 (fees and levy)

#### Schedule 9

#### Insert change

4a	Booked hire service licence	\$2500
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The purpose of this price has several basis. The price will include a contribution to Security Levy mentioned earlier. Given the potential earning capability an amount that reflects the true value of such a licence. This amount is based on the current Special Purpose Limousine yearly licence fee, used as a benchmark for fee assessment.

The reasonable licence price helps ensure that the industry is fully supported by operators that have the public service industry of transport as a real occupation for the long term. Not a fly by night operator entering to make a quick dollar with no commitment to passenger transport.

This amount will allow the Govt to recover some of the IAAP on behalf of Qld taxpayer.

Respondent: Wayne Brazel      Dated ...../ 03 /2017      Signed.....

OWNER/OPERATOR OF LIMOUSINE and LICENCE

JOINT OWNER of TAXI LICENCE

Of: [REDACTED]