

David James

10th April 2017

Committee Secretary
Public Works and Utilities Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir/Madam,

Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017

Reason for this Submission: This submission is to convey to you my well-founded concerns that this draft Bill will place the travelling public in harm's way as has been proved on numerous occasions both here in Australia and in overseas countries. The draft Bill is unaustralian and I do not support it. It fails the public benefit test and it fails the fairness test. The draft Bill is a poor example of proposed legislation and Queensland does not need it.

Background: This draft Bill exists as a result of our parliamentarians accepting bad advice regarding private cars operating as booked-hire vehicles and not wanting to abide by pre-existing personalised transport rules in blatant disregard of Transport Operations (Passenger Transport) Act 1994 (TOPTA). Not only has the government exhibited an inability to enforce the existing legislation, it has demonstrated a total misunderstanding of what the term '*public benefit test*' means. This draft Bill fails. The TOPTA legislation passes the public benefit test and already provides the public with the safest taxi service in the world here in Queensland. Please remember, a Public Benefit Test is the mechanism for conducting the legislation review process. It is important in the review process to carefully analyse the social impacts of all policy alternatives considered in the review process. Social impacts should be specifically considered and a social impact assessment must be conducted as part of public benefit test.

My General Comments to the Draft Bill: In brief, this Bill is not required. If anyone starts up a taxi service, they need to purchase a taxi licence and operate their car under TOPTA. Action taken by the government to date has resulted in untrained and inexperienced members of the public setting up a standard family sedan, wagon, dualcab ute or multi-seat van as a defacto taxi. These people like to think they are taxi drivers but they are untrained and often operating outside the rules of even the so-called rideshare booking platforms. Yes, many of them are physically dealing direct with prospective passengers in total contravention of the law, and the government has shown itself inept at stopping it. It is a widely known and accepted fact that they are stealing the livelihood of honest taxi drivers and operators. A couple of taxi owners I know are now relying on the Federal government pension, instead of being self-funded as they were previously.

Where is the Passenger Safety: Many things are missing from the government's consideration of this draft Bill:

- personalised transport commission?
- bailment agreements?
- hard-wired security cameras?
- hard-wired realtime trackable and after-the-fact traceable GPS units in all vehicles?
- all trips to be after-the-fact traceable by Qld Police?
- emergency distress systems in all vehicles?
- DTMR-issued registration plates?
- taxi CTP for all personalised transportation vehicles?
- driver ABNs and registered for GST?
- zero blood alcohol level?
- six-monthly inspections for all by DTMR?
- what about the physical danger of street hails by unauthorised vehicles?
- what about Operator Accreditation (OA) for all?
- what about getting serious about fatigue management?
- what about proper police check requirements across all platforms?
- what about disabled and indigenous disadvantage?
- what about proper public liability insurance?

And what about all the extra traffic clogging up our roads, caused by the government's ineptitude?

Minister's Hansard Comments: The Minister is on the record saying, *"Like many established industries, recent technological innovation has created new opportunities for the provision of taxi and limousine services, particularly through the emergence of app-based booking platforms. This new technology enables customers to quickly and easily compare the services offered by different providers. Comparisons of this type were unthinkable until quite recently and the public has embraced these developments. The reality though is that any technological development poses critical questions of the established regulatory frameworks that govern their respective industry"*. Is this Minister living in a vacuum? Our taxi and limousine industries here in Queensland have always competed and for a number of years have been able to be booked by the use of an app-based booking tool. Why does he not acknowledge this? And why does he not acknowledge that TOPTA is already in place for the issue of taxi licences as required and for the regulation of a safe and efficient taxi industry?

The members of parliament have been misinformed and ill-advised. Government must not proceed with the Bill.

Conclusion: This draft Bill does not address safety concerns, it fails the public benefit test, and it undermines established taxi companies in their efforts to provide a decent service. Taxis work well under TOPTA and we do not need unknown private individuals posing as taxis to place our community at risk. If the government proceeds with this Bill, I ask that the government at least have the decency to thoroughly consider the above questions for inclusion in the Bill in order to make it effective across all personalised transportation platforms. As it stands, the draft Bill is a weak, ineffective, unfair and unsafe piece of proposed legislation.

Sincerely

David James

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