

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

9 April 2017

Dear Sir/Madam

RE: SUBMISSION TO THE TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL 2017.

I would like to take this opportunity to add my voice as an interested party to the discussion of the abovementioned Bill.

There are many and varied issues relating to all sectors of the Personalised Transport Industry e.g safety, working conditions, regulation of drivers and vehicles, enforcement issues, service levels, etc.

I hope you will give serious consideration to all these things.

The aim of my submission though, is not to repeat the exploration of these concerns but to give you my story which I believe could be, with changes for individual circumstances, the story of many other licence owners across the state.

Firstly, I am a Taxi licence owner who has been seriously affected financially and health wise by the actions and inactions of the Queensland State government regarding the introduction of ridesharing services into Queensland.

I am a divorced woman in her 60s living alone. There is a group people are calling “the new poor” ie divorced middle aged women who don’t have enough superannuation to support themselves into their old age. I have worked very hard for the last 10 years to make sure I was not left in that situation. Sadly that has now become my reality.

I have 1 taxi licence (last pre-Uber sale price \$560,000) that was to provide for my future. To pay off my mortgage, pay off my HECS debt and contribute to my superannuation. The lease money I have been receiving has allowed me to pay the mortgage, work part time and live a simple life that I have spent many years working toward.

The illegal operation of ride sharing companies coming into the personalised transport market virtually unchallenged by government or Police enforcement and the subsequent unregulated

legalisation of the same companies has changed my life and my future so much that I am almost totally unable to see where my life will be in the coming months let alone years.

The reduction in my lease payments means that I can no longer afford to pay my mortgage. The decimation of the value of the licence means I will no longer be able to pay off the mortgage or have enough superannuation to provide for my own retirement. The transitional payment has covered some of the losses I have already endured but does nothing to alleviate the damage to my future.

At my age I am struggling to find enough work to replace the income lost. I have no one else who can share the financial burden with me, no one who has superannuation to share with me. I am on anxiety medication. I have changed from an optimistic person looking forward to a full life in my older years to someone who is constantly worried how I will survive let alone enjoy my later life.

I have worked hard for many years, usually working multiple jobs, to put myself into a financial position that provided for my retirement only to have it snatched out from under me by the actions and inaction of the Queensland Government.

After having spent what maybe my last Christmas in my own home, I am still unable to comprehend that I will be forced to leave my home in the next few months.

My one hope for the future was the **Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017**. I trusted that the government would repair some of the damage done to the Taxi industry with this bill but I have been disappointed to see what I consider to be a poorly thought out rehash of regulations from other states that gives little or no consideration to the unique nature of the Taxi industry in Queensland.

I see:

- nothing that legislates that all personalised transport vehicles should have tamperproof GPS,
- nothing that provides a clear statement of what CTP insurance will be required of ridesharing vehicles,
- nothing that establishes a clear method of ensuring ridesharing drivers and/or companies pay GST and tax in Australia,
- nothing that explains how drivers can be prevented from driving for multiple companies for as many consecutive hours as they please,
- nothing that provides a clear method of dispute/complaint reporting and resolution,
- nothing that explains how the government is going to fund the massive increase in the costs of regulation and enforcement,
- etc etc etc etc etc .

I am a middle-aged lady with no experience in legislation drafting and I can see/not see these things – how did this amendment get to this stage without these and many other questions being addressed?

I also notice Clause 14, the insertion in Chapter 5 of s 36AA making it impossible for owners to seek compensation for the Government changing the laws relating to our licences. If a private company sold licences, getting hundreds of millions of dollars, then changed the conditions of the licences so that they were virtually worthless and then changed the law so no one could claim compensation I believe things would be very different. To me this shows a callous disregard for people like me whose life has been irrevocably changed for the worst and I am disgusted to have voted for a Government that would do it.

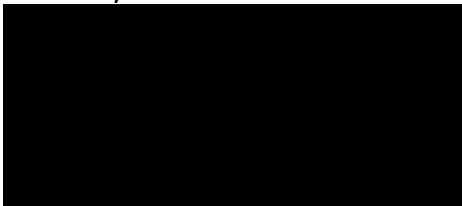
S 36AA (3) “This section does not prevent a regulation providing for payment of compensation.” I believe this is a cynical snub to those of us who are suffering because of the changes, as no matter how much I looked I could not find such a regulation. I may have missed it and if so I apologise.

I see little point in continuing. If this amendment can have come this far without addressing what I see as important issues, if it causes the diminishing of a world class Personalised Transport Industry, if it specifically denies licence owners the justice of adequate compensation and lets public policy be driven by an overseas company who broke the law and then got the law changed to accommodate them, then I believe the voices of the people of Queensland will have little impact.

To me a very sad and frightening precedent to set. Owners of other licences bought from the Queensland Government should take notice of what is happening here.

Please see the attached “list of Requirements” to see what action I believe should be taken to amend the legislation and fix some of the omissions I see in the bill.

Shirley Battrick



Attached: TCQ List of Requirements.



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Attachment.

List of Requirements

1. Establish an independent Personalised Transport Commission with legislative amendment, policing/enforcement, regulatory and policy development capacity.
2. Bailment Agreements must be retained, with the minimum work conditions and standards for all personalised transport drivers enshrined in legislation.
3. Security Camera requirements must establish a minimum standard, be consistent and uniform across all personalised transport providers to ensure the safety of all drivers and passengers (regardless of the service chosen) and to meet Queensland Police requirements.
4. Commercial-grade, anti-tamper GPS units must be fixed to all personalised transport vehicles and be remotely accessible to authorised parties.
5. All personalised transport vehicles to have emergency systems in place to support driver safety.
6. The Bill and Regulation must be fully consistent with all other relevant legislation including, but not limited to, disability discrimination and work, health and safety.
7. All personalised transport vehicles be required to have dedicated number plates (akin to "T" plates), rather than easily removable stickers. Plates to be provided only when evidence of appropriate CTP, public liability and certificate of inspection are provided.
8. Immediately define, and establish appropriate and equitable premiums for, the class/classes of Compulsory Third Party insurance for all personalised transport providers to address continued uncertainty.
9. All personalised transport providers must hold public liability insurance to prevent the State Government becoming the default insurer and to minimise potential risks to the community.
10. In the absence of vehicle age restrictions, establish clear vehicle quality and usage rate standards and hold operators accountable.
11. Increase licence fees for Booked Hire Service Drivers and Authorised Entities to help fund expected increases in regulatory and enforcement costs for Government and to better reflect the level of "trust" being placed on licence holders.
12. All drivers must have an ABN and be registered for GST before receiving a Drivers Authorisation.
13. The Government must establish a process for managing the risks of multiple affiliations by drivers in terms of both "chain of responsibility" and fatigue management. This includes drivers operating across both personalised transport and other transport (i.e. truck, bus) sectors.
14. Fully integrate taxis into the GoCard public transport network in the short-term.
15. Clearly define what constitutes a "hail" and "touting".
16. Expressly prohibit the establishment and operation of Booked Hire Service pick up/and drop off zones, on public and private land, which represent pseudo taxi ranks.
17. Establish and maintain a register of drivers that have been disaffiliated or removed from platforms to prevent drivers from simply shifting to a new platform.
18. Establish clear and enforceable requirements for Government access to all data related to the delivery of personalised transport services in Queensland.

19. Expressly identify Police Check requirements in the Bill for all personalised transport drivers as part of Driver Authorization approval.
20. Maintain the capacity of the Minister to enter into Service Contracts at their discretion to ensure the Government has the capacity to respond quickly, and at the lowest cost, to changing or unique circumstances without the need for regulatory or legislative changes.