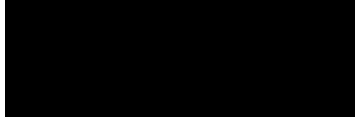


Shelly Lennon & Tena Lennon



10th April, 2017

Committee Secretary
Public Works and Utilities Committee
Parliament House
George Street
Brisbane Qld 4000

Via Email: PWUC@parliament.qld.gov.au

Dear Sir/Madam

Re: Submission to the *Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017*

Thank you for the opportunity to provide this submission to the Parliamentary Committee investigating the *Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017* and *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017* tabled in Queensland Parliament on 21 March 2017.

Our Story

Our Dad, Ronald Gordon Lennon, started in the taxi industry in the 1950's. He wore his uniform with pride and prided himself as being a cabby. Dad spent a lot of time making sure his cab was clean and well presented for his customers. In the early days he worked Brisbane, however later, he settled and worked in the Sandgate area. Dad had his regular customers who thought of him as a polite, honest and hard-working man. At one stage, he had more than one licence and I remember his saying "Look after your drivers and they'll look after you."

After having some financial difficulties, he was reduced to one licence and I remember him working twelve hours a day to be able to keep that licence and pay it off. By the age of 55 this had taken its toll on him, financially, physically and mentally and the Department of Transport advised he was no longer fit to drive. His licence was then leased to Yellow Cabs and Dad was devastated that he could no longer work however was relieved that he owned his licence and could be self-funded and did not need to rely on Government payments which he never received and said he never would.

In the weeks before his passing in November 2015, we didn't have the heart to tell him what was happening to the taxi business that he'd spent a lifetime building. Dad was feeling, as a father, all the stress and hard work he had put into help build the taxi business over the decades had paid off for the future of his family.

He went to his grave thinking he had set up some security for his children. It brings a tear to our eyes and a heavy feeling on our hearts that Dad went without so much personally to help his children's futures, and with a stroke of a pen, a politician's decision has taken this away from his family.

It feels like all we have left of Dad's legacy of a lifetime of extremely hard work is a piece of paper with a licence number on it of very little value, Dad's yellow cab flag, the metal emblem he wore on his cap, the lapel he wore on his shirt and a passbook of an old licence he once held.

So please take into consideration not only what this has done to the taxi industry, the individual licence owners, the role-on effect to other industries that are supported by the taxi industry and the families that have built up these business.

In summary

The proposed Bill and Regulations are poorly constructed and fatally flawed, do not deliver on the reforms identified by the Government, will substantially and irrevocably increase the regulatory and enforcement costs for the Queensland Budget and have the potential to negatively impact millions of Queenslanders each year.

Principal flaws in the Bill and Regulations include:

- Lack of relevance to the unique personalised transport requirements and preferences of Queenslanders;
- Lack of understanding of the nature, characteristics and operations of booked hire services globally and how they will evolve in Queensland in the short-term;
- Actively undermines and removes the workplace rights of entire sector of workers, exposing them to exploitation and coercion.
- Insufficient protections for passengers and the community from demonstrated exploitation, violence and unethical behaviours of booked hire service providers and drivers.
- Lack of specificity and legal enforceability of new "duties" and "chain of responsibility".
- Lack of appreciation of the likely Fiscal and Budget Impacts of removal of Service Contracts and the shift of enforcement and policing responsibilities to the State Government.

The Department of Transport and Main Roads has proven itself incapable of effectively regulating the Queensland personalised transport sector over the past 2 years. With the regulatory and enforcement burden on the Department expected to increase by up to 1000% over the next 5 years (owing to expected vehicle growth, vehicle identification challenges and the repeal of Service Contracts), the Queensland Government must establish an independent Queensland Personalised Transport Commission. This approach recognises the increasing complexity and pressures of regulating the personalised transport sector and represents global best practice, having been implemented in major markets like New York, London, New South Wales and Victoria. The independent Personalised Transport Commission must have its own enabling legislation and full control of:

- Licensing and registration of all personalised transport vehicles and drivers
- The ability to set classes of CTP for personalised transport vehicles
- Compliance and enforcement of its own legislation
- Litigation of challenges to enforcement orders under its own legislation
- Policy branch to amend its own legislation if necessary

If an independent Commission is not established, then the specific details of the proposed Bill and Regulation are irrelevant. A responsive regulatory regime supported by effective enforcement is essential if the failings of the past three (3) years are to be avoided in the future.

The proposed reforms lack clear objectives and this is reflected in the Bill and Regulations. Any personalised transport policy, legislative and regulatory framework in Queensland should guarantee:

- Reliable and safe transport 24/7
- Access to personalised transport services wherever they may be in Queensland, not just metro Brisbane or South East Queensland
- Accountability of service providers to ensure that customers are not exploited in any way
- Fair and equitable treatment of all providers of personalised transport services

The proposed Bill and Regulations do not guarantee these critical policy objectives and potentially risk the welfare of some of Queensland's most vulnerable.

List of Requirements

To address the fatal flaws of the Bill and Regulations and ensure all Queenslanders have access to reliable, safe and accountable personalised transport in a level playing field, a number of fundamental changes are required. The following points are of equal importance and in no particular order:

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.

Failure to make these required changes will result in the Queensland Taxi Industry withholding its support for the proposed Bill and Regulations.

Thank you for giving us the opportunity to tell our story.

Yours faithfully

Shelly Lennon and Tena Lennon