



Speech by

**Tim Nicholls**

**MEMBER FOR CLAYFIELD**

Hansard Tuesday, 9 October 2007

---

## **TRANSPORT LEGISLATION AMENDMENT BILL**

**Mr NICHOLLS** (Clayfield—Lib) (12.52 pm): I am happy to provide the sartorially challenged member for Southport with some advice on clothing in the future. There is no problem with that. At the outset can I confirm—

**Mr Reeves:** You could have got a candidate to dress like you for Brisbane Central.

**Mr NICHOLLS:** He would have had both red and blue. At the outset I confirm that the coalition will be supporting the bill, including the amendments that I understand the minister will move during the consideration in detail stage. I also flag that we have some very real concerns about parts of the legislation and parts of the consultation process that was carried out in respect of some parts of the legislation.

The bill amends the Maritime and Other Legislation Amendment Act, the Transport Infrastructure Act, the Transport Operations (Marine Pollution) Act, the Transport Operations (Passenger Transport) Act, the Transport Operations (Road Use Management) Act and the Transport Planning and Coordination Act. The most significant areas of change relate to the implementation of the Road Transport Reform (Compliance and Enforcement) Bill 2003, which was prepared under the auspices of the National Transport Commission as a result of a COAG agreement to try to harmonise road freight laws across jurisdictions to improve the efficiency, safety and viability of the road transport industry.

The second area of significant change brought about by this legislation is to the taxi and limousine industry. This bill implements changes arising as a result of the taxi and limousine industry development package, which was approved by cabinet and government in November 2006. Other changes in the legislation address issues relating to the powers of the government to acquire land for specified purposes, including for public-private partnerships initiated in relation to major infrastructure. The most prominent example of those at the moment is the PPP for the development of the Airport Link project—a project initiated by the Brisbane City Council under the leadership of Campbell Newman and which is now being undertaken by the state government using a company called City North Infrastructure Pty Ltd.

The bill also remedies an operational mistake that was made in 2000 by this government in relation to the acquisition of busway properties where it seems that the wrong director-general has been acquiring property. The bill also brings some legislation relating to marine pollution from ships into line with new definitions for noxious liquid substances.

I turn firstly to the reforms that the bill makes to the taxi and limousine industry. In prior debates in this House I have raised the issue of the failures of this government, be it led by Mr Beattie or Ms Bligh, to plan properly for growth and to act responsibly in dealing with long-term planning and growth issues. Those issues have been highlighted in water security, health, child care, electricity supply and more recently in ambulance services and police. We now have another failure to add to the litany of failures of Labor in government: the failure to plan for growing demand for taxi services and personalised transport, such as that provided by the limousine industry.

The 2006 Australian Taxi Industry Association Queensland report says it all in terms of this government's failure to act. Its annual report states that, disappointingly for the taxi council, there was little progress made in regard to finalising the national competition policy reform process or on an acceptable

taxi industry code of practice. That is the report card from the taxi industry for 2006. The history of the taxi and limousine industry reform package is quite complex and I would like to detail it for the House.

In December 1998—that is now nine years ago—the NCP review of the Transport Operations (Passenger Transport) Act commenced. That review took about 12 months and the report was released in September 2000—some seven years ago. It then took the Labor government three years—until August 2003—to commit to actioning recommendations contained in that report. That was three long years. The reform committee to discuss the recommendations met in February 2005, but has not met since. So it has not met for over 2½ years.

Despite the absence of that particular committee to meet, a package of 14 initiatives was finally endorsed in November 2006 and then introduced in dribs and drabs. We see four items of that package in this bill that we are debating today. So seven years after the NCP report was handed down, three years after the government's response, 2½ years after the first committee meeting of an implementation committee that never met again, we finally see some legislation to address these issues.

Given the tardiness of the response of this government to issues which are vitally important to a major sector of our public transport network, it is no surprise that the taxi industry and the limousine industry question why they bother. It is not only the taxi industry, with some 3,000 plus licences on issue at an average cost of \$405,000 each, which is disgruntled with the decisions of this government—or the failure of this government to decide—but also the limousine industry. It is being treated with contempt.

I now seek leave to table for the information of members a number of pieces of correspondence: a letter from the Limousine Association Queensland to the minister for transport, dated 30 September 2007; a letter from the Limousine Association Queensland to the Premier, dated the same date, 30 September 2007; and a letter from the Limousine Association Queensland to the minister dated 3 October 2007.

Leave granted.

*Tabled paper:* Copy of letter, dated 30 September 2007, from John Quane, President, Limousine Association Queensland Inc to the Minister for Transport in relation to the Transport Legislation Amendment Bill.

*Tabled paper:* Copy of letter, dated 30 September 2007, from John Quane, President, Limousine Association Queensland Inc to the Premier in relation to the Transport Legislation Amendment Bill.

*Tabled paper:* Copy of letter, dated 3 October 2007, from John Quane, President, Limousine Association Queensland Inc to the Minister for Transport in relation to the Transport Legislation Amendment Bill.

**Mr NICHOLLS:** Those letters set out quite clearly the concerns that the Limousine Association has in relation to the provisions of the bill as they apply to the limousine industry. Those documents are tabled with the full knowledge and consent of the president of the Limousine Association Queensland.

Two issues are of concern to the Limousine Association. I will deal firstly with the requirement for electronic booking systems. The correspondence of 30 September and 3 October to the minister outlines the association's concerns about both the consultation undertaken in relation to the development of the legislation, which I will come to, and also the impact of the legislation, particularly so far as it relates to the requirement for electronic records of prior bookings to be maintained. In that regard it is important to note that clause 29 of the bill inserts new sections 87B to 87G in the Transport Operations (Passenger Transport) Act—or TOPTA. New section 87B clearly provides in subsection (1) that the section applies to a limousine service other than a limousine service provided under a special purpose limousine service licence. So those are all the limousines that are available for bookings and for use that are not the special purpose limousines, such as those cars that are over 30 years old—the old chevies and novelty cars—that are used for weddings, formals and special events. Other than those, all limousines are subject to new section 87B of the bill.

Subsection (2) of new section 87B requires the operator of the limousine service—not the driver but the operator—to keep an electronic booking system that is in working condition in the limousine that is used to provide the service. Also in new subsection (2) the operator must make an electronic record containing the prescribed details—and those would presumably be prescribed by regulation—of the booking for the limousine service by using the electronic booking system. Also in new subsection (2) immediately before the limousine is used to provide the limousine service the operator must check that the electronic booking system displays the prescribed details of the booking for the limousine service.

Subsection (3) of new section 87B refers to a driver. It provides that the driver, as opposed to the operator under the prior section, must not use a limousine to provide a service unless an electronic booking system in working condition is in the limousine, that the operator has made an electronic record containing the details of the booking and the booking system displays the prescribed details of the booking for the limousine service.