




Speech By  
**Brittany Lauga**

**MEMBER FOR KEPPEL**

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Record of Proceedings, 20 April 2016

**TRANSPORT LEGISLATION (TAXI SERVICES) AMENDMENT BILL**

 **Mrs LAUGA** (Keppel—ALP) (8.25 pm): I rise this evening in support of the intent of the bill and welcome the foreshadowed amendments from the minister, noting that the government will be voting against the use of demerit points in this legislation but seeking to enhance enforcement measures for the act.

I thoroughly enjoyed being able to travel with the Infrastructure, Planning and Natural Resources Committee around the state when we undertook the inquiry into this bill. We travelled extensively around the state, holding public hearings in Brisbane and the Gold Coast and all the way up to Cairns, Townsville and Mackay. During those public hearings we heard from a large number of taxidriviers and people who are concerned about Uber and its impact on the taxi industry. We received over 550 submissions throughout the submission period, and I note that we received approximately 2,000 form letters from Uber supporters.

The government regulates the taxi industry to provide safe, affordable and reliable services to all Queensland passengers. Taxis provide important services to communities throughout the entire state from the Gold Coast to Thursday Island and towns and cities in between. I thank all of the taxidriviers in Rockhampton and the Capricorn Coast who have come to see me expressing concern about the threat of Uber in Central Queensland. The emergence of illegal taxi services like those provided by Uber has created challenges for government and the Queensland taxi industry.

The government's response was to undertake immediate action to enforce compliance with the existing regulatory requirements which apply to all legal providers of public passenger services. I note that quite a bit of compliance action has been undertaken by the Department of Transport and Main Roads investigators. I understand that more recently those investigations have been impeded by way of those investigators being blocked from the Uber app. During the hearing of the Infrastructure, Planning and Natural Resources Committee I asked Mr Brad Kitschke from Uber whether Uber is actively blocking compliance investigations by the Department of Transport and Main Roads in Queensland. He failed to understand the context of my question, which I thought was relatively straightforward, but he did say—

There have been some incidents of people using the platform outside of the terms of service. When someone uses the platform outside of the terms of service, they are not allowed to use the platform any more.

I was quite concerned about that, because Uber appears to be deliberately preventing people—that is, transport inspectors—using the platform outside of Uber's terms of service, that is, compliance investigations undertaken under Queensland law. I wonder if perhaps we are in 'Uberland' where Uber makes the rules. No, we are in Queensland, and Queensland transport inspectors are conducting investigations in compliance with Queensland law.

A cease and desist order was issued to Uber, yet illegal taxi services continued to operate. I have to disagree with the member for Dalrymple when he says that Department of Transport and Main Roads inspectors have not been trying. We know that more than 18,279 hours of compliance activities have been carried out as of 4 April 2016. It has been difficult for them because on many occasions those investigations have been impeded by Uber using the app to block them.

We know that 530 drivers have been issued with penalty infringement notices, with 440 of these repeat offenders; 17 drivers have had their penalty infringement notices waived; and 189 drivers elected to have the matter heard in court. It is a concerning trend that a large number of drivers are now electing to have this matter heard in court.

In total, penalty infringement notices issued are valued at over \$1.7 million, with almost \$1.5 million already paid. Compliance efforts have been hindered by avoidance tactics of Uber drivers, as I was saying, and by limitations and complexities within the Transport Operations (Passenger Transport) Act 1994. The amendments that I rise to speak in favour of this evening are all about improving those compliance efforts and improving the prospect of prosecution.

Recently, transport inspectors within the Department of Transport and Main Roads undertook a joint operation with the Queensland Police Service and issued a further 10 infringements and 15 defect notices to alleged drivers of Uber services. Infringements issued were largely in relation to defective vehicles, which is also concerning because these vehicles are not undergoing the same safety checks that taxis are required to under Queensland law. The joint operation between the Department of Transport and Main Roads and the Queensland Police Service has contributed an additional 372 hours of compliance activity.

The proposed bill will enhance compliance efforts by increasing the deterrent effect of the offence by increasing the maximum penalty from close to \$19,000 to \$23½ thousand, from 160 penalty units to 200 penalty units, and the infringement notice fine from \$1,413 to \$2,356. The proposed bill will also widen the powers of transport inspectors by allowing them to request a person to give certain information if they suspect an offence has been committed and allowing them to request a person to produce their driver's licence if they reasonably suspect that a person has committed or is committing an offence. Collectively, these changes will allow the government to more effectively enforce the Transport Operations (Passenger Transport) Act as it applies to the provision of illegal taxi services. I am very interested to see how the opposition responds in terms of the amendments proposed by the minister.

The Infrastructure, Planning and Natural Resources Committee noted the advice provided by the Department of Transport and Main Roads that ridesharing services that operate outside Queensland's taxi service regulations are operating illegally and that enforcement action has been attempted through a cease and desist order. The committee understood also that a number of factors have limited the effectiveness of enforcement measures. We noted that the department is currently investigating options, including possible amendments within the existing legislative framework, to ensure compliance can be carried out effectively. The amendments proposed by the minister essentially achieve that. That was what the committee wanted. The committee voted unanimously to support a recommendation that the minister investigate improving compliance enforcement, and that is what is on the table here this evening.

I support the foreshadowed amendments of the minister which will enhance enforcement, give transport inspectors the ability to uphold the law and potentially increase the chance of prosecution. I commend the amendments to the House.