




Speech By  
**Shane King**

**MEMBER FOR KALLANGUR**

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Record of Proceedings, 1 December 2016

**HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT  
BILL**

 **Mr KING** (Kallangur—ALP) (3.59 pm): I rise as chair of the Transportation and Utilities Committee to make a contribution to the Heavy Vehicle National Law and Other Legislation Amendment Bill 2016. I will not kid honourable members: this bill was hard going. The less controversial part of the bill, that being the Heavy Vehicle National Law portion, in essence seeks to make some changes to implement national reforms to chain of responsibility obligations and executive officer liabilities as well as to introduce key heavy vehicle roadworthiness initiatives.

Our committee made two recommendations on this portion of the bill, the first being that the minister work with the National Transport Commission to clarify how the chain of responsibility provisions for pre transport stock preparation apply. We heard evidence—and I will put this as subtly as I can—that a full cow at the farm may bring in a heavier weight when loaded but may not have the same weight at the other end—

**Mr Power:** I don't get it!

**Mr KING:**—and the driver cannot really be held responsible for any effluent lost during transport. That sort of puts it in a nutshell. I am being interjected on by the member opposite but I am not taking his interjection.

**An honourable member** interjected.

**Mr KING:** He may as well be opposite! The second recommendation is that the minister consider whether changes may be required to legislation for bus mass limits.

The rest of the bill proposes to create a regulation providing for a scheme for the payment of financial assistance to the taxi and limousine industry in order to implement the main elements of the \$100 million industry adjustment assistance package. We as a committee listened to stakeholder concerns about both the assistance package and the reform of the personalised transport industry, and I will go into detail about some of these later.

I think it is a bit rich for the other members of the committee—when we were all in bipartisan agreement on this, with 30 recommendations being made and no statement of reservation—to now say that we are doing the wrong thing. In reality, they were in government for a long time and they could have done something. They fouled the footpath, so to speak, and did not do much, but I will go on. Because of the nature of the discussions and emotion in the industry, we did make a lot of recommendations on both the assistance package and the broader industry reform process. I was pleased, as I have said, that the committee was able to agree unanimously on all of the recommendations in this report.

I would like to repeat what I said in our report, and that is that I would like to commend the taxi and limousine industries for their stoic adherence to the laws and regulations relating to their industries during what has been a very difficult time for them. As a committee we listened to many heartfelt admissions of the difficulty the industry has faced since the appearance of ridesharing apps, and their pride in the industry came through very clearly to all during this process.

As we travelled throughout the state, a few consistent messages came through from the taxi and limousine industries. One was that the industry does not fear competition—in fact, it welcomes competition. They cannot compete on what they feel is a very uneven playing field. Someone equated it to trying to run a race with only one leg. It is not fair. It was hard to get our message across, with that sort of feeling out there, that the mooted \$20,000 payment was not compensation for a licence but a payment to assist in the transition period while ridesharing operators integrate into our transport system.

We heard from limousine owners and operators, taxi owners and operators, drivers, lessees and lessors. The consistent messages we heard were that there needs to be a licence for rideshare operators. There needs to be consistency in CTP insurance across the industry. The security of a camera in the car should also be enforced across the industry. Industry adjustment payments and hardship payments should be extended to operators as they are suffering as well and any payments need to come soon or the industry will struggle to survive. It is my personal belief that the industry must survive. I cannot see rideshare operators doing the small jobs in my electorate for elderly and disabled people who do not have a car and who simply want to go and get their groceries. We heard from the regions the fear that disability taxi services from the regions could disappear altogether if the playing field is not evened up.

We heard from people such as Melita in Mackay—whom the member for Southport mentioned—who is 79. She is back driving a cab because she cannot keep drivers. We heard from elderly owners who have leased their licences who claim they are not making enough from their leases to survive. They have been to Centrelink but have been told they have too much asset value to claim benefits, so they are back driving themselves. We heard from owners who claimed to have banks threatening to foreclose on them because their licence, which they have borrowed against, no longer has any value. We heard from owners who have their licences in structures such as trusts, non-commercial super funds and small companies. They wanted us to recommend that they not be excluded from assistance under the industry adjustment assistance package simply on the basis of the ownership structure of their licence.

We also heard that rank-and-hail services, which will remain exclusive to the taxi industry, are not as relevant here as they are in New South Wales where similar legislative change has occurred. We heard the ratio of rank-and-hail to booked services in New South Wales is 80 to 20, whereas in Queensland it varies from region to region. The best we have is 40 per cent rank-and-hail to 60 per cent booked. This makes, from what we heard, retaining the exclusivity of rank-and-hail less of a win for the industry, particularly in the regions. I must say that the industry felt very strongly that they want to hang on to the rank-and-hail and they thought that the penalties for rideshare operators poaching on rank-and-hail should be severe, and some of the suggested penalties were indeed harsh.

We as a committee made 28 recommendations on this portion of the bill. I will go through some of these recommendations which have been supported as they are important to the industry and I think we have got a lot of stuff right here. We recommended that the minister consider amalgamating the industry adjustment funding with the hardship funding to provide the framework for a more equitable assistance package that enables the composition of hardship and transition support to be adjusted depending on the needs and impacts of individual licence owners. Subject to the finalisation of the eligibility criteria, any surplus funds from the transitional assistance scheme will be applied to the hardship fund.

We recommended that the minister consider engaging the Queensland Rural Adjustment Authority to manage the application, assessment, payment and reporting process for the package. They do that well. We are in the process of finalising with the Queensland Rural Adjustment Authority the administration arrangements for the package.

We recommended that the minister review the eligibility of people who own taxi and limousine licences in structures such as trusts, non-commercial super funds and small companies. The government supports the inclusion of licence holders in these structures such as trusts et cetera, as the minister said in his second reading speech. Someone did not hear that, but the minister said it quite clearly in his second reading speech.

We recommended that the minister investigate including taxi operators as eligible recipients of hardship assistance because we heard loud and clear they were also negatively impacted. We are continuing to work with the industry including consulting with the Personalised Transport Industry Reference Group. Amendments will be introduced to the bill, as the minister said, to enable flexibility to include operators in the process.

We recommended that the minister consider extending the business advisory support program to include legal assistance and advocacy support for industry participants in negotiations—some of whom are in complex negotiations—with financial lending institutions regarding loans. We will consider the inclusion of these services as we finalise the scope of services available under the business advisory services.

We recommended that the minister consider extending the incentive payments for wheelchair accessible services beyond year 1. It is intended that this payment will continue into subsequent years subject to normal budgetary processes.

**Mr Power** interjected.

**Mr KING:** I will take that interjection. We recommended that the minister consider providing additional financial support directly to wheelchair accessible services to ensure these services continue to be provided across Queensland and that the minister consider funding this from the licence fee. That has been supported in principle. We will continue to monitor the provision of personalised transport services to people with disabilities. If evidence indicates that government intervention is required, the government may consider a range of options not limited to direct financial support to maintain service levels. They may include legislative and regulatory changes.

We recommended the minister investigate financing the vehicle improvements required to provide wheelchair accessible services if it can be demonstrated that financial institutions will not provide those funds. Once again, this was supported in principle. The government will continue to monitor the provision of personalised transport services to people with disabilities. If, once again, evidence indicates government intervention is required to maintain or enhance the availability of wheelchair accessible vehicles in the state's fleet, options to address the issue will be examined.

We recommended the minister ensure the Personalised Transport Industry Reference Group, and any other group established to consult on personalised transport industry reforms, has at least one representative from the disability advocacy sector. That is definitely happening. The first Personalised Transport Industry Reference Group meeting occurred on 8 November this year. A representative from the disability access sector, who is also on the TMR Accessibility Reference Group, is one of the confirmed standing members of the Personalised Transport Industry Reference Group.

The member for Southport was not aware of this next bit and this will make him feel better. We recommended the minister investigate making provision for people who have paid their taxi service licence fees and operator accreditation fees in advance to apply for a refund. The Department of Transport and Main Roads currently considers applications for pro rata refunds in relation to service licence and operator accreditations in circumstances where it is cancelled or surrendered. Decisions concerning refund applications are made on a case-by-case basis.

We recommended that the minister investigate reports that lending institutions are foreclosing on taxi licence loans and explore options for securing or assuring lending institutions that taxi licences continue to have a residual value. The concerns by the industry are noted. The minister has written to the Commonwealth Minister for Finance and the Australian Prudential Regulatory Authority raising the issue of loan foreclosures and is awaiting a response. The government is on to that one as well.

We recommended the minister consider providing urgent advice to the Commonwealth government/Centrelink on estimated current taxi licence values, based on region, to provide assistance to licence holders who are unable to access social security benefits due to asset test provisions which deem the licence to have a value based on the last sale prices. That has been supported in principle. Once again, the industry's concerns have been noted. In response, the minister has written to the Commonwealth Minister for Social Services raising the issue and is awaiting a response.

We recommended the minister seek input from representatives of each of the sectors involved in the taxi and limousine industry, as well as the Personalised Transport Industry Reference Group, prior to the industry adjustment package being finalised. That has happened and all views are being taken into consideration by government in the design of the scheme.

We recommended that the government investigate the possibility of personalised transport operators being able to pay their registration and compulsory third-party insurance on a monthly basis. That was an important issue that came up at our Caboolture hearing. The Department of Transport and Main Roads recently expanded three-month registration and compulsory third-party insurance terms to taxi and limousine operators. Further, for those under significant financial stress, the department has also implemented for affected taxi and limousine operators a manual two-month period. Both are obtainable by contacting the department's customer service centres.

We recommended the minister consider introducing an outcome based regulatory requirement that all taxis and ride-booking vehicles have cameras installed, as has been mentioned earlier, and ensure that camera footage cannot be tampered with and that it be available for a minimum of three months. As part of stage 2 reforms, the government will investigate if security cameras are required for all personalised transport vehicles. Security camera requirements will be reviewed with a view to removing prescriptive specifications delivering an outcomes focus approach, and safety is the main key.

We recommended introducing a requirement for all drivers of wheelchair accessible vehicles to be suitably trained to provide services for passengers with disabilities. Training for wheelchair accessible vehicles remains an industry obligation. However, the government, once again, as part of stage 2, will consider this.

We recommended the minister consider significantly increasing the penalty for noncompliance with regulations that protect taxi rank-and-hail work, as I said earlier, and illegal operations to a more meaningful level and that the new penalty be introduced urgently. The government has increased the fine for illegally stopping at a taxi zone from \$48 to \$243. This change will be in addition to recent increases to fines for related offences—including offences for soliciting and touting, which went from \$243 to \$487, and providing a taxi service in a vehicle that is not a taxi, which went from \$1,462 to \$2,438. As part of the stage 2 reforms, we will further consider significant monetary and non-monetary penalties under the proposed change of responsibility framework—although perhaps not some of the more radical ones that were suggested in our hearings.

Several other recommendations—and I will not go through any more—have already been supported and addressed in the minister's second reading speech. The implementation of these recommendations will go a long way to helping the industry to survive. The industry must survive—

**Mr Rickuss** interjected.

**Mr KING:** On that note, I encourage everyone—including those who would interject and not listen—to support the bill so the industry can get some much needed support as soon as possible. I would like to end by thanking the committee members—the members for Murrumba, Logan, Southport, Redlands and Whitsunday—for the collegiate way we worked together on this. We really did work as a group and it was very good that we did. As always, I would like to thank our hardworking secretariat—Kate, Rachelle, Mishelle and Trudy. I commend the bill to the House.