




Speech By  
**Andrew Powell**

**MEMBER FOR GLASS HOUSE**

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Record of Proceedings, 24 May 2017

**TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL**

 **Mr POWELL** (Glass House—LNP) (4.23 pm): The revolving door of Labor transport ministers—Trad, Hinchliffe, Bailey—sorry Trad, Hinchliffe, Trad, Bailey—

**Mr BAILEY:** I rise to a point of order. I am not the Minister for Transport. The member is actually factually incorrect.

**Mr POWELL:** I have not finished my sentence.

**Mr DEPUTY SPEAKER** (Mr Stewart): Will you withdraw?

**Mr POWELL:** He has not taken offence, Mr Deputy Speaker. I have not even finished the sentence. If he had allowed me to do that he might actually appreciate the nuance—

**Mr DEPUTY SPEAKER:** Do you take offence to what the member has said?

**Mr BAILEY:** The member is factually incorrect when he says I am the Minister for Transport. He has made the same mistake as the member for Southport. It is not a good start to the debate I have to say.

**Mr DEPUTY SPEAKER:** There is no point of order.

**Mr POWELL:** The revolving door of Labor ministers responsible for the personalised transport industry—Trad, Hinchliffe, Trad, Bailey—has consistently bungled the changes to the taxi and rideshare industry. First, we had the Deputy Premier sit on her hands for nine months despite promising the industry—promises that I have had reiterated to me by taxi owners and operators across the length and breadth of this state—and promising passengers that these changes would be in place with the expiry of the Queensland taxi strategy at the end of 2015.

The government then embarked on a 12-month review, stringing everyone along while not providing an industry in turmoil with certainty. The member for South Brisbane really is the epitome of the 'review, not do' mentality of this government. What is more, they promised to position the industry for the future. They promised but they did not deliver because the member for Sandgate subsequently announced a policy literally from nowhere catching stakeholders by surprise as it had very little in common with the issues or the options canvassed by the Varghese review. This policy was little more than a glossy brochure detailing nothing other than the repeal of a number of regulations by 5 September. That is the time these bills should have been introduced. Given the nine-month delay, the 12-month review and policy that had clearly been written while Jim Varghese was still undertaking his review, these bills with the lack of certainty they provide should have been put in place from the moment the industry was largely deregulated in September of last year.

People do not govern by ripping out laws leaving a vacuum while they roll the dice to decide what to do next. The regulations proposed to be ripped out by this Palaszczuk Labor government were ill thought through and it was up to the LNP opposition to disallow some of these changes in the interests

of driver and passenger safety. It was then up to the LNP to shame the member for Sandgate into getting his industry assistance package into parliament. Without the LNP there would have been no payments going out to licence owners before Christmas last year. While we received a concession from the government that the payments would be extended to operators and licences held in trusts, the government refused the LNP's amendments to remove the unfair two-licence cap. I point out to the many taxi licence owners and operators who are listening to this debate this afternoon that that is indicative of our ability from opposition to influence key aspects of legislation pertaining to the personalised transport industry. The opposition is limited in its ability to influence financial aspects of industry assistance packages in accordance with longstanding laws of this parliament. That is not to say we have not desired to do that—and clearly removing that two-licence cap would have been preferable—but we were unable to do so.

It was the LNP's amendments which held the government to a time frame, a time frame that has seen the introduction of these final stages to the legislative changes. Without the leadership of the LNP, the industry would still be strung along by a dithering, do-nothing government. The uncertainty and instability was crippling the industry, and the passengers were getting fed up. In contrast to this bungling government, I would like to share with the House the LNP's plan.

After listening to passengers, drivers, owners and operators, the LNP believes the government's efforts with the personalised transport industry should be refocused to stand up for the safety of passengers and provide the industry with certainty and stability. The LNP will continue to listen, plan and act for passengers and the industry to fix Labor's mess. Our policy announced alongside small business owners in the taxi industry restores certainty, gives industry a real seat at the table and sets out our principles in building the future of the personalised transport industry. We guarantee that an LNP transport minister or, if the Minister for Main Roads wants to be precise, the LNP minister responsible for personalised transport, will hear about issues and ideas firsthand from stakeholders because what we have heard from the industry is that this minister and his many predecessors simply are not listening.

They do not want to listen to passengers, drivers, owners or operators. A Tim Nicholls LNP led government will also appoint an independent personalised transport commissioner whose role will be outlined in legislation and remove politics from the lives of small business owners who have been neglected as a result of the actions of this government. Our independent commissioner will advise government on policy settings and regulatory functions. They will be appointed after consultation with the industry, act as an ombudsman for the industry and be a source of frank and fearless advice to the minister. These things have been clearly missing under the tenure of ministers Trad, Hincliffe and Bailey.

Importantly, the commissioner will look to the future to see how we can restore fairness in an industry that has been decimated by uncertainty. In the future we do not want to be in the situation where our laws are not adaptive enough to deal with change. The LNP's policy for an independent commissioner will enable them to make recommendations about safety laws and regulations on such things as cameras, licensing requirements and vehicle identification. These are serious issues regarding safety and technical specifications. The commissioner will also look at removing unnecessary red tape which puts extra costs on to small businesses, drivers and passengers. To ensure that industry voices are always heard by the government, the LNP will appoint a personalised transport ministerial council consisting of the minister, commissioner and industry stakeholders. This will give industry a regular opportunity to raise issues with the minister and contribute to future directions of policy.

What this industry needs is a government with clear principles in relation to the future of personalised transport in the state of Queensland. The LNP will: ensure safe transport for passengers and drivers; reduce red tape for cheaper fares; respect owners, operators and drivers; and introduce a level playing field with certainty and stability for businesses. The government claims that this bill achieves those elements, and I will read out some of the key aspects of the bill that this legislation claims to achieve. Measures to strengthen safety standards across the industry include: a new chain of responsibility; a general duty relating to the management of driver fatigue; extending the requirement of a zero blood alcohol concentration to any person who drives; and providing a specific power to make regulations relating to the use of security cameras and other recording devices. It also claims to provide greater customer choice and flexibility by: introducing a new licensing framework for booked hire services; preserving existing taxi service licences and introducing a new licensing framework for taxi service licences; and preserving existing limo service licences and allowing limousines to be used to provide booked hire services.

The bill speaks of driving innovation and improved customer service standards by: removing requirements for taxi service bailment agreements between operators and drivers; giving the chief executive discretion to not charge the taxi industry security levy for a particular financial year; and

allowing maximum fares to be specified for all taxi services and booked hire services for certain persons or types of vehicles or in a taxi service area subject to market entry restriction of using only taxis or limousines. Measures in the bill to ensure accountability and clearly defined obligations include: a new booking entity authorisation regime for booking entities; significant financial penalties and non-financial sanctions for the provision of unauthorised taxi or booked hire services; and establishing audit powers for investigating compliance. That is what this legislation claims to achieve, but in reality it misses the mark.

I do not want people to take my word for it, because whether you are a taxidriver, a taxi owner, a taxi operator, a limousine licence owner or operator, or a ridesharing driver or company, it seems that everyone is unhappy with some or all of this legislation. Yesterday I spoke to some members of the Limousine Association of Queensland. I would like to refer to notes they provided me, which state—

1. The new licensing framework will provide customers with greater choice and flexibility. A booked hire service licence will be created ensuring that all personalised transport service providers are licenced
2. Page 3 of the release dealt with “Practical Licensing arrangements. Namely
  - a. Taxi Service Licences
  - b. Limousine Service Licences, and
  - c. Booked Hire service licences.
3. When this was released the Limousine Association was pleased to see that the Limousine section of the Transport horizon was going to be retained. We had met with the minister on a couple of occasions stating our case for the industry to be retained.
4. In the amendment bill a new chapter 7 was inserted and contrary to the Minister’s release giving the definitions, only the Taxi and Booked Hire services were defined, There have been a couple of insertions mentioning Limousines but as a distinct class they have not been defined as per the Ministers release.
5. In the explanatory notes TMR have inserted that the concept of a distinct class will not be retained as Luxury services can be provided using a booked hire vehicle.
6. We the LAQ total repudiate that statement as in the release the Minister outlined the privileges that Limousines would be retained.
  - a. The right to use priority lanes or areas, bus and transit lanes
  - b. The right to advertise themselves as a Limousine
  - c. Existing exemptions under the liquor Act 1992 that enables the serving of alcohol

**These are not permitted in a ride booking vehicle.**

We have had numerous meetings with TMR and on all occasions they have strenuously advised us that they can only do what the Minister directs them to do.

It appears that with the release of the amendment bill TMR have not followed the directions of the Minister or they would have defined the 3 classes in chapter 7 and clarified it in section 91.

It appears the Committee hearing while acknowledging our concerns with Chapter 7 did not seem to understand the ramifications if the 3 distinct classes are not stated in the definitions.

They did however pick up on the “hire on the spot” definition only related to Taxi services.

I am happy to table that contribution for the minister’s consideration, because it does outline the LAQ’s position when it comes to possible amendments for consideration by the government.

*Tabled paper:* Document titled ‘Meeting points with the Shadow Minister’ [778].

I have also heard from members of the Limo Action Group. Their concerns with regard to the legislation include the topic of lease and surrender. I again quote from their contribution, which states—

The draft legislation provides for Limousine Licence to be either leased or surrendered. Considering the uncertainty in the industry due to the governments initial announcement that they were going to cancel Limousine Licences, and this draft legislation allowing for regulation to offer a parallel licence at an incredibly low cost, many Limousine Licences are not leased. Also, in a normal market there are periods of change and disruption when Licences may not be leased.

Without an amendment to the legislation it would allow for these perpetual licences to be seized by the department without any opportunity for the owner of the licence to lease his licence.

They go on to talk about the proposed regulation and their concern about the proposed ride-booking fee of \$237.26. They go into a considerable explanation and state—

**An annual booked hire fee already exists.** A Special Purpose Limousine Licence is currently an annual booked hire licence. It has been in place since 2007 and the current annual fee is \$2480.80.

These licences are referred to by the Minister as “*substantially similar*”. The explanatory notes on this Bill state “*that the new booked hire service licence will effectively take their place.*” and they “*effectively permit the holder to provide the same services for the same term*”

It is not surprising that the Limo Action Group ask how the licence fees can be so different—\$237 compared to nearly \$2,500—if they are providing a similar service. They also have concerns with regard to looking and acting like a limousine. They go on to state—

There are regulations that ensure only a Taxi can look and act like a Taxi. The Limo Action Group require similar regulations for Limousines.

Currently we often see ride booking vehicles with personalised plates to impersonate a Limousine.

The minister will again see examples provided by the Limo Action Group in that regard when I table this correspondence. The Limo Action Group also has concerns about CTP. They want to remain in class 4 and for ride booking to have their own class of CTP. They further state—

The committee recommendation was to review the CTP in 18 months after Limousines and Ride Booking were in class 26. The Limo Action Group request that Limousines remain in class 4 and the same review be made in 18 months to consider moving Limousines to class 26.

I table that contribution from the Limo Action Group for the benefit of the Leader of the House and particularly the minister.

*Tabled paper:* Letter, dated 21 May 2017, to Mr Andrew Powell MP from Limo Action Group, regarding proposed amendments to passenger transport legislation [779].

The Taxi Council made its objections very public by issuing a 20-point list of requirements. I will spend some time addressing each of these requirements. I am pleased to say that all of these points either are supported by the LNP or will be addressed by the independent personalised transport commission set up by our policy, should the LNP be successful at the next election.

The first requirement is to establish an independent personalised transport commission. That is a big tick for the LNP. We have made a commitment to set up an independent personalised transport commission. Point 2 relates to bailment agreements. The LNP members of the committee made it clear that this government has it around the wrong way. The agreement should remain while a review is undertaken. If the minister is unable to make that change today then the LNP's independent commissioner will address this potential gap in employment conditions as a matter of priority.

Point 3 relates to security camera requirements. We have made our position regarding cameras very clear: passenger safety has to be the priority. While the Palaszczuk government has said that it wants to move towards outcomes based requirements for in-car cameras, we have seen no detail in this regard. Again, the LNP's independent commissioner will provide advice in relation to the standard of technology used and the extent this is required throughout the industry.

Point 4 relates to the GPS tracking of vehicles. Again, we need to see what standards are being proposed by the government. Point 5 relates to a requirement to have in-car emergency systems. What is clear with these points is that passengers and drivers must be safe. There must be no politics around their safety. That is why, again, our independent commissioner will be providing advice with regard to these safety points.

Point 6 is about ensuring that personalised transport laws are consistent with disability discrimination and occupational health and safety laws. The government has said that training standards will be set by the chief executive. We have not yet seen what those requirements will be. At this stage we will take the government at its word that safety and disability standards will be maintained. We will be watching with keen interest to see what requirements are set by the department. Point 7 is about dedicated numberplates for personalised transport vehicles. Again, the LNP has been clear from the start that this will be considered by the independent commissioner.

Point 8 relates to compulsory third-party insurance. There seems to be a significant argument that limousines and ride-booking vehicles should not be contained within the one CTP class, as I just outlined in relation to the Limo Action Group. The LNP believes that this needs further review and that only a fair and independent personalised transport commissioner can ensure there is a balanced assessment of CTP classes and premiums. In relation to point 9, the LNP supports the call to ensure all operators or drivers are covered by appropriate public liability insurance.

Point 10 refers to vehicle age restrictions or standards. In the absence of vehicle age restrictions, the TCQ wants to establish clear vehicle quality and usage rate standards and hold operators accountable. It was the LNP that wanted to retain some form of age restriction on vehicles in the first place. We would consider an alternative way of ensuring the standard of vehicles on our roads and, based on the independent commissioner's advice, we will consider introducing vehicle standards for personalised transport services.

Point 11 relates to licence fees for booked hire service drivers. The LNP members of the committee were keen to find out if the current fee regime accurately reflects TMR cost recovery. They were unable to get a straight answer. The LNP will ensure there is funding available for compliance activities. We are also cognisant of the fact that higher costs for any part of the industry puts pressure

on fares paid by passengers. Serious consideration should be given to the modernisation and automation of these processes and the reduction of paper forms and applications to put downward pressure on those costs and, ultimately, on fares.

Point 12 relates to ABN and GST. All drivers must have an ABN and be registered for GST before receiving a driver's authorisation. The LNP will explore how these requirements of the federal government can work with the application process undertaken by TMR, bearing in mind that we are hesitant to see more red tape and paperwork.

Point 13 relates to chain of responsibility and fatigue management. The LNP has heard a number of stakeholders express concerns that the proposed fatigue management and chain of responsibility laws do not do enough to address drivers who may be working on different platforms and are therefore in breach of fatigue management requirements. I note that the minister spent some time addressing this in his second reading speech and has suggested that they will be based on the Heavy Vehicle National Law in relation to both fatigue management and chain of responsibility. It would be good for the minister to again clarify what the government intends to do about this loophole. If what is being proposed does not fully address it then it is certainly something we will be asking the independent commissioner to look at further.

Point 14 relates to fully integrating taxis into the go card public transport network in the short term. We genuinely think this is a worthwhile policy which the government should be considering through the next generation ticketing project. If it will not, we certainly will.

Point 15 relates to hailing and touting. The LNP is supportive of measures to increase penalties where taxi ranks are used unlawfully or where personalised transport vehicles other than taxis are caught undertaking hail jobs. Consideration should be given to increased enforcement of these zones and the use of technology in monitoring registered personalised transport vehicles. The LNP will also consider the legal definitions around 'hailing' and 'touting' to provide clarity to drivers.

Point 16 relates to expressly prohibiting the establishment and operation of booked hire service pick-up and drop-off zones on public and private land which represent pseudo taxi ranks. The LNP believes there does need to be clarity around what constitutes a taxi rank. Regarding private property, we would need to carefully consider the implications on property rights. Changes would have to be in the interests of road safety and protecting passengers.

Point 17 relates to a register of drivers. As part of the driver authority system, the department should be maintaining a register of drivers that have been disaffiliated.

In relation to points 18 and 19, the LNP believes that processes should be put in place to ensure the Queensland Police Service is able to access relevant evidence in the possession of taxi, rideshare or other personalised transport operators. I do note that the minister addressed this in some way in his contribution. Provision should be made for access to travel and customer trip data in the same way that camera vision must be provided to authorities in relation to criminal or illegal activities. The safety of passengers and drivers must be the first priority of the Queensland government's laws and the QPS should be able to undertake police checks.

In relation to point 20, the TCQ has requested laws to maintain the capacity of the minister to enter into service contracts at their discretion. This ability will be reviewed by the independent commissioner. While we understand the need for the minister to be able to act quickly in the interests of the market and passengers, we have been clear and consistent about the need for certainty in the industry. I have explained in some detail the LNP's position on each of the points in that comprehensive list of requirements by the Taxi Council Queensland.

I said earlier that no element of industry seems to be happy with this legislation. I am also aware that ride-booking services like Uber are also unhappy with elements of the legislation, including changes to mandatory vehicle signage. The Palaszczuk Labor government has achieved an astonishing feat: not one element of the industry it is regulating is happy with what it has produced. One member of the industry who appeared before the committee, Mr Andrew Francis, communicated to me, 'I think it needs a major rewrite because there are so many problems with it.'

When legislation is this bad, your starting point would be to vote against it. However, following extensive consultation with each of the elements of the industry—taxi, limousine and ride booking—one thing they are all seeking is a level of certainty and stability. We have been clear about the need for confidence to be restored to the industry. After talking to stakeholders, including the TCQ, it is clear that the industry would not be served well by the LNP voting these laws down. If this bill does not pass there will be a void in the laws allowing for cowboy operators and potentially putting passengers at risk, so the LNP will not be opposing this bill.

If we are not opposing the bill, the next question we need to consider is whether the legislation should be or can be amended and, if so, how it should be amended. I think I have clearly enunciated that the bill should be amended. Whether it can be amended is another question altogether. There is always a danger in amending bad legislation. Experiences by all parties in this chamber, both in government and in opposition, have shown amendments passed on complex legislation at the last minute can often go badly awry. So what then?

The LNP has articulated our alternative approach. That will be the plan we will put to the personalised transport industry and to Queenslanders. The LNP will ensure: safe transport for passengers and drivers; reduced red tape for cheaper fares; respect for owners, operators and drivers in a fair playing field; and certainty and stability for businesses. Our plan centres around, as requested specifically by the taxi industry, the appointment of an independent commissioner. Quite frankly, you do not agree to appoint an independent commissioner and then support kneejerk substantive amendments to this bill, so we will not be doing that. Instead, we will task that independent commissioner with considering the outstanding concerns raised by each element of the industry including, but not limited to, vehicle identification, safety and cameras, bailment agreements, service agreements, CTP, rank-and-hail enforcement, fatigue management, fees and red tape and, most importantly, how to truly prepare the industry for the future.

In conclusion, passengers, drivers, owners and operators know that it will be an LNP government and the LNP's policy for an independent personalised transport commissioner that will restore fairness, restore certainty and restore respect to the taxi, limousine and rideshare industry.