




Speech By
Hon. Mark Bailey

MEMBER FOR YEERONGPILLY

Record of Proceedings, 21 March 2017

TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL

Message from Acting Governor

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (12.46 pm): I present a message from Her Excellency the Acting Governor.

Mr DEPUTY SPEAKER (Mr Crawford): The message from Her Excellency recommends the Transport and Other Legislation (Personalised Transport Reform) Amendment Bill. The contents of this message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL 2017

Constitution of Queensland 2001, section 68

I, CATHERINE HOLMES, Acting Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995 and the Acts mentioned in schedule 1 for particular purposes


(sgd)

ACTING GOVERNOR

Date: 21 March 2017

Tabled paper: Message, dated 21 March 2017, from her Excellency the Acting Governor, recommending the Transport and Other Legislation (Personalised Transport Reform) Amendment Bill [\[455\]](#).

Introduction

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (12.47 pm): I present a bill for an act to amend the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995 and the acts mentioned in schedule 1 for particular purposes. I table the bill and the explanatory notes. I nominate the Public Works and Utilities Committee to consider the bill.

Tabled paper: Transport and Other Legislation (Personalised Transport Reform) Amendment Bill [\[456\]](#).

Tabled paper: Transport and Other Legislation (Personalised Transport Reform) Amendment Bill, explanatory notes [\[457\]](#).

I present a bill for an act to amend the Transport Operations (Passenger Transport) Act 1994 and other acts to deliver the second stage of the Palaszczuk government's personalised transport reform program. Taxis and limousines have provided personalised transport services for Queensland residents, visitors and businesses for many years. In doing so, this industry has made and continues to

make an important contribution to the Queensland community. Like many established industries, recent technological innovation has created new opportunities for the provision of taxi and limousine services, particularly through the emergence of app based booking platforms. This new technology enables customers to quickly and easily compare the services offered by different providers. Comparisons of this type were unthinkable until quite recently and the public has embraced these developments.

The reality though is that any technological development poses critical questions of the established regulatory frameworks that govern their respective industry. Through the personalised transport reforms contained in this bill and proposed subordinate legislation, the government is finding a new regulatory balance for the personalised transport industry that takes into account all industry participants. The overarching objective of these reforms is to provide a fairer playing field across the whole personalised transport industry, making necessary structural adjustments to allow existing taxi and limousine businesses to adapt to the changing market while also accommodating new and emerging industry participants to provide customers with greater choice and encourage innovation and growth in the market. At a time of significant structural change, it is more important than ever to get the policy and regulatory settings right to allow this sector to adjust and develop for the benefit of Queenslanders.

The journey of this bill is well known. In October 2015, the government commissioned an independent task force to investigate opportunities for the reform of personalised transport services in Queensland. The task force delivered its report to the government in July last year. The government supported most of the task force recommendations and on 11 August last year released a five-year strategic plan to implement statewide reform of the personalised transport industry.

The first stage of the reform program involved immediate regulation amendments in September last year that allowed ride-booking services to operate in Queensland within the current regulatory framework. These amendments also removed nearly 80 requirements on the existing taxi and limousine industry but, most importantly, ensured safety requirements, such as vehicle inspections and driver authorisation, were maintained and extended to all personalised transport services. To accompany the first-stage reforms, a \$100 million industry adjustment assistance package was created to help the existing taxi and limousine industry through the period of structural adjustment.

I am pleased to report that over \$57 million of the \$60 million in transitional assistance payments has been distributed to existing taxi and limousine licence holders. This will soon be followed by the distribution of a \$26.7 million industry hardship fund to eligible taxi and limousine licence holders and operators from next month, subject to a regulation amendment being made. The assistance package also includes business advisory support and fee waivers for the existing industry and a \$20 payment to drivers of wheelchair-accessible taxi services for taxi subsidy scheme members to incentivise the provision of these services.

The second stage of the reforms will provide a new, fairer regulatory framework for all personalised transport services through the amendments contained in this bill and supporting regulations. The bill delivers for Queenslanders on four fronts: it strengthens safety standards for the whole personalised transport industry; it provides customers with greater choice and flexibility; it encourages innovation and improved customer services through reduced red tape; and it clearly defines obligations and ensures accountability of all parties involved in providing personalised transport services.

Safety is always the top priority for the government and the bill focuses on the safety of personalised transport services, creating consistent safety standards across the industry. Specifically, the bill introduces a primary safety duty on all parties involved in providing these services, with significant penalties of up to \$3.5 million, or five years imprisonment, for noncompliance. These provisions have been modelled on safety duties under the Heavy Vehicle National Law and Queensland work health and safety legislation. All parties in the chain will also have a shared responsibility to manage driver fatigue to further enhance safety.

Under the bill, all drivers will be required to have a zero blood alcohol concentration when using a vehicle to provide a personalised transport service or any other public passenger service. This will apply not only while the passenger is in the vehicle but also, for example, while the driver is logged on to a booking platform waiting for a booking or on the way to pick up the passenger.

Following passage of the bill, regulation amendments will also be progressed to require security cameras in personalised transport vehicles where the passenger is anonymous or where payment is made in cash or during the journey. The need for cameras in these circumstances has been identified due to the higher risk of assault, theft and fare evasion. Less prescriptive camera requirements will also make camera systems more affordable.

Regulation changes will also require booked hire vehicles to have an annual certificate of inspection rather than a safety certificate to ensure uniform inspection standards across all personalised transport vehicles. Booked hire vehicles will need to obtain a new class of compulsory third-party insurance that takes into account the commercial use of the vehicle. All personalised transport drivers will be required to be trained, including in disability awareness and anti-discrimination. All drivers will also continue to be required to hold driver authorisation.

This bill delivers greater choice and flexibility for customers within a fairer playing field by introducing a new licensing framework for booked hire services with an annual licence. The purpose of the new licence is to ensure that the persons providing services are suitable and accountable and that the vehicles used are safe. Existing taxi and limousine licences will be preserved and a new licensing framework will be introduced for taxi licences. No new taxi licences will be issued until next year at the earliest to allow time for the market to stabilise. Taxis will retain exclusive access to the rank and hail market.

The retention of limousine licences is a departure from the previously announced government position and is a result of listening to the industry. Limousines will retain their L-plates and their ability to use special purpose lanes and serve alcohol. This policy change will be welcomed—and has been—by the limousine industry. Special-purpose limousines, which are annual licences, will be phased out over the next three years given that the new booked hire service licence will effectively take their place.

The bill will allow for subsidised fares for people with a disability under the taxi subsidy scheme to be extended to booked hire vehicles in the longer term if this is considered appropriate. In the short term, taxis only will continue to provide these subsidised services as taxis are required to comply with Commonwealth disability standards for accessible transport.

To support industry innovation and the reduction of red tape, the bill removes the requirements for service contracts with taxi booking companies in recognition that the new booking entity authorisation regime will replace service contracts. The regulation of bailment agreements between taxi operators and drivers will also be removed as this is a workplace relations matter regulated under other legislation. The requirement to hold operator accreditation will also be removed for all personalised transport operators under proposed regulation changes following the passage of the bill. However, any safety duties associated with operator accreditation will be maintained through the chain of responsibility and specific requirements such as vehicle maintenance.

The bill delivers industry accountability by establishing the new industry chain of responsibility to ensure each responsible party involved in providing personalised transport services takes reasonable steps to prevent the commission of an offence and minimise risk in relation to their activities. This includes booking entities that arrange bookings, licence holders, operators who provide services and drivers.

The bill will also introduce a new requirement for those who provide booking services, including sole operators, to hold booking entity authorisation. Foreign booking entities will be required to appoint a local nominee to ensure there is a presence in Australia and that the new laws can be enforced against such entities. Significant financial and non-financial penalties will be imposed under the bill for the provision of unauthorised personalised transport services to act as an effective deterrent. This includes significantly higher penalties of up to \$350,000 for repeat offenders and driver licence suspension for drivers of unauthorised services. Audit powers will be established to investigate compliance and relevant parties will be required to provide service related data.

I am confident this bill strikes the right balance and provides the appropriate regulatory framework for the new environment that personalised transport providers are operating in. The government will vigorously enforce this legislation, with compliance and enforcement activity targeted towards ensuring the safe provision of personalised transport services and protecting the rank and hail market for taxis. Those who show blatant disregard for the laws will be met with swift action and harsh penalties. To ensure enforcement is addressed in a fiscally responsible way, it is intended to draw on the experience of existing departmental front-line compliance resources and recruit additional resources to reflect the significant compliance effort that will be required.

This bill is the result of a measured, consultative approach and it delivers an agile, modern and simplified regulatory framework. This next stage of reform demonstrates that we have listened to the views of stakeholders, including through the Personalised Transport Industry Reference Group and have addressed, as best we can, many of the challenges they face. The reforms in this bill are practical, equitable and enforceable and strive to support a robust and evolving industry into the future. The outcome will be a regulatory framework that promotes safe and accessible services, greater customer choice, innovation and accountability across the industry.

Finally, I want to briefly address the truncated time frames imposed on this government by the opposition as a result of an amendment to the Passenger Transport Act passed at the end of last year. To comply with this amendment, I was required to table in parliament by 9 March this year a draft bill and subordinate legislation in response to some aspects of the stage 2 reforms, including the new booked hire service licence framework. This government has gone above and beyond this requirement by tabling the complete bill for all stage 2 reforms on 9 March. The bill has been delivered over two months ahead of schedule without compromising on quality. The phased commencement of the bill is proposed from mid-2017 to allow time for implementation. This is particularly important to allow industry participants to prepare for the new framework and adjust business models to ensure they comply with the new requirements. I commend the bill to the House.

First Reading

Hon. MC BAILEY (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (1.00 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Public Works and Utilities Committee

Mr DEPUTY SPEAKER (Mr Crawford): Order! In accordance with standing order 131, the bill is now referred to the Public Works and Utilities Committee.