




Speech By
Hon. Mark Bailey

MEMBER FOR YEERONGPILLY

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TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL

Second Reading

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (4.05 pm): I move—

That the bill be now read a second time.

From the outset I would like to extend my thanks to the Public Works and Utilities Committee for its consideration of the Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017. This is a comprehensive bill dealing with significant reforms, and I commend the committee for its thorough examination of the bill focusing on fundamental issues such as safety. The committee has already considered draft regulation amendments dealing with key aspects of the reforms including licensing, compulsory third-party insurance and security cameras.

I would like to acknowledge the role of the committee's chair, the member for Kallangur, in leading the scrutiny of these reforms. This includes his role as chair of the Transport and Utilities Committee in considering the taxi and limousine industry assistance adjustment package late last year as part of the Heavy Vehicle National Law and Other Legislation Amendment Bill 2016. The committee's understanding of the complex issues involved with these reforms and its balanced approach in considering these matters is evident in the report and its recommendations.

The committee received over 300 submissions from the personalised transport industry, customers, advocacy groups and industry groups, and I thank all of these individuals and organisations for their important contribution to the examination of this bill. The committee's report was tabled on 15 May and includes 16 recommendations. The government has considered the committee's report and the range of views expressed by submitters, and I am pleased to advise the House that the government supports, or supports in principle, all but one of the committee's recommendations. I table the government's response to the committee report.

Tabled paper: Public Works and Utilities Committee: Report No. 37, 55th Parliament—Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017, government response [\[77\]](#).

The committee has unanimously recommended that the bill be passed, and I thank all members for their support of this important and necessary reform of the personalised transport industry. There appears to be consensus among committee members on the fundamental objectives of committee reform that customers should have greater choice of, and access to, personalised transport services while ensuring safety, accessibility and accountability in the provision of these services. Although there may be different views about the best way to achieve aspects of these reforms, I am encouraged by the bipartisan support on these fundamental objectives.

All members of this House will acknowledge that the world has changed. Technology has transformed many aspects of our life and work, and the personalised transport sector is not immune. This is the hard reality confronting governments across Australia and worldwide, and difficult decisions have had to be made on how best to respond to this change. Every Australian state and territory has now either legalised ride-booking services or indicated that they will do so in the coming year. I note that following the passage of this bill Queensland will have one of the strictest safety regimes across the country for personalised transport.

Before addressing the committee's recommendations, I will briefly recap the key elements of this bill. First and foremost, the bill will enhance the safety of personalised transport services. In particular, primary safety and fatigue management duties will be imposed on all parties in the chain of responsibility including booking entities, licence holders, operators and drivers. The bill will also introduce a new annual booked hire service licence and booking entity authorisation to ensure booked hire services are appropriately authorised within a fairer regulatory framework where all personalised transport services must be licensed and providers can be held accountable.

Substantial penalties will apply for the provision of unauthorised services and related unlawful conduct. This includes escalating financial penalties for repeat offenders and non-financial sanctions including driver licence suspension and cancellation of service licences and authorisations. These penalties are intended to deter unauthorised and unsafe services, and enable effective enforcement where services are provided outside of the law. The government will be vigilant in stamping out these unsafe services to protect our community.

Accessibility will also be promoted by this bill. The current scheme for subsidised taxi travel for persons with disability will remain limited to taxis in the short term. However, the bill allows for this scheme to be extended to booked hire vehicles and other payment platforms. The bill is also designed to promote innovation within the personalised transport industry by removing a number of regulatory requirements. This includes the requirement for a taxi booking company to hold a service contract. As far as possible, industry participants should be left to decide how best to operate and improve their businesses, and the bill allows this to occur while ensuring appropriate safeguards are in place to ensure safety, accessibility and accountability.

Phased commencement of the bill is proposed from next month, with most provisions due to commence in the second half of this year to allow time for industry to prepare and for appropriate systems and transitional arrangements to be put in place. Regulation amendments will also be progressed for Governor in Council approval following passage of the bill to fully implement the reforms.

I turn now to the committee's recommendations and in particular the safety aspects of the report. The committee made a number of recommendations on driver fatigue management, which is vital to ensuring safe services. In support of these recommendations, an outcomes focused fatigue management framework will be detailed in a regulation in addition to the general fatigue management duty contained in the bill. This framework will identify clear obligations on all parties in the chain of responsibility and establish clear data capture and reporting requirements on fatigue management, which will also support cross-platform work by drivers.

There will be a consistent approach across the personalised transport industry to hours of work requirements and other key aspects of the fatigue management framework. The proposed standard hours requirements will be similar to those used in the heavy vehicle industry under the Heavy Vehicle National Law. This is proposed to include a maximum shift length of 14 hours in any 24-hour period, followed by a continuous seven-hour break. Similar requirements are also proposed to apply for shorter shifts. For example, if a driver works eight hours, this must include 30 minutes of break time. The proposed framework will continue to be developed in consultation with industry to ensure it will be both practical and effective in managing driver fatigue.

In support of the committee's recommendations on security cameras, driver and passenger safety will be closely monitored, focusing on the effectiveness of the proposed new security camera provisions to be set out in the regulation in ensuring safety. Government will report to parliament on these matters 18 months from the commencement of these provisions. Security cameras will be required in personalised transport vehicles based on the risk profile of the service. They will be required where the vehicle provides taxi services due to the risk of assault associated with the anonymity of passengers and drivers where a vehicle is obtained from a rank or hailed off the street. These risks are reduced for booked hire services, as booked entities will be required to make a record of all bookings including passenger and driver details. Security cameras will be also be mandatory in any personalised transport vehicle, including booked hire vehicles and limousines that provide services that accept payment in cash or payment in person during the journey due to the risk of theft or fare evasion

associated with these transactions. Queensland is leading the nation in implementing this risk based approach to security cameras. Most other jurisdictions only require taxis to fit a security camera due to the anonymity of rank-and-hail services.

Driver misconduct was also a key issue raised by the committee. The government supports a requirement for booking entities to notify the department when a driver has been disaffiliated for serious misconduct, particularly for reasons related to public safety. While the person's driver authorisation can already be suspended in the case of a charge or conviction for certain offences, mandatory notification of driver behaviour that represents a risk to safety will allow the department to consider whether similar action is warranted on public interest grounds. Drivers whose authorisation is cancelled because of serious misconduct will no longer be able to provide personalised transport services for any booking entity.

The committee's recommendation regarding compulsory third-party insurance is also supported. The Motor Accident Insurance Commission will review the new CTP class for booked hire vehicles and limousines 18 months after commencement of the new class, particularly to assess the impact on limousine premiums. With regard to public liability insurance, it is not proposed to amend the bill to require industry participants to hold this insurance as the committee has recommended. However, the department will continue to encourage all industry participants to hold appropriate insurances such as public liability, personal injury and accident insurance, and comprehensive vehicle insurance based on the risk profile of their individual business. The government believes that insurance matters should continue to be industry led and reflect the individual circumstances of each business. We also echo the sentiments of the committee's reasoning behind this recommendation, noting it is important that all members of the personalised transport chain of responsibility are appropriately insured.

Another important focus of the committee was ensuring that the exclusive rights of taxis to provide rank-and-hail services are preserved. The bill maintains this protection through a number of means. Any person who provides a taxi service in a vehicle other than a licensed taxi will commit an offence with a penalty of up to \$365,000. This includes rank-and-hail services and any other service where a motor vehicle and its driver are hired on the spot for a journey to start immediately or shortly after. In addition, only taxis will be able to provide services requested through a fixed booking device that essentially acts as an electronic pick-up zone. Providers of booked hire services, except those in a taxi, must also keep and produce for inspection booking records to ensure they are providing booked services only.

The committee also recommended the government consider options for preserving the rights of special purpose limousines. In response, the government is proposing to retain existing special purpose limousine licences, rather than phasing them out over the next three years as previously announced. This will preserve the existing entitlements under these licences and align with the retention of all other limousine licences.

The government also supports the committee's recommendations to enhance compliance and enforcement in relation to unauthorised personalised transport services. In particular, a three-month driver licence suspension is proposed where a driver continues to flout the laws after an initial one-month suspension. This sanction complements hefty financial penalties of up to \$365,000 for the provision of unauthorised services.

Recruitment and training of additional compliance resources is a priority for this government, with recruitment to commence before the end of the financial year as previously outlined in the introductory speech. Compliance data relating to personalised transport services will be published on a regular basis to provide transparency regarding enforcement.

In support of the committee's recommendations relating to driver conditions, the government will work with the personalised transport industry to develop industry standards. The government also commits to reviewing and reporting to parliament on driver conditions 18 months after removal of the legislative requirements for bailment agreements. Let me be clear. The removal of bailment agreements does not prevent their usage, nor does it invalidate existing bailment arrangements. Instead, this change recognises that bailment agreements are largely a workplace relations matter and its removal from transport legislation will allow drivers and industry to establish industry standards that reflect broader industrial relations practices. It also acknowledges the breadth of employment arrangements utilised across the personalised transport sector.

The committee also made recommendations relating to implementation of the reforms. The government is committed to reducing regulation for industry where possible without compromising the effectiveness of the new regulatory framework in achieving its objectives. This includes exploring online solutions for obtaining personalised transport licences and authorisations to streamline processes and reduce costs.

Finally and importantly, the government supports the committee's recommendations relating to the establishment of suitable administrative arrangements and independent oversight of the regulation of the personalised transport industry as part of the implementation of the reforms. The government is committed to establishing an ombudsman or dispute resolution body to provide complaint monitoring and advisory and referral services to parties in the personalised transport industry, including customers and drivers.

This will include reporting to government on complaints based matters in the personalised transport industry and providing information and advice to industry participants and the public on complaints management and dispute resolution options. In addition to complaints monitoring and reporting, it is envisaged that the new role will have the ability to provide non-binding complaint mediation on certain issues including customer complaints about particular safety or discrimination matters and industry complaints about workplace issues. Importantly, it will also be an advice and referral source for customers and industry participants on binding dispute resolution options. Formal dispute resolution can often be a daunting process and having a source of advice on the options available will be a key benefit to industry participants.

There will also be clear boundaries for the new independent oversight role with matters related to policy development, compliance and service reviews to remain the remit of the Department of Transport and Main Roads preventing duplication and, importantly, additional red tape. The establishment of this role and associated functions is a significant undertaking which requires comprehensive legislative and regulatory amendments. Due to the legislative time frames forced upon this bill it has not been possible to include amendments on this issue in the bill. However, the government commits to introducing these changes by the end of the year to establish the role.

I will move amendments to the bill during consideration in detail to give effect to committee recommendations. They include amendments to clarify the limited circumstances in which a booking may be made in person for a service provided in a vehicle other than a taxi, to extend the period of subsequent driver licence suspensions to three months for repeated unlawful driver conduct after an initial one-month suspension period and to clarify the effect of a driver licence suspension where the person does not hold a driver licence. I will also move a number of other amendments to strengthen and improve the new regulatory framework.

While these other amendments do not arise directly from the committee's recommendations, they are consistent with these recommendations and will enhance the effectiveness of this bill. In particular, a new offence is proposed to enable enforcement in circumstances where a person systematically takes steps to avoid detection of an offence related to the provision of personalised transport services. The maximum penalty will be 3,000 penalty units, or \$365,000. This will provide a deterrent to the use of avoidance tactics such as those commonly known as 'greyballing' and allow the government to take action against those engaging in such conduct.

An amendment is also proposed to enhance the protection of taxis' exclusive rights to use ranks. This will allow regulation to prescribe the offence of a driver stopping in a taxi zone as a relevant driver offence for the purposes of imposing a driver licence suspension. This will mean that where a driver of a limousine or booked hire vehicle stops at a rank, this will not only be an offence under the road rules with a fine of \$243; it will also count towards the three offences needed to suspend the person's driver licence. This is intended to strengthen the deterrent effect of this sanction and preserve ranks for taxis.

A specific regulation-making power for security cameras is also proposed to be included in the bill to ensure police are able to access relevant evidence for the purposes of investigating and enforcing the laws. Other less material amendments are also proposed to address minor, consequential or technical matters and do not alter the intent of the bill.

In closing, this bill and the amendments I will move during consideration in detail provide the public with safe choices in personalised transport services. I ask members to support this bill to deliver on these fundamental objectives of reform. I commend the bill to the House.