




Speech By  
**Shane King**

**MEMBER FOR KALLANGUR**

---

Record of Proceedings, 24 May 2017

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

 **Mr KING** (Kallangur—ALP) (4.51 pm): I rise to support the Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017. There is no denying that the personalised transport industry is in a state of rapid change. Many jurisdictions are struggling to come to terms with the growing phenomenon of rideshare. Consumers, as with many new technological advances, have embraced the entrance of rideshare operators into the Queensland personalised transport industry with vigour. On the other hand, the taxi industry has always been the major provider of personalised transport services and has a wide reach in Queensland and provides personalised transport to communities all over the state and represents small, medium and large business interests. The taxi industry has a significant role in providing affordable transport for seniors, people with disability and many others across the state, with other examples being relocatable home parks, people who live in rural communities and others. It is an industry that is well regulated and a critical part of all of our communities—inner city, regional and rural.

The combination of rapid entry of rideshare with its technological ease and consumer support into our personalised transport market and the important need to ensure that our vital taxi industry is able to continue its service delivery and strong business potential has required this government and this parliament to move with a considered and consultative approach towards this legislation. Our government and our committee have never shied away from the challenge of getting this balance right. I know from many conversations I have had with the taxi industry, including the many small taxi operators in my community, that they have no fear of, and in fact expect, competition in the personalised transport industry. They are the professionals who saw it coming. What they want, however, is a safe and equal playing field. The bill before the House is designed to achieve a levelling of the playing field within the industry and to put in place the considerations of all involved, be they taxi owners and operators, rideshare operators, limousines and their drivers and of course all consumers who use personalised transport services.

The stage 1 reforms which were delivered last year helped to compensate the taxi industry and were brought about urgently to help the taxi industry weather the storm while we worked on the stage 2 legislation to level the playing field between the sectors of the industry. This is what has made this body of work for our committee so involved. Creating legislation to help one sector of the industry survive while allowing other sectors to emerge, all the while providing consumers with choice, has not been the easiest task our committee has faced, but I think we have reached a good outcome. I thank members of the committee—Rob Molhoek, the deputy chair and member for Southport; Joan Pease, the member for Lytton; Chris Whiting, the member for Murrumba; Matt McEachan, the member for Redlands; and Jason Costigan, the member for Whitsunday—for their largely bipartisan approach to the bill. As always, I thank our amazing secretariat staff—Kate, Rachele, Mishelle and Lyn. I also want to thank everyone who supplied a submission and those who attended our public hearing.

The bill sets out to: strengthen safety standards, including establishing a general duty relating to the management of fatigue, a requirement for zero blood alcohol levels for the drivers of all public passenger vehicles and providing a specific power to make regulations relating to the use of security cameras in vehicles; encourage customer choice within a fairer regulatory framework, including introducing a new licensing framework for booked hire services and for taxi service licences, preserving existing taxi service licences and existing limousine service licences, and allowing limousines to be used to provide booked hire services and removing provisions relating to peak demand taxi permits; reduce red tape and allow industry to innovate and improve their service offerings, including replacing the requirement for a person administering taxi services to hold a service contract with a simplified authorisation regime for all booking entities and removing legislative requirements for taxi service bailment agreements between operators and drivers; and ensure industry accountability, including establishing a new chain of responsibility to ensure each party involved in providing taxi and booked hire services takes reasonable steps to prevent the commission of an offence and to minimise safety risks, imposing significant financial sanctions and non-financial sanctions for unauthorised taxi or booked hire services and establishing audit powers for investigating legislative compliance.

Our committee made 16 recommendations to the minister after reviewing the large volume of submissions and the evidence from the public hearing. Recommendation 1—that the bill be passed—was accepted unanimously. The majority of the other recommendations were also accepted, and I will go through them quickly. The committee recommended: that the minister continue to explore opportunities for cost reduction while not compromising compliance and moving as technology allows for online authorisations; that limousine special purpose licences be retained—I am pleased that that was accepted—as well as a review of CTP insurance categories after 18 months for limousines to make sure that class 26 is not having a detrimental effect on the industry, which further addressed concerns raised by limousine owners; that a register of disaffiliated drivers reported by booking agencies be kept with the department where a driver has been disaffiliated from a platform on the grounds of serious misconduct and that this register be available to booking agencies to check from and that there also be an appeals process set up for drivers to dispute the record; that all payment transactions must be performed by a booking agency and are accompanied by a tax invoice or itemised receipt and these transactions are recorded for auditing purposes; and that fatigue be controlled through a maximum number of driver hours and a maximum shift length and there be a chain of responsibility to stop drivers doing ridiculous shifts over multiple platforms and creating safety concerns on our roads. During the hearing it was clear to us that there is real concern that passengers may experience harm while the rideshare vehicle is not moving and CTP does not cover this, so public liability insurance is vital, whether covered by the driver or booking agency, and the industry should make sure of this.

I now want to address a range of commentators' criticisms and in particular the dissenting report from members opposite. As stated, we made 16 recommendations to the minister. Far from indicating that the bill has deficiencies, rather it highlights the in-depth deliberations, thoughtful considerations of public hearings and many witnesses and a desire to get things right. This is in many ways uncharted territory for the state. Queensland is a far more demographically diverse state than our southern neighbours and consumers and personalised transport industry players are found all over the length and breadth of the state.

The statement of reservation by those opposite, as usual, disappoints me, especially after the extensive work done by all committee members. Again, I feel it is protest for protest's sake. With regard to safety cameras, those opposite propose that cameras be mandatory in all known trouble spots like nightclub precincts. While this sort of motherhood statement sounds great, it would be virtually impossible to police and tie up so many departmental resources that they would be able to do little else. I have been to the Valley and Brisbane city as well as the Gold Coast on a weekend and seen the rideshare players operating and to individually monitor who does and who does not have a camera in these precincts is, I feel, a ludicrous ask. Even if this was somehow achieved, the rideshare operators, who have shown just how adaptable they can be, would just drop off and pick up outside these precincts. I would hate to think of the potential for harm that could come to some young nightclub patron who, after a few too many, heads off alone down a dark alley to get outside a precinct to meet a rideshare vehicle. For the life of me, I cannot understand why those opposite, in their statement of reservation, would consider that, or something that would potentially allow that to happen.

I have to confess that I was an advocate for cameras in every vehicle. I am still a passionate advocate for driver and passenger safety, but I have altered my view slightly based on the strong evidence presented through the submissions and the public hearing. We were not previously made aware that not all taxis in Queensland have to have cameras installed. Some of the areas where taxis do not have to have a camera because they are considered regional areas are Bribie Island, Gatton, Glass House, Kilcoy, Woodford, Beaudesert, Childers, Chinchilla, Dalby, Goondiwindi, Kingaroy,

Nanango, Oakey, St George, Barcaldine, Biloela, Clermont, Emerald, Longreach, Moranbah, Charters Towers, Gordonvale, Mission Beach, Mareeba, Thursday Island, Tully and Weipa. I have named only a few. Are those opposite suggesting that these areas are less important than the nightclub precincts of Brisbane and the Gold Coast? I hope not.

The committee was also made aware that, when cameras were mandated in 2005, the government paid \$8 million to compensate the taxi industry players. It would be hard to come up with similar compensation, which I am sure would be asked for, if cameras were mandated across-the-board. The limousine industry also lobbied hard against enforced cameras. It stated that it has operated safely without cameras without compromising driver and passenger safety. The limousine industry would fall into the category of having to have cameras if the limousines were not prebooked and paid for. The conditions that we are asking of the rideshare industry in relation to cameras are the strictest in Australia. We have also asked the minister to review how those conditions are working over the next 18 months. To clarify, there is nothing stopping rideshare operators from installing cameras as long as they meet the set criteria and if commuters want the safety and security of a camera while riding, they can always opt to take a cab.

In relation to bailment agreements, the recommendation will remove the legislative requirement for bailment agreements. Queensland is the only jurisdiction to have bailment agreements contained in its transport act and one of only two states to have bailment agreements at all—New South Wales being the other and that state's bailment agreements are in its IR legislation. Bailment agreements will still be legal, and existing agreements will remain in use. The industry can still employ under these agreements, but do not have to under legislation. This part of the bill provides a choice for the industry and I am surprised that those opposite want to stifle choice.

In relation to fatigue management, I feel that I need to further reassure those opposite that worker, driver and consumer safety is a priority and it always has been for any industry. I remind those opposite that our committee recommended that industry standards are developed so that drivers are not platform hopping and working extreme hours.

I believe that those opposition members of the committee, when pushing for an independent commission, have once again gone with opposition to what we are doing for politics' sake and have not tried to work with the evidence presented. The department stated—

The proposal to establish an independent commission does not meet the 'threshold test' prescribed by the Department of the Premier and Cabinet in the Public Interest Map Policy which requires there to be a compelling reason why a government department cannot or should not undertake the proposed activities. Furthermore, functions and resources would be duplicated between the department and the commission resulting in confusion for industry and customers as well as creating issues with coordinating an integrated passenger transport network. Government would also incur significant additional costs to establish an independent commission, adding to the total cost of implementing the reforms and these costs would be passed on to industry through higher fees.

In their statement of reservation the opposition members say that they are concerned about red tape but, with this issue, they seem to be bending over backwards to create some. The department went on to state—

Implementation, monitoring and regulation of a personalised transport industry is being led from a dedicated personalised transport reform unit. There is a dedicated unit that has been established to provide the dedicated focus on development and implementation of these reforms. That was our preferred model within Transport and Main Roads rather than moving to establish an independent commission at this stage.

Yet the non-government members, in their statement of reservation, appeared to wish to replicate this unit outside and create more cost and red tape. As well as dedicated departmental resources for the industry, we have recommended that the minister ensure that an ombudsman, or equivalent entity, is allocated responsibility for dealing with disputes in the industry in a timely manner. This is the role that the opposition members see for their proposed independent commissioner. I think we all agree on this issue, but, once again, those opposite want to disagree for the sake of it.

The process of this report and the stage 1 reforms has been lengthy and a bit of a trial for our committee, not to mention the industry as a whole. Once again, I thank all of those who have contributed to the process. I hope that this legislation will level the playing field and provide a fair outcome for all players. I commend the bill to the House.