




Speech By
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MEMBER FOR SOUTHERN DOWNS

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PERSONALISED TRANSPORT OMBUDSMAN BILL

 **Mr LISTER** (Southern Downs—LNP) (4.22 pm): I rise to speak to the Personalised Transport Ombudsman Bill 2019. Along with my LNP colleagues, I will be opposing the bill. I thank the committee for its deliberations. I note that a fair bit of work was involved on what is a relatively straightforward bill, which reveals a lot about the stability of the bill. The bill provides for the appointment of the Personalised Transport Ombudsman and establishes the office of the ombudsman. It outlines their functions, powers and responsibilities. This action flows from a recommendation contained in the former public works and utilities committee report of the previous parliament. That committee recommended that an ombudsman or similar entity be established.

There are also implications for a new ticketing system. A solution is sought by relocating fare evasion and related offences to a regulation to provide greater flexibility, to make changes to the regulation as ticketing technology develops; providing continued support for the sharing of information to verify a person's entitlement to a concession; providing evidentiary aids for fares and revenue protection devices; and making consequential amendments to provide for the continued use of unclaimed credit on dormant passenger cards. There are some miscellaneous amendments clarifying the public passenger services for which operator accreditation and driver authorisation are required; providing evidentiary aids for establishing whether, at a particular time, a person holds a category of OA or DA; clarifying an existing power of an authorised person to require information from certain persons; allowing a driving sanction to be imposed where the person driving a taxi, booked hire vehicle or limousine commits an offence against a provision prescribed by a regulation; and making other minor consequential amendments.

The key factors here are the changes in our society, economy and technology. We have seen the emergence of the gig economy. In Southern Downs, the 'gig economy' refers to which band is going to be performing at the Maryvale Hotel on a Saturday night. Of course, many people want to work in different ways to move on from their current positions, and technology enables them to do that. Many people want to embark on new businesses, such as driving for rideshare and taxi services. The emergence of rideshare has given rise to a host of operational and enforcement issues in personalised transport, which is what this bill seeks to address.

I was listening closely to the contribution of my honourable friend the member for Chatsworth, who commenced the opposition's response. He summed up a few points very well. He said that you do not legislate what you are not prepared to enforce. When we look at this bill, we have to ask what exactly the ombudsman's office can enforce. It is doubtful that there will be a great deal that the ombudsman will be able to contribute in this space, so it is even going one beyond that.

The LNP members of the committee provided an excellent statement of reservation. They talked about how many constraints there would be on the ombudsman and the limit to the investigative powers of the office, the apparent duplication of roles with existing entities and the inability of the ombudsman to protect fare revenue, which we thought was to be a fundamental purpose of the ombudsman.

The committee made seven recommendations for change. As I said, since it is such a relatively simple bill it is extraordinary to see so many recommendations, at least in my short experience in this parliament. That indicates that the bill has not been properly thought through, which is backed up by the contributions of LNP members. A catalogue of stakeholders have remarked on how the ombudsman will be a toothless tiger, that the office is expensive window-dressing and so forth.

The Taxi Council Queensland summed it up very well. I want to quote from their submission because of the respect that I have for Blair Davies, the CEO of the council. When I was first elected, I made a point of going to meet Mr Davies at the Taxi Council headquarters, because I understand the difficulties that taxi operators face in today's environment, particularly with the rapid change in the regulatory environment for their competition. Obviously, the submission was written some time ago. It states—

The PT Ombudsman won't be appointed before mid 2019 (possibly much later) and so will have missed many opportunities to assist sector participants with transitioning to the new regulatory environment associated with the Government's reform agenda;

- the PT Ombudsman will not handle complaints associated with breaches of legislation/regulation and so will be unable to assist sector participants cope with issues such as illegal activities of booked-hire drivers or overcharging by drivers as these responsibilities will remain entirely with TMR—

Again, we wonder what the purpose of the ombudsman will be. The submission continues—

- the PT Ombudsman will not deal with complaints about TMR or its activities and so responsibility for such matters will remain with the existing Queensland Ombudsman who we understand is already under-resourced and so lacks capacity to deal with extra enquiries and complaints arising in the Personalised Transport sector;
- the PT Ombudsman may deal with complaints from consumers about personalised transport services that are not breaches of regulation—however TMR apparently has no estimate of how many complaints of this kind there may be and TMR expects that complainants will still be required to direct their complaints to the respective taxi booking company or platform for resolution in the first instance and so the PT Ombudsman may only operate as an avenue for escalation of mediation (but not arbitration);
- The PT Ombudsman may deal with complaints between sector actors—however, again TMR apparently has no estimate of how many complaints of this kind there may be or indeed whether there will be any such complaints;
- The PT Ombudsman will not have any real power to compel parties to a dispute to do anything, other than to supply information and attend meetings which presents as potentially challenging, if not unduly limiting.

That is just one example of the litany of adverse comments provided by industry stakeholders.

It is very clear that this aligns with the typical behaviour of this government, which is to take the following approach: there's a problem so let's do something about it; let's pass an act; let's appoint someone; let's have an inquiry; let's get a report done. It is about optics and it is about process, but it is not about outcomes. We see that so often. The only outcome that this is likely to produce is more bureaucracy and higher costs for little if any gain. I oppose the bill.