




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

Record of Proceedings, 13 February 2019

PERSONALISED TRANSPORT OMBUDSMAN BILL

Message from Governor

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (11.19 am): I present a message from His Excellency the Governor.

Mr SPEAKER: The message from His Excellency recommends the Personalised Transport Ombudsman Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

PERSONALISED TRANSPORT OMBUDSMAN BILL 2019

Constitution of Queensland 2001, section 68

I, PAUL de JERSEY AC, Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to provide for a personalised transport ombudsman to investigate complaints relating to personalised transport services and facilitate resolution of the complaints, and to amend this Act, the Integrity Act 2009, the Public Service Act 2008, the Tobacco and Other Smoking Products Act 1998, the Transport Infrastructure Act 1994 and the Transport Operations (Passenger Transport) Act 1994 for particular purposes


(sgd)

GOVERNOR

Date: 12 February 2019

Tabled paper: Message, dated 12 February 2019, from His Excellency the Governor recommending the Personalised Transport Ombudsman Bill 2019 [[154](#)].

Introduction

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (11.20 am): I present a bill for an act to provide for a personalised transport ombudsman to investigate complaints relating to personalised transport services and facilitate resolution of the complaints, and to amend this act, the Integrity Act 2009, the Public Service Act 2008, the Tobacco and Other Smoking Products Act 1998, the Transport Infrastructure Act 1994 and the Transport Operations (Passenger Transport) Act 1994 for particular purposes. I table the bill and explanatory notes. I nominate the Transport and Public Works Committee to consider the bill.

Tabled paper: Personalised Transport Ombudsman Bill 2019 [[148](#)].

Tabled paper: Personalised Transport Ombudsman Bill 2019, explanatory notes [[149](#)].

I am pleased to introduce the Personalised Transport Ombudsman Bill 2019. The bill has three key policy objectives. The main objective is to establish an independent Personalised Transport Ombudsman to help resolve complaints for the personalised transport industry. The second objective

is to support the continued enforcement of fare evasion and related offences under the new smart ticketing solution. The third objective is to improve enforceability and clarifies the operation of existing provisions.

Over the last few years the Palaszczuk government has been implementing a personalised transport reform agenda to establish a modern, agile and simplified regulatory framework for personalised transport services in Queensland. The new framework ensures service safety, accessibility, affordability and accountability while also encouraging innovation and providing choice for customers and flexibility for industry participants.

This bill represents the next step in the reform journey by delivering on the government's commitment to establish an independent ombudsman to assist in resolving complaints about personalised transport services from customers, industry and other parties.

The bill provides for the appointment by the Governor in Council of a reputable and independent ombudsman. Provisions in this bill provide for criminal history checks and exclude a person with a potential conflict of interest to ensure there will be public and industry confidence in the integrity and independence of the appointee.

The Personalised Transport Ombudsman will be responsible for helping to resolve complaints relating to the personalised transport industry in a timely and cost-effective way. Consistent with industry expectations, the Personalised Transport Ombudsman will be required to perform its functions independently, impartially and in the public interest. The ombudsman's services will be provided to the public free of charge. To further reinforce the independence of the role, the Personalised Transport Ombudsman and its staff will not be subject to direction from outsiders regarding these functions. Even I, as the minister, cannot direct the ombudsman or its staff in performing its functions.

As I mentioned before, the main functions of the ombudsman are about complaints relating to personalised transport services. The range of personalised transport complaints it may consider is broad. They may include, for example, a complaint about the cleanliness of a vehicle used to provide a personalised transport service or a complaint about a personalised transport service driver's working conditions. However, where a matter is best resolved by another agency—for example, the Fair Work Ombudsman—the Personalised Transport Ombudsman will be able to assist industry by providing advice about the organisation best placed to deal with the issue.

Importantly, the ombudsman's role has clear limitations. It will not investigate certain matters, including a complaint about government policy or legislation or alleged offences under relevant transport legislation. Where the Personalised Transport Ombudsman suspects a person has committed an offence under transport legislation, the ombudsman may refer the matter to the department for investigation. Similarly, the ombudsman in its complaints oversight capacity is also well placed to identify systematic issues and may report these to the minister. The ombudsman can also provide advice to the minister, if requested, to inform broader policy considerations.

I want to be clear that the Personalised Transport Ombudsman does not replace the need for parties to genuinely attempt to resolve disputes themselves. It is still expected that service providers will work with customers, drivers and other industry participants to resolve issues directly. However, where an issue cannot be resolved, the ombudsman may be able to assist.

The ways in which the Personalised Transport Ombudsman may assist include by investigating a matter, providing access to mediation services and providing advice to parties about dispute resolution services available from other bodies. Importantly, it is not intended that the ombudsman will duplicate existing services. For example, if a person makes a complaint about workplace safety, the ombudsman will not attempt to investigate the issue but will instead provide advice about how to contact Workplace Health and Safety Queensland or the department where applicable.

Following an investigation, the ombudsman may assist parties by providing non-binding recommendations. These recommendations may guide parties in resolving issues, potentially avoiding the need for costly legal proceedings. Parties involved in disputes will be required to work with the Personalised Transport Ombudsman in good faith, noting that open and constructive participation will generally be in the interests of all parties involved. In addition, there are confidentiality provisions included in the bill that are designed to encourage open participation. However, where necessary, the ombudsman may also require a party to provide information to assist in investigating an issue. The bill also includes associated enforcement powers to ensure compliance and protections against reprisals to encourage people to use the service.

In relation to smart ticketing amendments, this bill also makes amendments to existing legislation to support the continued enforcement of fare evasion and related offences under the new smart ticketing solution. The new smart ticketing solution will give customers greater choice of payment for public

transport use. The new smart ticketing solution will allow customers to use contactless debit and credit cards, smartphones and wearable devices to pay for public transport. These options will be in addition to the existing go card and paper tickets.

Amendments to the Transport Operations (Passenger Transport) Act 1994 are needed to support the introduction of flexible payment options under the new smart ticketing solution. The new provision creates a head of power for making regulations about matters relating to the payment of fares. This gives greater flexibility to accommodate additional and ongoing changes to relevant regulations about fares as the new smart ticketing solution develops and is rolled out. The bill will aid prosecutions relating to fare evasion by providing for evidentiary certificates. This bill also provides for the ability to advance the objectives of the Transport Operations (Passenger Transport) Act 1994 through continuing the ability to recover unclaimed credit on dormant or expired accounts. Customers will continue to be able to claim unused credit on their own accounts through the varied means that are already in place.

The bill also facilitates the continued sharing of information so we can provide customers with concessions that they are entitled to. It is important that we balance customers' privacy with a process that is robust and efficient. Current legislation already restricts the disclosure and use of personal information for purposes that are not authorised, and this protection will continue to apply for the new smart ticketing solution. These amendments support the transition to a new smart ticketing system without impacting on existing arrangements for customers.

The bill also includes some minor amendments to the Transport Operations (Passenger Transport) Act 1994 to improve enforceability of the legislation and provide greater certainty for the personalised transport industry. Minor and consequential changes are also made to other acts.

The provisions in this bill about the Personalised Transport Ombudsman demonstrate the Palaszczuk government's continued commitment to positive reform of the personalised transport industry—reform that supports customer choice and industry flexibility without compromising accessibility, affordability or accountability. The provisions support the new smart ticketing solution which provides increased customer choice in payment methods when using public transport. The remaining amendments improve enforceability or clarify the operation of existing provisions. I commend the bill to the House.

First Reading

Hon. MC BAILEY (Miller—ALP) (Minister for Transport and Main Roads) (11.29 am): 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 Transport and Public Works Committee

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