

Report to Parliament by the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning and Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply

PURPOSE:

To inform Parliament, in compliance with section 56A(4) of the *Statutory Instruments Act 1992* (SIA), that an extension regulation made under section 56A(2) of SIA has preserved from expiry the *Transport Operations (Passenger Transport) Regulation 2005* (TOPTR) jointly administered by the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning and the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply, for a further 12 months until 31 August 2018.

LEGISLATIVE BASIS FOR REPORT:

Section 54(1)(b) of SIA provides for the automatic expiry of subordinate legislation on 1 September first occurring after the 10-year anniversary of the day of its making unless a regulation is made under the SIA that exempts it from expiry. Section 56A(1) of SIA provides for a regulation to be made under that Act to exempt such subordinate legislation from expiry for a stated period of not more than one year after the subordinate legislation would otherwise expire. Such an exemption can be justified for a number of reasons, including that the Act under which the subordinate legislation is made is subject to review.

Sections 56A(2) and (3) of SIA provide for the initial exemption period to be further extended by a regulation (extension regulation) for a period of not more than one year provided the Act under which the subordinate legislation is made is still subject to review. In these circumstances, section 56A(4) of SIA requires that, within seven sitting days after the extension regulation is made, the responsible Minister for the subordinate legislation being exempted must table in the Legislative Assembly a report stating:

- how the Act is subject to review
- the extent to which the Act is being reviewed
- when the Minister expects the review to end.

BACKGROUND:

On 17 August 2017, the *Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2017* was made by the Governor in Council to commence on 31 August 2017. This extension regulation exempted TOPTR from expiry for a further 12 months to 31 August 2018.

INFORMATION REQUIRED BY SECTION 56A(4) OF THE SIA:

How the Act is being reviewed:

TOPTR was initially due to expire on 1 September 2016 pursuant to section 54 of SIA. However, an extension was granted to allow sufficient time to review the *Transport Operations (Passenger Transport) Act 1994* (the Act) to enable implementation of the Queensland Government's personalised transport reform program.

The extent to which the Act is being reviewed:

The Queensland Government commissioned an independent review of taxi, limousine and ride-booking services in Queensland in October 2015 (the OPT Review). The impetus for the OPT Review was the emergence of new technology-based innovations that were challenging the current regulatory framework as well as the changing needs and expectations of users of taxi, limousine and ride-booking services.

On 11 August 2016, the Queensland Government released the final OPT Review paper and *Queensland's Personalised Transport Horizon—Five Year Strategic Plan for Personalised Transport Services 2016–2021*, which outlined the government's plan for personalised transport reform. The plan required that the Department of Transport and Main Roads undertake a significant review of the Act (primarily, chapters 7, 7A and 8) and other related legislation in late 2016 in order to implement the personalised transport reforms.

Given the complexity of the reforms and the need to give industry time to adapt to the changes, the government decided to implement the changes progressively in stages.

Stage 1 of the reforms was implemented through subordinate legislation amendments notified on 2 September 2016, which strengthened safety requirements for hire services; encouraged competition and customer choice in the booked hire services market; and provided a more equitable regulatory framework for industry participants. The *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* and subsequent *Taxi and Limousine Industry Assistance Scheme Regulation 2016* provided for the payment of financial assistance to the taxi and limousine industry to assist existing industry participants to adjust to the reforms.

Stage 2 of the reforms was largely implemented through the *Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017*, which included the introduction of a new licensing and authorisation framework for booked hire services and a new industry chain of responsibility. More detailed aspects of the reform were implemented through a series of regulation amendment packages, including, the *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017* and *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation (No. 2) 2017*. Further regulation amendments are expected to be completed by early 2018 to complete stage 2 of the reforms.

Stage 3 of the reforms will involve ongoing monitoring, review and evaluation of the new regulatory framework.

When the Minister expects the review to end:

The review of the Act was completed in June 2017 with the enactment of the *Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017*, although some provisions will not commence until January 2018 to allow for staged implementation. Due to the extensive changes to the legislation relating to personalised transport over the past year, it has not been feasible to undertake a broader review and remake of TOPTR in conjunction with these changes. Now that the reform program is largely completed, it is expected that TOPTR can be remade before its expiry on 31 August 2018.