

~~The purpose of the email was "... to announce the next steps in the implementation of new laws to help ensure that payments in the building and construction sector are made in full, on time, every time."~~

~~The report goes on to say—~~

~~The Complainant submitted that the egregious section of the Minister's Message stated:~~

~~"In 2014, the LNP Government made changes that weakened minimum financial requirement laws and put at risk thousands of construction jobs across the state. Under that regime the QBCC has not been able to adequately monitor the financial health of companies and this has caused widespread damage to many Queensland businesses. The Palaszczuk Government is fixing this."~~

~~The report states—~~

~~We have assessed each of these statements by breaking them into separate sentences.~~

~~1) "In 2014, the LNP Government made changes that weakened minimum financial requirement laws and put at risk thousands of construction jobs across the state."~~

~~The report states—~~

~~The Queensland Building and Construction Board made a new Minimum Requirements for Licensing policy on 20 June 2014.~~

~~For the information of the House, that was when the member for Everton was the minister. The report continues—~~

~~The new policy no longer required licensed contractors to provide financial information demonstrating they comply with the financial requirements yearly at renewal.~~

~~The report addressed the second sentence—~~

~~2) "Under that regime the QBCC has not been able to adequately monitor the financial health of companies and this has caused widespread damage to many Queensland businesses."~~

~~The investigation finds—~~

~~There is an argument that this sentence is merely a statement of fact which reflects the difficulties faced by the QBCC in monitoring the financial health of licensees ...~~

~~Opposition members interjected:~~

~~Mr SPEAKER: Order, members to my left!~~

~~Mr de BRENNI: As I said, I urge all licensees to read the revised message because the message was, and as the investigation identified, in fact true. The member for Kawana, I assert, knew this as he would have a copy of the report as it was attached to the letter to the complainant. Mr Speaker, I submit to you that he has intentionally misled the House and I will be writing to you in that regard.~~

~~Opposition members interjected:~~


~~Mr SPEAKER: Order! Thank you, members. I call the House to order.~~

~~Ms Grace interjected:~~

~~Mr SPEAKER: That includes you, Minister.~~

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.

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.

Tabled paper: Personalised Transport Ombudsman Bill 2019, explanatory notes.

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.

~~TRANSPORT LEGISLATION (ROAD SAFETY AND OTHER MATTERS) AMENDMENT BILL~~

Introduction

 ~~Hon. MC BAILEY (Miller—ALP) (Minister for Transport and Main Roads) (11.29 am): I present a bill for an act to amend the Heavy Vehicle National Law Act 2012, the State Penalties Enforcement Act 1999, the Traffic Regulation 1962, the Transport Infrastructure Act 1994, the Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018, the Transport Operations (Marine Pollution) Act 1995, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018, the Transport Operations (Road Use Management—Driver Licensing) Regulation 2010 and the Transport Planning and Coordination Act 1994 for particular purposes. I table the bill and the explanatory notes. I nominate the Transport and Public Works Committee to consider the bill.~~

~~Tabled paper: Transport Legislation (Road Safety and Other Matters) Amendment Bill 2019.~~

~~Tabled paper: Transport Legislation (Road Safety and Other Matters) Amendment Bill 2019, explanatory notes.~~

~~I am pleased to bring this bill to the House, amending transport acts to bring forward some key road safety initiatives and to continue streamlining legislation to improve outcomes for the community and businesses. The bill will amend the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Marine Pollution) Act 1995, the Transport Infrastructure Act 1994 and the Heavy Vehicle National Law Act 2012 for particular purposes. It will also make consequential or minor amendments of acts as stated in the schedule for particular purposes.~~

~~The bill includes amendments to improve safety on our roads by providing for enhancements to the existing Alcohol Ignition Interlock Program and introducing education programs for drink driving offenders. The bill also provides for the operation of point to point speed cameras on stretches of road with multiple speed limits and enables testing of passengers for intoxicating substances where the passenger is suspected of interfering with the operation of a vehicle dangerously. In addition, the bill includes minor and technical amendments for clarity or to improve efficiencies and streamline processes.~~

~~The primary purpose of the bill is to bring forward innovative legislative reforms that are designed to reduce road trauma in our state. Death and serious injuries on Queensland's roads cost Queensland over \$5 billion every year and cause devastation for individuals, families and the broader community. Queensland's Road Safety Strategy 2015–21 sets the ambitious target to reduce death and serious injury by 30 per cent by 2020 meaning we need to reduce road fatalities to under 200 and serious injuries to under 4,700 in a year. In 2017–18, 247 people were killed and an estimated 6,462 were seriously injured on our roads.~~

~~Queenslanders have supported the drink driving reforms included in this bill. In early 2017 my department released a discussion paper canvassing a range of options to reduce drink driver reoffending. These included education reforms and enhancements to the interlock program. It attracted over 3,000 survey responses and nine written submissions from interested stakeholder groups. All proposals received majority support.~~

~~The bill introduces the requirement that first-time drink drivers will be required to complete an online brief intervention education program prior to them being re-licensed. This program will give people strategies to separate their drinking and driving. Research indicates that brief education programs delivered to first-time drink driving offenders encourage participants to reduce hazardous drinking and engaging in drink driving. It focuses on changing the behaviour of the individual drink driver by providing the knowledge and tools to avoid drink driving in the future. The program will target all drink drivers. Based on the average number of drink driving offenders over five years, approximately 15,800 individuals are expected to participate in the first year, before reducing to approximately 11,900 participants per year from the second year onwards. When we look at those figures, we know that there is a lot more work to be done in this space.~~