

# Heavy Vehicle National Law and Other Legislation Amendment Bill 2016

## Queensland Government Response to the Heavy Vehicle National Law and Other Legislation Amendment Bill 2016, Transportation and Utilities Committee Report No. 27, 55<sup>th</sup> Parliament

**Recommendation 2** The Committee recommends the Minister work with other 'responsible Ministers' (the relevant Commonwealth and State Ministers) to ask the National Transport Commission to give further consideration within the next twelve months to means by which it can make more transparent, and more easily understood, the applicability of the relevant Chain of Responsibility provisions to pre-transport stock preparation.

**Government Response: SUPPORTED**

The Minister will write to the National Transport Commission in December 2016 to ask that the applicability of Chain of Responsibility provisions to pre-transport stock preparation be considered by the HVNL Maintenance Advisory Group and that advice on the outcomes prepared for responsible Ministers through the Transport Infrastructure Council.

**Recommendation 3** The Committee recommends the Minister, in consultation with the National Heavy Vehicle Regulator, responsible Ministers, and stakeholders, consider whether changes to the Heavy Vehicle (Mass, Dimension and Loading) National Regulation would be appropriate to ensure the mass limits reflect operational practice and are nationally consistent as far as reasonably practicable.

**Government Response: SUPPORTED**

As this matter relates to a potential policy change and not a procedural or operational issue, in order to achieve the outcome of the recommendation, the Minister will write to the National Transport Commission in December 2016, with a copy to the National Heavy Vehicle Regulator, to request that the review of bus mass limits policy be included in the National Transport Commission's Forward Work Program to determine whether changes to the Heavy Vehicle (Mass, Dimension and Loading) National Regulation are appropriate.

**Recommendation 4** The committee recommends the Minister consider amending the Bill to include any finalised eligibility criteria, or details on the assessment and review process, which are to be included to the taxi and limousine industry assistance regulation.

**Government Response: NOT SUPPORTED**

The Government is continuing to develop the eligibility criteria and other administrative processes in consultation with the Personalised Transport Industry Reference Group (PTIRG) and other stakeholders. This is standard practice for matters of regulatory detail such as eligibility and administrative processes, which are generally contained in subordinate legislation.

**Recommendation 5** The committee recommends the Minister consider amalgamating the industry adjustment funding with the hardship funding to provide the framework for a more equitable assistance package that enables the composition of hardship and transition support to be adjusted depending on the needs and impacts of individual licence owners.

**Government Response: SUPPORTED IN PRINCIPLE**

Subject to the finalisation of the eligibility criteria as discussed in recommendation four, any surplus funds from the transitional assistance scheme will be applied to the hardship fund.

**Recommendation 6** The committee recommends the Minister consider engaging the Queensland Rural Adjustment Authority to manage the application, assessment, payment and reporting process for the Industry Adjustment Assistance Package.

**Government Response: SUPPORTED**

The Government is in the process of finalising with the Queensland Rural Adjustment Authority the administration arrangements for the Industry Adjustment Assistance Package which shall be completed as soon as possible.

**Recommendation 7** The committee recommends the Government consider:

- all possible options for increasing the \$100 million currently allocated to the Industry Adjustment Assistance Package
- urgently introducing the proposed licencing system for booked hire services ensuring it is applied to all individuals and organisations/entities, and
- attaching a substantial fee to this licence which could be applied to the recommended increase in funding for the Industry Adjustment Assistance Package.

**Government Response: FURTHER CONSIDERATION REQUIRED**

Over \$100 million has been allocated to assist the industry to adjust to these reforms through the Industry Adjustment Assistance Package. Government does not consider it appropriate to increase the allocation to the IAAP as any additional funding would come at taxpayers' expense.

Government, as previously announced, has approved the introduction of a new licencing scheme as part of stage 2 in 2017, and the Government intends to deliver on this commitment. It is not feasible to bring the timeframes forward for the delivery of stage 2.

**Recommendation 8** If recommendation 5 is not accepted, the committee recommends the Minister review the proposed cap of two taxi licences per holder for transitional assistance payments and look at the application of alternative eligibility criteria.

**Government Response: FURTHER CONSIDERATION REQUIRED**

The cap on adjustment payments ensures that available funds are equitably distributed to all licence holders to manage the transition. The Government is consulting through the Personalised Transport Industry Reference Group to determine how hardship funds will be distributed.

**Recommendation 9** The committee recommends the Minister review the eligibility of people who own taxi and limousine licences in structures such as trusts, non-commercial superannuation funds and small companies to ensure they are not excluded from assistance under the Industry Adjustment Assistance Package simply on the basis of the ownership structure of their licence.

**Government Response: SUPPORTED IN PRINCIPLE**

The Government supports in principle the inclusion of licence holders in structures such as trusts, non-commercial superannuation funds and small companies in the Industry Adjustment Assistance Package, subject to finalising appropriate eligibility criteria.

**Recommendation 10** The committee recommends the Minister investigate including taxi operators as eligible recipients of hardship assistance under the Industry Adjustment Assistance Package on the basis they have also been negatively impacted by competition from ridesharing services.

**Government Response: SUPPORTED IN PRINCIPLE**

The Government will continue to work with industry, including consulting with the personalised transport industry reference group (PTIRG). However, amendments will be introduced to the Bill to enable flexibility to include operators in this process.

**Recommendation 11** The committee recommends the Minister consider extending the business advisory support program to include legal assistance and advocacy support for those industry participants in negotiations with financial lending institutions regarding loans related to their taxi licences.

**Government Response: SUPPORTED IN PRINCIPLE**

The Government will consider the inclusion of these services as it finalises the scope of services available under the business advisory services.

**Recommendation 12** The committee recommends the Minister consider extending the incentive payments for wheelchair accessible service beyond year one.

**Government Response: SUPPORTED**

The \$5.6 million component of the Industry Adjustment Assistance Package, provided as incentives to drivers of wheelchair accessible taxis to assist with the additional time and training needs associated with delivering these services, will fund the first full year of the incentive. It is intended that this payment will continue into subsequent years subject to normal budgetary processes.

**Recommendation 13** The committee recommends the Minister consider providing additional financial support directly to wheelchair accessible services to ensure that these services continue to be provided across Queensland and the Minister consider funding this from the licence fee once the hardship support ceases.

**Government Response: SUPPORTED IN PRINCIPLE**

The Government will continue to monitor the provision of personalised transport services to people with disabilities into the future. If evidence indicates that Government intervention is required, the Government may consider a range of options, not limited to direct financial support, to maintain service levels. These options may include legislative and regulatory changes.

**Recommendation 14** The committee recommends the Minister investigate financing the vehicle improvements required to provide wheelchair accessible services if it can be demonstrated that financial institutions will not provide the loan funds for the necessary vehicle improvements at a reasonable interest rate.

**Government Response: SUPPORTED IN PRINCIPLE**

The Government will continue to monitor the provision of personalised transport services to people with disabilities into the future. If evidence indicates that Government intervention is required to maintain or enhance the availability of wheelchair accessible vehicles in the state's fleet, options to address the issue will be examined.

**Recommendation 15** The committee recommends the Minister ensure the Personal Transport Industry Reference Group, and any other group established to consult on personalised transport industry reforms, has at least one representative from the disability advocacy sector.

**Government Response: SUPPORTED**

The first Personalised Transport Industry Reference Group (PTIRG) meeting occurred on 8 November 2016. A representative from the disability access sector, who is also on the TMR Accessibility Reference Group is one of the confirmed standing members of the PTIRG.

**Recommendation 16** The committee recommends the Minister investigate making provision for people who have paid their Taxi Service Licence fees and Operator Accreditation fees in advance to apply for a refund.

**Government Response: SUPPORTED**

The Department of Transport and Main Roads currently considers applications for pro-rata refunds in relation to service licence and operator accreditations in circumstances where it is cancelled or surrendered. Decisions concerning refund applications are made on a case by case basis.

**Recommendation 17** The committee recommends the Minister urgently investigate reports that lending institutions are foreclosing on taxi licence loans and explore options for securing or assuring lending institutions that taxi licences continue to have a residual value.

**Government Response: SUPPORTED IN PRINCIPLE**

The concerns by industry are noted, and in response, the Minister has written to the Commonwealth Minister for Finance and the Australian Prudential Regulatory Authority raising the issue of loan foreclosures and is awaiting a response.

**Recommendation 18** The committee recommends the Minister consider providing urgent advice to the Commonwealth Government/Centrelink on estimated current tax licence values (based on region) to provide assistance to licence holders who are unable to access social security benefits due to asset test provisions which deem the licence to have a value based on the last sale prices.

**Government Response: SUPPORTED IN PRINCIPLE**

The concerns by industry are noted, and in response, the Minister has written to the Commonwealth Minister for Social Services raising this issue and is awaiting a response.

**Recommendation 19** The committee recommends the Minister seek input from representatives of each of the sectors involved in the taxi and limousine industry, as well as the Personalised Transport Industry Reference Group, prior to the Industry Adjustment Assistance Package regulation being finalised.

**Government Response: SUPPORTED**

The Personalised Transport Industry Reference Group has been consulted on the Industry Adjustment Assistance Package and their views taken into consideration by Government in the design of the scheme.

**Recommendation 20** The committee recommends the Minister, in his second reading speech, outline the consultation process to be undertaken on the proposed regulation, advise the timeline for the finalisation of the regulation, and advise when the first payments are expected to be made under the Industry Adjustment Assistance Package.

**Government Response: SUPPORTED**

The Minister will provide an update on the next steps for the Industry Adjustment Assistance Package in the Second Reading Speech of the Bill.

**Recommendation 21** The committee recommends the Minister ensure a comprehensive communication strategy is undertaken following the making of the taxi and limousine industry assistance regulation to ensure all taxi industry participants are informed about the eligibility criteria for payments, how to go about making an application and that communication with the industry remain a priority during the implementation of stage 2 of the reform process.

**Government Response: SUPPORTED**

The Department of Transport and Main Roads is working with Queensland Rural Adjustment Authority on the development of a communications strategy for the implementation of the Industry Adjustment Assistance Package, and will develop a strategy to support the introduction of the stage 2 reforms in 2017.

**Recommendation 22** The committee recommends that as an interim measure (while a new approach to Compulsory Third Party insurance is being developed) the Government consider developing, a single Compulsory Third Party insurance category to apply to taxis and rideshare vehicles.

**Government Response: NOT SUPPORTED**

The Motor Accident Insurance Commission (MAIC) is currently reviewing the framework (including CTP insurance classes) for both booked hire and taxis to ensure each vehicle class in the personalised transport industry is held accountable for contributing the appropriate premium (based on risk). Any changes to the CTP scheme will be introduced as part of stage 2 of the reforms in 2017, and the Government intends to deliver on this commitment.

**Recommendation 23** The committee recommends the Government investigate the possibility of personalised transport operators being able to pay their registration and Compulsory Third Party insurance on a monthly basis.

**Government Response: SUPPORTED IN PRINCIPLE**

The Department of Transport and Main Roads recently expanded three month registration and Compulsory Third Party Insurance (CTP) terms to taxi and limousine operators. Further, for those under significant financial stress the department has also implemented for affected taxi and limousine operators a manual two-month period. Both are obtainable by contacting the Department's customer service centres in the first instance.

**Recommendation 24** The committee recommends the Minister consider urgently introducing an outcome based regulatory requirement that all taxis and ride-booking vehicles have cameras installed and ensure that the camera footage cannot be tampered with and that it be available for a minimum of three months.

**Government Response: SUPPORTED**

As part of Stage 2 Reforms in 2017, the Government will investigate if security cameras are required for all personalised transport vehicles. Security camera requirements will also be reviewed with a view to removing prescriptive specifications delivering an outcomes focused approach to safety. It is not feasible to bring the introduction of stage 2 forward.

**Recommendation 25** The committee recommends the Minister clarify in his second reading speech why the previous requirement for taxis to have a valid safety certificate issued six-monthly has been amended to an annual requirement for all personalised transport vehicles, given the safety implications.

**Government Response: SUPPORTED**

The Minister will provide an update in the Second Reading Speech of the Bill.

**Recommendation 26** The committee recommends the Minister consider introducing a requirement for all drivers of wheelchair accessible vehicles be suitably trained to provide services for passengers with disabilities.

**Government Response: SUPPORTED IN PRINCIPLE**

Training for drivers of wheelchair accessible vehicles remains an industry obligation. However, Government will consider the issue as part of Stage 2 of the reforms in 2017.

**Recommendation 27** The committee recommends the Minister consider significantly increasing the penalty for non-compliance with regulations that protect taxi rank and hail work and illegal operations to a more meaningful level and that the new penalty be introduced urgently.

**Government Response: SUPPORTED**

The Government supports increasing the fine for illegally stopping at a taxi zone from \$48 (2/5 penalty unit) to \$243 (2 penalty units). This change will be in addition to recent increases to fines for related offences, including offences for soliciting and touting (from \$243 (2 penalty units) to \$487 (4 penalty units)) and providing a taxi service in a vehicle that is not a taxi (from \$1462 (12 penalty units) to \$2438 (20 penalty units)).

As part of the Stage 2 reforms in 2017, the Government will further consider significant monetary and non-monetary penalties under the proposed chain of responsibility framework.

**Recommendation 28** The committee recommends the Minister provide clarification in his second reading speech on whether the term 'personalised transport vehicle' will be defined in the *Transport Operations (Passenger Transport) Act 1994* or in subordinate legislation.

**Government Response: SUPPORTED**

The Minister will provide clarification in the Second Reading Speech of the Bill.

**Recommendation 29** The committee recommends the Minister, at the second reading stage, provide an analysis of the revenue impact of ride-sharing services on the Queensland public transport sector, detailing:

- annual figures since 1 July 2014
- the impact in different regions
- the impact on both buses and rail, and
- the impact on patronage of already marginal outer suburban evening and week-end services.

**Government Response: SUPPORTED IN PRINCIPLE**

The Minister will provide further information in the Second Reading Speech of the Bill based on the limited data available.

**Recommendation 30** The committee recommends the Minister provide a report to Parliament by 1 September 2017 providing an analysis of the revenue impact of the personalised transport industry reforms on the Queensland public transport sector for the 2016 to 2017 financial year.

**Government Response: SUPPORTED IN PRINCIPLE**

The Minister will update the Parliament on the impacts of the personalised transport reforms in 2017 subject to resolving issues with accessing data from industry.