




Speech By
Christian Rowan

MEMBER FOR MOGGILL

Record of Proceedings, 1 December 2016

**HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT
BILL**

 **Dr ROWAN** (Moggill—LNP) (6.24 pm): I rise to make a contribution to the debate on the Heavy Vehicle National Law and Other Legislation Amendment Bill 2016. The legislation before us seeks to address the chain of responsibility provisions within the Heavy Vehicle National Law and to make a range of minor and technical amendments, including reducing the administrative burden for the regulator and the heavy vehicle industry and improving the enforceability of the Heavy Vehicle National Law. The Heavy Vehicle National Law and Other Legislation Amendment Bill 2016 also introduces a head of power to allow the Labor Palaszczuk government to regulate the proposed taxi and limousine industry assistance package.

As a member of the Liberal National Party, I support the proposed amendments to the Heavy Vehicle National Law. The Heavy Vehicle National Law standardises laws and regulations around the operation of the heavy vehicle industry including road network access, mass and dimensions, fatigue management and safety accreditation. The importance of nationally consistent laws cannot be underestimated, as they dramatically reduce compliance costs for business and improve safety for drivers and motorists.

The Heavy Vehicle National Law reforms have had bipartisan and industry support for many years, and the Australian Trucking Association, the Queensland Trucking Association and the trucking industry are broadly supportive of the proposed amendments that we are discussing here today. In particular, the reforms to the chain of responsibility provisions will ensure that the Heavy Vehicle National Law is consistent with other national safety laws, including the Model Work Health and Safety Act. The reforms invest in each party in the chain of responsibility a primary duty of care to ensure the safety of their transport activities.

By adjusting the Heavy Vehicle National Law's chain of responsibility provisions to reflect a principles based approach, businesses will be able to focus on identifying and managing safety risks in a way best suited to the individual needs of such business. The focus on outcomes over procedure will enable the development of innovative responses to safety issues. A positive due diligence obligation on executive officers is also introduced in relation to the new primary duties obligation. This due diligence obligation includes taking reasonable steps to acquire and to keep up-to-date knowledge about the safe conduct of transport activities, the nature of the relevant entities' transport activities and the associated hazards and risks.

With regard to the industry compensation package, I hold grave concerns surrounding the restrictions on compensation, the lack of clarity surrounding the eligibility criteria and the bungled consultation and construction of the policy by the minister and the Palaszczuk Labor government. The Liberal National Party has always supported a fair and level playing field for the taxi industry, with the priority being passenger safety. The industry adjustment processes, however, have been bungled from the start by the minister and the Palaszczuk Labor government. The minister has been dismissive of those affected by the changes, dismissive of their property rights and dismissive of the effect the uncertainty has caused businesses and owners of taxis.

The emotional distress and financial hardship of many in the taxi industry cannot be underestimated: you only have to read the testimony provided to the parliamentary committee. I have met with a number of local operators who are experiencing such hardship and stress. They are angry, disappointed and distressed. I would certainly like to take this opportunity to particularly acknowledge Chris and Leigh Warren as well as Errol Hansen and many other taxi owner operators in my electorate of Moggill.

The Palaszczuk Labor government was asleep at the wheel, spending nearly 12 months on a review while the taxi industry and passengers were left in limbo. The minister dithered for many months, refusing to give any dates or details or to provide certainty to the taxi industry. This was policy on the run, and it has been damaging an industry that is undergoing a period of massive adjustment.

The proposed industry assistance package of \$100 million includes \$60 million dedicated to one-off payments of \$20,000 per taxi licence, which is capped at two licences, and \$10,000 per licence for existing limousine service licence holders. I believe that this cap should be removed, along with the restrictions on who can be compensated under this bill. Licence owners have various reasons for having their licences in different financial structures. They still bought and paid for their licences fair and square, and it is ludicrous to exclude them from the compensation scheme based solely on their business structure.

The lack of clarity surrounding the eligibility requirements is of even greater concern. The parliamentary committee, comprising both government and opposition members, released a scathing report card on the minister's handling of the whole process. In particular, the minister's insistence on creating a head of power for compensation without outlining any eligibility for those receiving payments is seriously irresponsible and further damages industry confidence. How can the minister expect the industry to adjust when he provides no certainty, no dates and no details of further support for the taxi industry?

Despite the obvious and concerning flaws in the minister's consultation process and the inadequacies of the Labor government's package, this legislation must be passed without delay but it must be passed with amendments. The longer the government dithers, the longer struggling taxi operators wait for access to hardship payments. However, in my view, the Labor government's compensation package is still very inadequate and fails to appropriately address fairness, equity and property rights or acknowledge the contribution of many business operators over many years who have engaged in a heavily regulated and operated government system of taxi licensing. Many who have entered into a government regulated system in good faith have been penalised. I encourage all members to support the amendments to be moved by the LNP shadow minister for transport and main roads, the member for Glass House, Andrew Powell.

I conclude by urging the minister to honour the principle of a fair go. A fair, equitable and level playing field must be delivered here in Queensland. Passenger safety must continue to be a priority with respect to cameras; insurance, including CTP; and wheelchair accessibility. I certainly offer my support to all taxidriviers here in Queensland who are good and decent people under significant stress and suffering adversely. These patriotic Queenslanders and small business owners have been committed to providing passenger transport services over years as well as economic development and job creation. Certainly the LNP members on this side of the House understand this and the importance of our taxi industry to Queensland.