

Submission to the Parliamentary Committees  
Transport Legislation (Taxi Services) Amendment Bill 2015  
Infrastructure, Planning and Natural Resource Committee  
Inquiry into the Impact of Proposed Amendment

a. Submissions

I write to support the three demerit points for a first offence, thereafter six demerit points for second offences.

This submission is not simply on transport policy, but also about the rule of law (ie no entity is above law) and against alleged surrogate legislation (ie certain IT companies to create arbitrary rules) .

It is noted that on newspaper on 12<sup>th</sup> October 2015, the People Republic of China had made specific transport regulations for control of licensed cars from the IT industry. The regulation included dedicated cars of no more than certain age thereafter to be written off; no ride-sharing and other mandatory accessories.

There are no justifications for Queensland to allow the IT industry in making the transport regulations in blatant breach of the law. By not effectively enforcing the legislation, the Government is *de facto* punishing the law abiding taxi industry whilst undermining the rule of law.

b. Fallacy of Car-sharing

Car sharing is NOT a novel idea in the world. It is operating daily in developing country thereof without a proper legal taxi system nor a transport control regulation. In some third world places, “sharing” vehicles could be all walk of life available on the street. They can be scooters & lorry vans irrespective of their age nor conditions together with the drivers’ credentials. But, to be fair, even developing countries are now painstakingly building quality taxi service.

Probably, given that Brisbane has a proper safety requirement and regulation, we are not accustomed to the concept of un-licensed cars or scooters for public transport. So, when big foreign companies hard sell ( for whatsoever reasons) car-sharing concepts with their propaganda machine together with strong finance, they can pitch in political arena under the championship for their self –proclaimed rules and regulations.

The fragility of these so-called self-regulations is so evident that even a multi-national car maker as mega as Volkswagen is being called to account for around the globe.

Without transport legislation, all these terms and conditions of car-sharing are readily waivable for plethora of reasons to exterminate competitors. The goal-post moving are aplenty in the Cyber World transgressing jurisdictions, some recent ones are the dis-continual of Window XP and stiff restrictions on small internet browsers.

In gist, it is imperative to have regulations for hired car, but rather on some self-proclaimed good practices based upon commercial interests.

### C. The Rule of Law and Natural Justice together with the Role of Parliament

Recently, some companies are reported to finance the ticket fines in breach of taxi regulation. Henceforth, it is reasonable to impose effective sanction such as de-merit points, especially for those recurring offenders with deliberate intention.

The rule of law says that a society is governed under the law. No individual or entity shall be above the codified statutes. So, if certain individual is flouting the legislation, an effective sanction is justifiable to deliver justice.

It is against natural justice to have 2 sets of codes in Queensland. One for law abiding taxi industry; another one set of self-proclaimed rules by foreign entities. The public at large might be misconceived that these self-proclaimed rules are indeed surrogate legislation. As this cannot be the intention of Parliament to delegate legislative power to others, enforcement shall be taken immediately. Justice has to be seen being done effectively by our law enforcers.

Without the rule of law, the well-built transport system in Queensland might degenerate precipitously. Who would run a service as good and safe as the taxi industry including long hour services; regular safety and appearance check; fixed rate for trip; service for the outskirts and disabled in inclement weather, and properly insured with expensive premium? It is far too common in third world countries to have drivers in unmarked, dilapidated car or scooters (which are the cheapest to operate); tiresome price bargain for each trip; limited service fluctuating with time, area and

weather; refusal to take passengers or no service at all to unfavored destinations, and without proper insurance. To this end, what levels of service are we contemplating under our jurisdiction?

All the more important, it would not be the intention of the Parliament to delegate the making of transport law or regulation to some IT companies. Our transport regulations are enacted for the public good and safety, of which the Parliament has to safeguard, and to stop the tragedy of common.

D. Negative Impacts of the Proposed Amendments

There are no perceptible impacts of the proposed amendment to law abiding citizens. If regulations to new services are required, it shall be processed through negative and positive vetting of this Parliament, but not surrogate legislation.

The quoted economic benefits had NOT taken into account of the undermining effect to the rule of law, service to the community and disadvantaged, and other public goods.

E. Conclusion

This submission is about i) the upkeep of the rule of law; ii) IT companies should NOT be surrogated to make transport regulations; iii) to uphold legal positivism for proper sanction in our society.

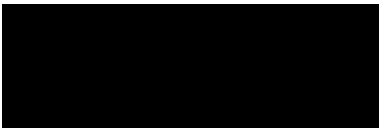
In conclusion, the proposed amendments are fully justified for effective sanctions. The Parliament shall empower our law enforcement agents to properly uphold the rule the law and to safeguard the well-being of the society. The more important is that no single entity should be above law.

If IT companies will abide by law in the China for their hired cars, there are no justifications for less hereof.

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