

21<sup>st</sup> October 2015

Queensland Parliament  
Infrastructure, Planning and Natural Resources Committee

Re: Submission for Transport Legislation (Taxi Services) Amendment Bill 2015 - to provide for recording of demerit points against the traffic history of a person who provides a taxi service without a taxi service licence or a peak demand taxi permit.

Dear Committee Members,

We are pleased to have the opportunity to make this submission for consideration by the committee. We believe thorough, open and transparent consultation with all key stakeholders is essential for the Committee to ensure the correct decision to pass this Bill is made.

It will assist in achieving both public safety and small business viability, which are the RIGHT outcomes for the WHOLE Queensland (QLD) community. In the meantime those breaking the law need to be **prosecuted NOW** whilst a review, which could take up to two years, is being conducted.

### **Expected impacts of this proposed legislation are:**

1. Public Safety is acted on, upheld and shown to be paramount by the government while mitigating its own risk of being sued by the public for death, disability, loss of income etc. incurred by paying for a ride in an inappropriately insured Uber vehicle driven by a potential criminal with a possible blood alcohol level of up to 0.05g/100ml, dropping them off or picking them up in dangerous and undesignated traffic zones that impact on traffic flow and the public safety of those in the vicinity of an Uber vehicle at this point in time, because the government did not uphold the law and stop the operations of Uber or similarly operating services.
  - a. This Bill outlines one method of a multi-pronged approach which may be required for Government, Department of Transport and Main Roads (DTMR) and the QLD Police Force to act on their duty of care towards keeping Queenslanders safe on the roads
  - b. Assists in ensuring QLDers are transported throughout the state by non-criminals (daily checks done for taxi drivers) in class 3 insured vehicles.
2. Deters drivers to 'partner' with Uber or any other company operating similarly to Uber (they are not employees). NO drivers – NO cars – NO Uber.
3. Shows Government is capable, strong and serious regarding upholding the laws in our state and protecting not only the general public but also the 'mums and dads' of taxi businesses and other regulated small businesses:

- a. Avoids the real possibility of a class action by taxi licence holders regarding compensation for losses to the value of taxi licences
- 4. Ensures maintenance of Government revenue from the taxi industry including that from the sale, via tender, of new taxi licences issued by the government when it sees fit.
- 5. Shows government is serious about securing the jobs, livelihoods, homes and self-funded retirements of law abiding QLDers as well as those from abroad who have current working visas working in the taxi industry. (Does Uber check that their drivers have current working visas? The taxi industry certainly does.)
- 6. Government is seen to be giving a clear message to multinational companies who operate like Uber to take their business elsewhere
  - a. [Keeps profits in Australia](#) (Uber fees are processed in Singapore to avoid taxes being paid in Australia, not to mention Uber avoiding payments of GST as well)

### **Suggestions for alternatives or changes to the Bill include:**

- 1. An increase in the current fines given by DTMR enforcement officers to a more substantial amount that would deter Uber drivers
  - a. Utilise the monies from these fines to employ more DTMR officers specialising in various fields to research and introduce new methods to overcome the hurdles in finding the Uber drivers and fining them
    - i. This would include learning from NSW Roads and Maritime Services who also search for Uber drivers to issue [suspension notices](#) which is in place up until December 2015, followed by deregistering and uninsuring the vehicle if it is found on the road after 1<sup>st</sup> of October.
    - ii. It would also include learning from the ATO as it uses [data matching programs](#) to identify drivers that earn income from driving for Uber or similar services.
- 2. Implementing the suspension fines, followed by deregistration and un-insurance of the vehicle as per NSW Roads and Maritime Services
- 3. Impound the vehicle used by Uber drivers for at least 3 months
- 4. REMOVING THE UBER APP – would certainly sever the operations of this illegal company, as suggested by the Member for Keppel at the committee briefing on the 14<sup>th</sup> of October
- 5. Enhance powers of DTMR enforcement officers
- 6. Change acts, legislation, policy, procedure etc if necessary for QLD police officers to act now and enforce the law

7. Review, analyse and implement successes in eliminating Uber in other countries e.g [France](#)
8. Obtain legal advice to guide additions to this Bill. ARE PASSENGERS PAYING FOR TRANSPORTATION BY A UBER DRIVER also engaging in a criminal activity? This question also needs to be posed when seeking legal advice.

**The following actions by the committee members are implored:**

1. Hold DTMR Directors and Managers present at the Departmental briefing on Wednesday 14<sup>th</sup> of October accountable and making it a high priority, in providing the committee evidence and facts, rather than their own personal opinions, regarding all the questions posed to them on this day, some of which were:
  - a. How many fines issued over the last month and six months?
  - b. In the DTMR brief to the minister, was it recommended that the government needs to act now?
    - i. Briefs include, background/context, issue, options, consultations, costings and recommendations – the committee should ask and obtain a copy of this brief so that their question is answered and they are well informed and able to make appropriate recommendations regarding the Bill
  - c. DTMR have advised at this meeting that they are conducting their own investigation of other compliance strategies that could work (albeit 12 months late). They told the committee that this 'material' is being prepared as part of a submission to the Premier, Deputy Premier or whole of parliament – Committee must ask that this is fast-tracked and completed ASAP and should request a copy
  - d. Report back to committee on information they have found on the possibility of REMOVING THE UBER APP from the APP store?
  - e. Define the roles of DTMR compliance officers and that of the Police Department regarding compliance with road and transport rules and regulations?
2. Giving DTMR compliance officers the powers if they don't already have them to conduct random roadside checks (this is being conducted in NSW)
3. Ensuring the Police Force set up a new police section dedicated to finding and fining Uber and have the staff and funds to do so
4. Follow up on Taxi Council's submission to QLD Organised Crime Commission of Inquiry as per statement made by TCQ representative at the briefing
5. Follow up on the legal advice obtained by TCQ and ensure appropriate penalties are given to those in breach of the law, including those involved in issuing vouchers, conducting drive recruits etc.

6. Do everything that is required to ensure that those breaking the law are prosecuted **NOW** while the review is being conducted over the 10 months to 2 years, including:
  - a. Enforcing, by all means possible, Uber's compliance with the cease and desist order
  - b. Enforcing police to act according to their Police Powers and Responsibilities Act and shut down Uber's operations since there has been little if none at all enforcement of the current legislation from DTMR since June this year
  - c. Demanding an immediate response from the Premier, Deputy Premier, DG Transport and Main Roads and Police Commissioner to TCQ's letter stemming from the Gold Coast incident of 21 year old girl and Uber vehicle on 5<sup>th</sup> of September – **clearly a PUBLIC SAFETY issue running the risk of it occurring again to be significantly increased over the Christmas and Holiday season soon to be upon us.**
    - i. Consider whether there is any reason, including neglect, failure or inaction, to believe that there has been corrupt conduct and immediately report to the Crime and Corruption Commission Queensland.

The Queensland Taxi Industry is a worldwide leader with regards to fleet wide security cameras, eftpos facilities, GPS tracking and more. In other words it's a worldwide leader in keeping its passengers safe. It operates uniquely compared to other states in Australia and it remains regulated in our sunshine state ensuring fair fares are charged at all times according to government stipulations.

We urge you to approve this Bill which is a necessary step in keeping Queenslanders SAFE on our roads and ensuring the continuing viability of thousands of small business in the law abiding, tax contributing taxi industry.

Regards,

