



19 October 2015

To: Infrastructure, Planning and Natural Resources Committee
Queensland Parliament

I thank you for the opportunity to make this submission into the Committee's review of the Transport Legislation (Taxi Services) Amendment Bill.

The Queensland Taxi Industry is under threat from the operation of illegal taxis in our state, and yet finds its members having to write a submission to a Queensland State Government Committee to justify our Legal Operations. It seems to me very strange that a legal industry, which has always complied with the laws of this state and country, is forced into this position by an illegal company acting outside the law .

As Professor Julius Sumner Miller said "Why is this so?"

We should not have to ask our Government, or for that matter request our elected representatives for help in stopping the operation of illegal taxis in our State. Our State Government, and its predecessor, has the means to enforce our existing Laws. They have the means to stop illegal taxis, and although it may be difficult it is surely necessary.

We are all aware of the penalties incurred by people who park illegally or drive above the speed limit, and we are all aware that those penalties are enforced by the Police Service under instruction from the State Government. The State Government has the responsibility to uphold the laws of this State, regardless of any extraneous interference.

The laws governing the provision of Taxi Services are as worthy of being upheld and enforced as any other State Laws.

We do not have an hierarchical system of Government where some laws are more important or worthy than others. Neither should a Queensland industry which is being operating lawfully, be asked to coexist alongside a competitor which operates unlawfully.

The Queensland Taxi Industry has spent many years and a great deal of its own money, in developing and implementing safety standards for its customers and for our drivers. Some of the safety features include:

- Computer Dispatch
- Three independent forms of GPS tracking
- Data Recording and retention
- Safety cameras both inside the vehicle and outside
- EFTPOS or cash payment systems
- Fully integrated meters
- Smartphone apps

We are continually improving our safety standards, all at our own cost.

The Queensland Taxi Industry is recognized as world leaders in innovation and service standards.

The State Government has introduced laws governing the Taxi Transport Industry such as 6 monthly machinery inspections. These inspections are not conducted in 10 minutes in a garage, but at State Government Machinery Testing Facilities where each taxi is put through a very rigorous inspection by a highly qualified mechanic. These inspections are designed to provide the highest level of vehicular safety to the general public, and are paid for by the Taxi Industry members.

Another issue which needs to be examined, is the disparity in insurance coverage between the legal taxis and those illegal taxis which are now operating here. Although Uber claims to have the appropriate insurance coverage, the Insurance Council Of Australia considers that to be highly unlikely. Illegal taxis have general CTP cover and vehicle insurance as opposed to commercial CTP and vehicle insurances paid for by the Qld Taxi Industry members. Public Liability coverage for each legal taxi in this state is \$20 million whereas Uber states it has PL insurance cover of only \$5 million.

What price does the Government place on the safety of its people?

My concern is the outcome in the event of a major incident involving illegal taxis and member(s) of the general public. Such incidents have already occurred in other countries and are likely to occur here. The illegal taxis are underinsured, they DO NOT have the correct commercial insurance coverage. If such an incident were to happen here one assumes the driver of the illegal taxi and the taxpayers of Queensland will foot the bill. And it will be an extravagant waste of our money, as evidenced by the fact that both the Government and the Transport Department are aware of the perils of this situation.

The financial and political impact of such an incident cannot be underestimated.

The Queensland Transport Act is very clear. The wording of this act actually covers all the parameters of the situation we now find existing in the Qld Taxi Industry. Indeed the Committee Panel itself heard evidence from Transport Department Officers that under the terms of the Act so called "ride sharing" is illegal.

Now that leaves our state in a situation where we need to find the means and the will to stop this illegal commercial taxi service.

Evidence given to the Committee by the Transport Officials stated that after 18 months of overt and covert compliance activity the situation has reached an impasse.

The presentation of the Transport Legislation (Taxi Services) Amendment Bill 2015 could provide the necessary deterrent to illegal taxi services in this state.

However, Queensland Transport Compliance Officers will still lack the necessary legal authority to apprehend and charge illegal taxi drivers. Without this legal authority I contend that this Amendment will barely act as a deterrent. This Bill must include an extension of powers for Queensland Transport Compliance Officers, such that they can carry out their duties in this regard.

Queensland Police Officers do have authority to apprehend and charge illegal taxi drivers, however Senior Police Officers have chosen to exclude the Police Service from dealing with this matter.

Illegal taxi services and illegal behaviours per se are antisocial in nature, and there is a high probability that the Qld Police Force will have an increased workload dealing with the fallout from the emergence of these illegal services in this state.

I recommend that the Taxi Services Amendment Bill 2015 include further clauses which enable, direct and empower Queensland Transport Officers and the Queensland Police Force to apprehend and charge illegal taxi drivers. The issuance of demerit points would then definitely act as a deterrent to the illegal behaviours being enabled and promoted by the illegal taxi apps.

We can of course sit on our hands and do nothing. That would be a great shame, and a political, economic and moral victory for illegal activity of all types.

What a precedent it would create!

James R Marshall.

Taxi Service Licence Holder and Operator