

21<sup>st</sup> October 2015

Infrastructure,  
Planning and Natural Resources Committee

Submission: ***Transport Legislation (Taxi Services) Amendment Bill 2015***

We support and urge the state government to vote in favour of the proposed bill.

We are appalled at the inaction to date of the Government to uphold existing laws and a clear message needs to be sent to lawbreakers. The inability of the Government to make public statements acknowledging that the UBER X product is illegal is most concerning and the ability of the UBER company to continue to incite law-breaking by offering to pay for fines on behalf of drivers and publicly advertise and encourage people to break the law without Government recourse is stressful and upsetting to us.

The illegal taxi services are providing on demand, point-to-point transport. They use the same technology that the taxi industry has used since before these companies arrived in Australia. The large overseas corporate company UBER are providing Taxi Services whilst investing millions of dollars into media campaigns, free travel, offering recruitment fees for joining up, fighting against the laws of this country including taxation laws, paying fines on behalf of drivers, employing social media experts to lobby on their behalf, all these things whilst paying little or no fees or taxes, sending revenue overseas and competing with existing business owners of Australia in an anti-competitive and unfair manner.

### Safety

The Acts and regulations that govern transport of the public are based on safety. The Acts and Regulations were not put in place to protect the value of the licence. There have been continued lobbying, declaring that the value of the licence has affected the cost of travel in a taxi. This is far from the truth. The metered fare is gazetted by the Government and is calculated by the cost of operating the taxi. An example of this is seen in the changes to legislation in Victoria as a result of the Fells inquiry, which has resulted in more licences issued, values of plates being reduced to half of the previous values, but has not resulted in cheaper fares. No Act or Regulation protects the value of the licence or the profit of the licence holder and the issue of licences are based on calculations, which take into consideration existing service levels and community needs.

The taxi industry has effectively operated under the regulations providing safe transport to millions of passengers every year in Queensland. Providing safe transport comes at a cost that the industry has not only continued to pay, but have further invested in new technologies including apps, greener vehicles, continued improvements in training and more efficient booking systems and dispatch equipment to ensure better and safer service over and above existing government legislative requirements.

Some of the laws such as driver fatigue management, driver duress systems, in car security cameras, driver-training requirements, minimum service levels, metered fare regulation, vehicle inspection requirements, and licencing requirement are there to protect the driver as well as the passenger.

The government continue to disregard their own laws by allowing members of the public to put themselves at risk by operating as illegal taxi drivers and there is no mechanism in place to protect these people and the passengers they service. The incentive to make easy profits works as an inducement to breaking the law and currently there is no inducement to follow the law. It is concerning that existing fines being given out to UBER drivers are being paid by this large billion-dollar company who have no interest in protecting the rights of these drivers or their passengers.

### Fatigue Management

#### **Transport Operations (PassengerTransport) Standard 2010 Section 10 Fatigue management (Driver)**

*(1) A driver of a relevant vehicle must not operate the vehicle if the driver's fatigue level may endanger passenger safety.*

#### **Section 21 Ensuring drivers comply with fatigue management Requirements (operator)**

*An operator of a relevant service must take reasonable steps to ensure that each driver of a vehicle providing the service complies with section 10.*

Fatigue management requirements create ongoing work for an operator, as many taxi drivers would prefer to work outside of these laws, work longer hours and make more money. This is why legislation on fatigue management was introduced, as drivers were constantly working long hours at the risk of more accidents and injury to themselves and their passengers.

There is nothing in place to ensure that people who provide illegal taxi services are not working for extended hours. There are many media reports of individuals who provide illegal taxi rides in addition to their usual work or career. The interview by news.com.au, show a young couple that drive illegal taxis on top of their normal work hours (as shown in the link below.)

<http://mobile.news.com.au/finance/money/how-one-couple-became-uber-drivers-to-pay-for-their-wedding/story-e6frfmcr-1227563686606?sv=90fa5e167ac1052ca71176c43523a7d3>

The illegal taxi drivers are being led to believe by overseas based multinational companies that safety regulations are unimportant, do not align with their business model and will detrimentally effect their profit making goals and to date the Government have been unwilling or unable to enforce the existing regulations to effectively protect the community and support the intention of the Acts and Regulations.

If it is important to regulate the hours of an accredited taxi driver for the safety of the drivers and passengers, why is it not important to dissuade other illegal operators from putting themselves and their passengers at risk when the exact same service is being provided? Who is responsible when someone is hurt? The UBER company openly advertise their terms and conditions on their website stating that they take no responsibility.

The following is an extract from UBER terms and conditions  
<https://www.uber.com/legal/aus/terms>

*“The quality of the transportation services requested through the use of the Application or the Service is entirely the responsibility of the Transportation Provider who ultimately provides such transportation services to you. Uber under no circumstance accepts liability in connection with and/or arising from the transportation services provided by the Transportation Provider or any acts, actions, behavior, conduct, and/or negligence on the part of the Transportation Provider. Any complaints about the transportation services provided by the Transportation Provider should therefore be submitted to the Transportation Provider.”*

### Safety Cameras

As taxi operators we have experienced the effects of not having safety mechanisms in place. Before the security camera systems were legislated, taxis did not have in car cameras and many drivers experienced attacks from passengers with no supportive evidence of the crimes. Since the legislation for security cameras was introduced many offenders have been brought to justice as a result of the camera footage. Often the police use footage from Taxi security cameras to investigate other crimes. The introduction of security cameras has resulted in a safer working environment for taxi drivers and their passengers. There is no mechanism in place in terms of security cameras to protect the illegal taxi drivers or their passengers.

### Licensing requirements

The in car dispatch system can only be operated by an accredited driver who has a PIN. If a driver loses his driver licence and becomes unlicensed, there are immediate mechanisms in place that stop the driver from being able to log on to the system. Along with the 24 hr. licence checks on drivers which is legislated and the requirement of the operator to ensure drivers are fully accredited which is also legislated, there are numerous checks that occur, which result in only accredited drivers being able to drive Taxis. There are many occasions where the driver has lost all of their demerit points and from one day to the next their ability to drive a vehicle has changed. This is why daily checks need to occur. There are no daily checks done on illegal drivers and at any time these drivers could be driving a passenger who is unaware that the driver is unlicensed.

Driving without a Qld driver licence is an offence and the following applies:

<http://www.tmr.qld.gov.au/Licensing/Licence-demerit-points/Speeding-offences.aspx>

*“If you are found driving a motor vehicle in Queensland while your driver license or your authority to drive is suspended you will be charged with unlicensed driving.”*

*“If the court finds you guilty of unlicensed driving, the court must disqualify you from holding a Queensland driver licence for at least 1 month, and up to a maximum of 6 months. You may also be given a maximum fine or imprisoned for up to 18 months”*

The law states, should any Queenslanders drive their vehicle unlicensed; it is an offence under the law and could result in imprisonment. It should be considered the same if you do not hold an

appropriate licence for a taxi service, you should risk removal of your licence and or imprisonment. We feel that the addition of demerit points would bring existing laws of -driving without a taxi service license or a driver authority- in line with the intention of the law, which is to ensure a person, is appropriately licenced.

### Our Family Business

We operate 30 Taxis on the Gold Coast, some are leased and others are owned. We have approximately 130 drivers and employ 4 staff. My husband and I have operated taxis since 1987. We previously drove taxis, eventually leased licences and became taxi plate owners. Our first Taxi loan back in 1990 was at interest rates of 17.5 %, nonetheless we both drove and continued to lease other taxi plates, as we believed the hard work would be worth it for our family.

Our business eventually grew into a taxi depot operation that we still operate today. Over the years we have continued to invest back into our business. In 1994 we built a purpose built factory in which we have employed mechanics, panel beaters and other staff. In the year 2000 we created and invested in a new software programmes for the driver pay-in systems to help drivers achieve their tax and GST obligations which was introduced that year. We were the first operator on the Gold Coast to invest in the Hybrid vehicles that now are used in 90% of the conventional taxi fleet on the Gold Coast. In the last 18 months we have spent over \$800,000 replacing our taxis with Hybrid Prius sedans. We continue to look at innovations in our business to make it a safer and better workplace and continue to invest in the things that improve our business including the working environment within the taxis and the service levels provided by our taxis.

We are now in our fifties and after having supported and paid for our three children through university, we still continue to work at our business, with the plan that when we get to retirement age we would have paid off our taxi loans and will be in a position to fund our own retirement. We are one of approximately 15,000 small business operators in Queensland who have, purchased licences and signed agreements with the government in good faith.

We are shareholders of Gold Coast Cabs and have benefited from the innovations that the company have invested in such as GPS dispatch and tracking since 1987, voice recognition booking systems, automated booking technologies, app booking technology, a lot of these innovations were done long before the overseas based app technology companies existed. Everyone has contributed and invested in the future of this industry with a mindset of safety and service.

### UBER

The effective Marketing campaigns including unsubstantiated declarations about the large numbers of passengers and drivers that have used the illegal services, has led to representatives of our Government believing the hype and questioning the existing laws, whilst the taxi industry have continued to provide millions of safe taxi rides to the community including our elderly, disabled and our children all effectively operating under the existing regulation with safety intact. The Taxi Companies provide verified data to substantiate these numbers the government as per the taxi service contract agreement.

We spoke to a local state MP this week that made the comment to us, he had an obligation to listen to the large numbers of young Australians who love the share riding apps and they would be upset if the Government were seen to be supporting the taxi industry by voting in favour of this bill. We would like to point out in this submission the following:

- \* Young people generally do not care about safety and need to be protected by our government, as when they make bad choices, it is the government who will pay for their mistakes in the long run.
- \* Young people will promote share riding apps while travel is free or cheaper than cost. These same people will expect the government to apply safety and anti competitive laws when overcharging and other problems arise.
- \* None of the data or numbers of passengers that are claimed by UBER has been substantiated. The taxi industry provides millions of taxi rides per year. The evidence of this data is accessible by DTMR
- \* We are aware of the campaigns by UBER with templates and easy send “push the button and send” to promote the multi billion dollar company, which concerns us about the validity of the numbers they claim.
- \* We cannot operate a liquor business from the back of our private vehicles, however we would be very popular with young people if we could provide to them free or very cheap alcohol. Young people would love us and would vote for any politician who supported the idea. Would the government feel the need to keep these voters happy by not supporting its own legislation in this area? If we started to do this would the government let us continue without recourse while we push for changes to the law?

We believe there is a lot at stake as there are many industries that are regulated in the interest of the consumer and we believe any company or individual who believes they should operate or run their businesses outside the law and without due respect to the high regard we have for the safety and benefit of our community needs to be stopped. Supporting this Bill will go along way to send the right message to these perpetrators.

Regards

