

Infrastructure , Planning and Natural Resources Committee

(Originally intended as **Letter 2** to Honourable Anastacia Palaszczuk , Premier of Qld . and also Honourable Jacklyn Trad , Deputy Premier of Qld. and Minister for Transport .

As such with the deadline looming I run out of time to rewrite it for the new purpose of perusal by the Committee and humbly ask that with the limited time I have left that you recognise the impossibility of totally rewriting it for this new purpose ,)

Submission with respect to the Transport Legislation (Taxi Services) Amendment Bill 2015

I am making time once more to write on a subject close to my heart and which no doubt remains a substantial talking point both in the news media and likely the halls of power .

I refer again to that so called American start-up uber or Uber or Uber-x as it is also known and wish to add my thoughts to the growing number of arguments already on your plate no doubt . I shall refer to them as Uber .

Indeed I wish to thank the Premier and Minister for the courtesy of replies from their offices to my email dated 25th August .

The gist of the responses from the offices of Premier and Minister for Transport and I refer to one of them which talks of the (1) popularity of Uber , (2) the need for all public passenger vehicle operators to comply with current regulatory requirements (3) the Dep't continue to take action against drivers not complying and (4) level playing field .

(1) Popularity . As I said in my previous letter the previous proliferation of hot dog stands outside bars was popular , but was it good ?

History would suggest that despite its popularity that the public needed to be protected from themselves and the hot dog stands were eventually banished and rightly so .

In fact a Uber type organization could demonstrably start up say an electrician despatch system sending anyone who can tell the difference between a black (earth) wire and red (positive) wire to fix your mum's house .

Lots of margin there . Makes taxi fares look extremely cheap . Most tradesmen charge \$100 just to arrive at your door . Taxi charge just \$1.50 + small flag-fall !

Could become very popular .

But is it right or good !

(2) Compliance with current regulatory requirements . Well if the worst comes to the worst I wonder how Uber's partners would feel about paying class 3 C.T.P. some \$6,000+ / year, complying with the correct insurances , 2 Machinery Dep't inspections a year and a raft of other compliances including driver police checks and proper accreditation to the satisfaction of the Department of Transport .

And then there's Uber's known aversion to paying tax and the question of driver income tax and G.S.T. , a Federal issue of course . At least the Tax Department claims to be unafraid of Uber which it correctly describes as a bully .

But in the end , compliance would also be subject to the level of inspection and while the Department has been starting and stopping its inspection activities , meanwhile Uber has suddenly proliferated .

It has the appearance of the horse already bolted .

(3) The Dep't continue to take action against drivers not complying . I am told the Dep't action ceased of a certain date and am not aware if it has restarted . Meanwhile Uber never stops and their numbers have increased exponentially since March / April this year and continues while we speak .

(4) Level playing Field . Cannot happen .

At every point Uber and its partners have every advantage . Apart from the ongoing costs of compulsory insurances and specified vehicles with extremely expensive equipment and compliances plus 2 machinery inspections per year , the task of staffing these vehicles with taxi drivers has progressed from being previously an ongoing very difficult one to now being nigh on impossible .

The source of taxi driver supply has now dried up , gone , virtually finished .

Previously an advert seeking a taxi driver would easily require 1 week , 2 or 3 weeks just **to get 1 reply** , not necessarily a suitable applicant .

Now the phone doesn't ring nearly at all .

And why not ?

Because many taxi drivers have likely gone underground for one , defected to Uber I presume . And since taxi driving has always had a strong element of new immigrants in the past and is noted similarly these days with overseas students then the attraction of taxi driving has suddenly vanished , supplanted by Uber .

No \$550.00 training costs and 12 month wait , no uniforms , rules and regulations with both the taxi companies and the Transport Department enforcing them , no taxes etcetera etcetera .

Why bother getting a special licence !

But I wish now to digress a little to an incident to which I was actually a witness at Brisbane Airport Taxi Holding Area just this week .

For some hours a gentleman in traditional Punjabi attire addressed (in Punjabi) all who were interested , his audience being almost exclusively Black and White taxi drivers .

An Aussie driver suggested it was probably Uber recruiting and I doubted him until an ex driver of mine confirmed it later .

Indeed here was the unlawful enemy Uber , despatching illegal cabs and recruiting in the heartland of taxi operation being the Brisbane Airport Taxi Holding Area , with apparent impunity .

The cheek and hide of it is gobsmacking to say the least but to anyone with the knowledge of history of Uber it is less than surprising . They did the same to Lyft in America , a tiny outfit a small percentage the size of Uber but they actively preyed on Lyft's drivers to join Uber's ranks . Probably seeking Lyft's likely Transport Dep't accredited drivers .

But this sort of activity is just typical of Uber and the degree to which they are so utterly hidebound is beyond belief . Meanwhile Uber states to the media that the world would be a better place if everyone rode Uber .

Joseph Goebbels would have been enthralled with their logic .

And I am given to understand that a meeting with Uber at the Minister's office did not go down very well and Uber's people told not to bother coming back .

Because this is Uber . Uber don't listen , they dictate . Uber prey on the enemy , not just compete .

Uber calculatingly attack the personal integrity of critics including the press rather than demonstrate their own higher morals for which they are actually bereft .

And this is what we are left with , an American invader not intent upon swimming in the pond but actually attempting to devour everyone else in it and that includes the current players being legitimate taxi drivers and also their legislators .

Nothing less than world domination of point to point public transport is their goal and to hell with the laws of the land and their stupid taxes .

Frankly Uber is nothing less than obscene and the legislators appear paralysed by the concept while Uber expands exponentially .

I frankly wish I had other things more urgent than taking your time once again but feel I must .

Yes I am in the process of forwarding a letter to Brisbane Airport Corp , Ground Transport Manager on the matter of utilizing their land for Uber recruitment and that letter is just sent .

The reason that Uber drivers are so easy to source is that Uber means easy untaxed money with no training , no responsibility to government and its legislation or any other higher body . As I mentioned in the previous letter that

there will be incidents and then more and more it has actually come to pass 2 unsavoury incidents one on the Gold Coast and one in the western suburbs of Brisbane . It's not that incidents cannot happen in taxis or anywhere else for that matter but at least they are heavily monitored and policed .

It does appear that over this last few days it is alleged that Uber drivers were actually targeted and assaulted and I can only hope that this is not taxi driver retribution . Whereas such could not be condoned yet I know the taxi industry is very very angry and for good reason .

But I wish to suggest a very plausible and likely scenario involving at this point an imaginary Uber driver showing off on his phone at a party how he makes money out of Uber when a job appears nearby wanting to be taken a long way say to Redcliffe and being half drunk and likely half drugged , is compelled to accept the job and boast to his mates how he will be back in half an hour , don't worry .

Much as I have concocted the story yet it is part and parcel of acceptance of Uber that this sort of action is likely , sooner or later in one form or another , a typical disaster waiting to happen .

In my long experience in the taxi industry wherein such an experience was always extremely rare even in the old days that I would suggest I have witnessed nothing like it in modern times and rightly so .

But who is monitoring the Uber drivers ?

Essentially no-one .

But the taxi industry in particular throughout Australia cannot understand why Uber the company and in particular its Australian subsidiaries are not themselves being held to account . Since the Tax Dep't rightly classifies their drivers as taxi drivers then their despatch of these drivers means that they are a taxi company .

Ipsso facto the dispatching company must obey the laws in each jurisdiction and operate within the regulations of each state , thus requiring contracts say in Qld. and complying with those contracts and related social obligations .

What is so precious that amongst all public Transport licenced operators that they should be considered exempt .

And also their drivers .

In the end it's only a matter of opening Uber's books meaning their records and thus identifying their drivers and bookings which would lay open all their inappropriately licenced drivers and their un-accredited cars .

I feel sure the Tax Dep't can do it and feel that little is being done around the country by the various Transport Departments to ensure that the two entities comply with the law .

Surely the law is the law and I am glad to see that safety is mentioned by your department's respondent , but is this going to be enforced .

On the other hand the taxi industry and other public transport operators are heavily wrapped in legislative compliance and costs and wonder why we are all being thus singled out , while Uber and its " partners " sail free in the wind , no compliance , no taxes , no worries .

Meanwhile N.S.W. suspends the driving licences of 30 Uber drivers , N.S.W. and Victoria hold commissions into the viability of their taxi industries , A.C.T. is alleged to have legalized Uber and W.A. is or has issued a Green Paper written by **more economists , happily oblivious to the history and reason for public transport regulations in the first place .**

The responsibility is very much in the hands of our regulators .

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With respect to this new Bill , the situation stands that the parent company and dispatcher of illegal taxi services being Uber is considered by local authorities to be too difficult or onerous to prosecute .

Meanwhile their so called "partners" in Australia and elsewhere who are demonstrably breaking every relevant Transport Department regulation with respect to providing public passenger services constituting in the main unsuitably licenced drivers driving unregulated vehicles with a total absence of suitable insurances , inspections and accountability

have been subject to breach fines I am told which are of the order of \$3,000 per fine **but which have been paid as I understand by the despatching entity Uber .**

In other words , **those illegal taxi drivers have no disincentive against providing those illegal services and at the very least complying with the regulations .**

Those regulations are the product of decades of progressive lawmaking with the specific purpose of providing the travelling public passenger with a high level of safety with appropriate insurance backup .

Those regulations are abided by all public transport drivers and operators including taxi , limousine , bus and coach and any other .

To create or allow any exception should be seen as a dangerous precedent and a multi decade step back in time of legislative laxity .

If these so called “ride sharing” (ha ha) activities are not actually forcefully banned then it is demonstrable at the very least that they should be made to comply with the laws , same as all the other public transport operators which as I mentioned before being such as taxis , limousines , buses and coaches .

And if there is no current pain to providing these services illegally then the only way is to legislate effective penalties such that they are forced to comply with the rest of us and obey the laws .

Yours sincerely ,

John Smallsman , 37 years taxi driver and operator

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[REDACTED]
[REDACTED]

PS. I make a passing reference of all things to my daughter’s school fete wherein the fete holds insurance cover for the visitors and in particular any volunteer workers .

This is 2015 .

Why should any entity or its “partners” be allowed to evade their obligations under the law with no fear of punishment .

I for one as a public transport operator face a raft of fines up to and including in the thousands of dollars for non-compliance and no-one else but me would be paying it .

Why should the new kid on the block and specifically its “partners” be effectively left exempt from actual punishment !