

**From:** [Stephen LCAZE](#)  
**To:** [Infrastructure, Planning and Natural Resources Committee](#)  
**Subject:** Transport Legislation Taxi Services Amendment Bill.  
**Date:** Thursday, 22 October 2015 1:01:00 AM

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For the attention of the :

Infrastructure, Planning and Natural Resources Committee.

In the matter of

The Transport Legislation (Taxi Services) Amendment Bill.

As a registered voter in the state of Queensland, it is with distress and unease that I have observed the unfolding events of the last 12 months in relation to the issue that inspired the tabling of this bill. In that time there has been a change of government and what is possibly a fairly usual change in staffing in the relevant administering department. (TMR)

What has been apparently consistent, is the seeming lack of ability or motivation by any level government to tackle the problem with a consistent determination to uphold the laws of our state. THE EROSION OF SOVEREIGNTY that has resulted will not have gone unnoticed by many active or intending enterprises in any area of operation that is subject to the rule of law and sub tiers of regulation. Fisheries, mining, land use, OHS, environmental impacts, food processing, victualing and construction all spring to mind.

The rule of law is a fairly abstract and fragile concept that relies on, ongoing compliance and yielding of self interest for the benefit of the greater good. When recalcitrant and determined non compliance is seen to be tolerated, for whatever reason, at an official level, the very rule of law that underpins our entire society is at substantial risk.

It is unfortunate that this bill could be interpreted to provide an almost trivial response to what can be considered to be such a major threat, and should be in the very least considered to be merely a starting point in the process of reinstating compliance. As in any situation, punitive compliance measures must be tailored to actually inflict some degree of discomfort on the offender whilst leaving room for future rehabilitation. As a starting point, the application of demerit points to providers of illegal passenger transport services will send a clear message to those enterprises, if and when combined with active field application of the measures that their period of operation will be curtailed.

Please notice the rider in that last paragraph, which I would beg of the committee to make some form of recommendation about, because without active in field application of the penalties, their effectiveness will be extremely diluted.

No doubt many of the submissions will refer to a particular operator of illegal taxi services, but my understanding is that these measures are intended to apply to perhaps an even wider spectrum, with a focus on ensuring that appropriately authorised vehicles, drivers and systems are in use. There have always been operators of illegal transport services and many of the low profile ones are just as odious in their operating methods and society in general would benefit from their cessation

In general, the public have been conditioned that passenger transport services are heavily regulated, by the government, for general safety of the passenger and broader community. This a relatively ingrained consciousness, and as a result, when the public are offered a service which projects a slick corporate image, and in the absence of clear

government lead public statements debunking that misinformation, an attitude of "... it must be ok" quickly sets in.

This particular situation is further exacerbated, by manipulation of both mass and social media by a very well resourced company which seems to have redefined many words and concepts to suit the needs of it's ambitious plans whilst plumbing the depths of questionable business ethics. Unfortunately, the inaction of the government to effectively explore and implement measures to actively protect the sovereignty of our state of Queensland bewilders and distresses me as a citizen.

Whilst remaining with broad concepts, I believe that it is immoral for the motorists of Queensland, to be effectively underwriting the public liability risks of these types of operation ( by my calculation to the tune of approximately \$120 per vehicle per week) through the scheme which I refer to by the possibly out dated term of the Nominal Defendant. It is my understanding that as the situation stands, warrants of CTP policies provided by Suncorp, QBE and AIG ( RACQ) in Qld, would permit them in the event of claims, at their discretion to, "... reduce a claim, reject a claim, or treat a policy as though it had never existed." The insurers can activate these alleviations for a number of reasons which in these cases would be readily accessible.

These include,

Selecting private, rather than commercial use.

Providing transport of paying passengers.

Failing to notify the insurer of matters that a reasonable person might consider relevant to the risks being covered at the time of initiating or renewing the policy, or as they arise..

Failing to notify the insurer of a change that a reasonable person would consider relevant to the policy.

Driving the vehicle without appropriate license and authority.

Driving a vehicle without the appropriate registration and / road use permit/s

Our community funded nominal defendant is a worthy scheme, but like Workcover could suffer a dramatic reversal if confronted with a rash of major injury or fatality claims. In the case of the company of topicality, much has been said of its own "contingent liability" policy which by my reasoning and investigations is actually inapplicable for the following reasons:

The policy is not registered with APRA

The policy does not comply with APRA requirements

The policy is "contingent" which would indicate that the mandated response by the Nominal Defendant would relieve them of obligation

No certificate of currency is evident.

As a Queensland citizen and motorist, I believe the above matters to be not only material to the issue, but are of sufficient gravity to project this issue of dealing with these illegal drivers to one of great urgency, when we accept that road trauma is an inevitability.

I believe in the particular case, it shows the contempt for our laws that inspired the tabling of the bill to provide enforcement operations with this extra tool.

This amendment is not targeting any particular operator, and regardless of what occurs with any particular operator has efficacy in the management of passenger transport services in Queensland. The proposed penalties send a clear message to not only those on

the roads, but offshore entities, that their workforce can and will be depopulated, if fiscal penalties serve as insufficient deterrent to comply with lawful instructions such as a "cease and desist order"

In short I beg the committee consider recommending :

1. Accelerating, the retableing and passage of the bill.
2. Active enforcement of the amended penalties
3. That specific mention be made of permitting the Qld Police Service to implement the proposed penalty regime, especially in areas and times that are inadequately resourced with TMR officers
4. That the provisions of section 7 of the Queensland Criminal Code be extensively researched by appropriate personnel within the service of the government, for how they might be applied to any party to illegal passenger transport services, most especially in relation to insurance issues.
5. That even though there is something of a climate to deregulate industries, passenger transport, and taxis in particular has repeatedly been shown to require close government oversight, if not actual involvement, to maintain community safety and amenity.
6. Contacting me for any clarification of any of the matters that I have cursorily raised in this submission.

I remain,

Your humble and obedient servant,

Stephen Lacaze

