

Submission to Infrastructure, Planning and Natural Resources Committee

Re Transport Legislation (Taxi Services) Amendment Bill 2015

In support of the bill I submit:-

1. The bill does not change or create any new offences.
2. The Bill only increases the penalties relating to the offences under current laws.
3. The Bill needs amendment to include repeat illegal taxi operators under the provisions of the "Hooning" laws allowing their vehicles to be seized.
4. The Bill needs amendment to make it an offence to drive a motor vehicle with an incorrect class of third party insurance. Many illegal taxi drivers only have private class third party insurance, whereas a taxi has a class 3 "commercial taxi".

The need for this bill with the suggested amendments becoming law is as a result of a large number of persons in the past year providing a taxi service in contravention of the passenger transport laws. These are advertised on Gumtree and other social media as well as the booking systems using an App on a phone.

The fines imposed on illegal taxi operators have recently been paid by a third party and the drivers continue to offend without facing any penalty for their actions. The imposition of demerit points will make the drivers face a personal penalty for the offence.

Illegal drivers endanger the public as they do not comply with the safety requirements with which the Taxi industry is required to comply.

Repeat offenders should be treated the same as repeat Hoon offenders as their attitude to complying with the law is similar.

Most illegal operators only have private third party insurance and should be penalised for disregarding the need to have the appropriate class of commercial third party insurance. At present the law relating to operating under incorrect class of insurance is unclear and needs clarification.

The Uber group, which is the prevalent offender at present, has an attitude to disregard any regulation which interferes with their choice of business operation. This has been evidenced in recent media items relating to Uber's dealings with the

Australian Tax Office wherein an FOI search has revealed that Uber asked the ATO to remain quiet about the Tax obligations of Uber drivers. This shows the blatant disregard Uber has for compliance with any Laws or Regulations.

Extract from The Australian BEN BUTLER THE AUSTRALIAN OCTOBER 19, 2015 12:00AM

“On May 11, Uber proposed a different deal under which it and the ATO would stay mum on whether drivers were liable for GST. “Uber believes this approach will allow maximum flexibility and benefits for both parties,” EY said in a letter to the ATO. The rest of the proposal was redacted because it was provided to the ATO in confidence and a second proposal, sent four days later, was entirely redacted.

Mr O’Halloran rejected Uber’s offers on May 18, describing them as “dependent, in essence, on the ATO not expressing a public view on ride sourcing”.

“As we have discussed, this nondisclosure feature of any proposal is neither one which the ATO could agree to as it does not allow for transparency, nor one which assists the broader community to make decisions on their business and taxation arrangements, as there would be no certainty of the ATO view.”

Illegal operators are not subject to any of the checks and controls imposed on the legitimate Taxi operator.

I request that the Committee include in their report the need for QPS to be active in the enforcement of laws relating to illegal public transport providers, as such providers place the public in potential danger.

Warren Smith

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