

Our Reference: BM::150757  
Your Reference: 11.1.10C

22 October 2015

MARINO | LAW

Infrastructure, Planning &  
Natural Resources Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

**By Fax: 07 3553 6699**

**By Email: [IPNRC@parliament.qld.gov.au](mailto:IPNRC@parliament.qld.gov.au)**

Dear Sir,

**RE: SUBMISSION TO THE INFRASTRUCTURE, PLANNING & NATURAL RESOURCES  
COMMITTEE  
TRANSPORT LEGISLATION (TAXI SERVICES) AMENDMENT BILL 2015**

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We act for PRM Taxis Pty Ltd and its directors and shareholders.

We are in receipt of your letter dated 23 September 2015 (received by our client only a few days ago) which invites stakeholders to make written submissions in respect of the *Transport Legislation (Taxi Services) Amendment Bill 2015*.

We note from the outset that our client supports the Bill as a positive step in the endeavour to curb the illegal activity of drivers operating a public passenger service without the appropriate accreditation required under the existing legislative and regulatory regime.

We are instructed to make the following observations and comments in respect of the Bill and wider considerations:

1. The unlawful activity of unlicensed taxi services is widespread throughout Queensland and prompt action is required to police and enforce current contraventions under the *Transport Operations (Passenger Transport) Act 1994* (the 'Act').
2. Whilst our client promotes competition in the market place, the current legislative and regulatory regime is necessary in the public interest to, amongst other things, promote high levels of accountability and personal safety to persons using passenger transport. An apathetic approach by government and regulatory bodies in the strict enforcement of the legislative and regulatory requirements, undermines the rule of law, the confidence in the justice system and jeopardises the standards, safety, integrity and viability of the taxi licensing scheme.
3. The policy objective of the Bill is to increase penalties targeting illegal taxi operators and deter non-compliance with the Act. The introduction of demerit points against persons guilty of providing a taxi service without the appropriate licence may be an effective deterrent against drivers. In our clients view, perhaps a more effective deterrent would also incorporate the imposition of significantly greater financial penalties.
4. It is our client's opinion that it is also necessary that due consideration be given to wider issues including to:

- a. appropriate sanctions, penalties and preventative measures to deal with parties aiding, abetting, counselling or procuring a contravention by a driver under the Act;
- b. ensuring necessary measures are in place or implemented to prohibit the advertising, marketing and other initiatives which promote such illegal activity;
- c. ensuring the existing legislative and regulatory framework is adequate to hold corporations accountable if found to have aiding, abetting, counselling or procuring a contravention by a driver or operator under the Act;
- d. appropriate measures to police the law; and
- e. ancillary matters for consideration including:
  - i. the validity of insurances maintained by unlicensed drivers;
  - ii. accounting of income revenue from a taxation perspective; and
  - iii. correlation between illegally domiciled people and unlicensed taxi drivers.

Our client purchased its taxi operation business and taxi licence on the premise that the existing legislative and regulatory regime would be enforced and upheld by the government. The continued operation of unlicensed and unlawful taxi services ultimately effects the quality of service and integrity of the licensing scheme and the consequential erosion of revenues to licensed operators questions the commercial viability of legitimate businesses.

The commercial impact of unlicensed taxi services on our clients business is significant and no doubt, substantial to the wider licensed taxi industry.

The regulatory costs imposed on licensed operators naturally provide unlicensed taxi operators with an unfair competitive edge and their operation adversely impacts the income potential to compliant operators and drivers. Our client directly attributes its 8% gross revenue decline over the past 12 months to the operation of unlicensed taxi services.

It is our clients view that prior to removing, altering or relaxing current market entry restrictions and or regulatory requirements, the committee should carefully consider the:

- a. the underlying objectives of the current licensing and regulatory regime and in particular, to protect the public, ensure safety and accountability; and
- b. the potential financial repercussions to the government and existing taxi operators, including but not necessarily limited to, diminution of the market value of existing taxi licences (which in Queensland alone has an estimated collective market value of \$1.4 billion dollars) and licensed taxi management businesses and the costs and exposure to the government.

Our client makes the above submissions on a without prejudice basis and this letter should not be treated or construed in any way as a waiver of our clients rights which are hereby reserved in all respects.

Yours faithfully  
**MARINO LAW**



**Ben Marino | Partner**