

22nd October 2015

**Attn: Research Director
Infrastructure, planning and Natural Resources Committee**

I, Jesseka Lingenberg, am writing to you today as a concerned citizen of Queensland surrounding the public safety and welfare of all citizens that use Uber as a form of transport. In recent times Uber has launched their ride sharing app into Queensland and their use is expanding around Brisbane and Queensland as the days go by. My concerns surrounding their use is in the interest of public safety and also the effect being had on the current taxi industry. Uber functions like a normal cab would and yet are not held to the same standards as cab companies around Queensland, with these standards being enforced under the Transport Operations (Passenger Transport) Act 1994. Consequently this puts Queenslanders at risk, as Uber are functioning as a normal taxi, illegally as stated in taxi legislation law, and are not held to the same standards as taxi vehicles and drivers are legally obligated to follow before operating. Uber should not be allowed to operate within Queensland due to the reasons stated.

The main issue is that Uber drivers are allowed to operate essentially as illegal taxis with no action being taken to prevent them from operating by the Government. In a Competition Policy Review Submission (June 2014) made by the Australian Taxi Industry Association (ATIA) to the Competition Policy Review Secretariat it is illustrated how Uber are operating as illegal taxi services by stating “Ride-Share Services (RSS) can be defined as on-demand passenger transportation services, provided for reward (profit) by private drivers in their own vehicles. RSS are anywhere-to-anywhere exclusive hirers provided by strangers-to-strangers... therefore for all intents and purposes unlicensed taxi services” (2014, p.12). In turn these Uber drivers are operating essentially as a taxi service and are not forced to comply with Queensland laws surrounding taxis, which is stated in the Transport Operations Act 1994 (s.70). This act insures public safety by enforcing taxis drivers to have a license of the appropriate class (a taxi license), to have knowledge of taxi service areas where the person intends to drive, to have a blood alcohol concentration of zero while driving and they must not be under the influence of drugs. Other major components of this act are the fatigue management of drivers, camera security systems, a minimum of GPS locators ensuring drivers are trained in the relevant service and to have vehicles inspected every 6 months and replaced after 6 years from new. The issue being that Uber drivers are allowed to operate as

Uber and its Illegal Operation

illegal taxis while not following any of the laws placed in legislation for taxis. This is a major community safety concern as their use grows and continues to put the lives of members of the public at risk.

Section 70 of the Transport Operation Act 1994 implies that people must not provide a taxi service unless the person has a taxi license and a suitable vehicle, Uber drivers do not hold a taxi driver authority only a standard Australian driver's license. For an individual to actually hold a taxi driver authority they must go through several checks before being allowed to operate a taxi service these include criminal history checks, complete competency-based training of taxi operation, be able to speak and communicate in English and pass a medical examination (Davies, 2014). Vehicles used as taxis also operate under a taxi service licence to be compliant with the laws, vehicles are required to be regularly inspected for safety and quality every six months, have necessary insurances, to not be older than six years, and to maintain a range of equipment for passenger comfort (Davies, 2014). Taxi vehicles are also fitted with a taximeter for accurate fares and prevention of fraud, security cameras for driver and passenger safety, and reliable identification of the driver, this equipment is fitted to protect the safety of citizens and the community (Davies, 2014). Uber drivers and vehicles do not comply with any of the standards that are put forward by this act or enforced within the taxi industry. These standards have been put in place by the Government to help protect consumers that use taxis, with Uber drivers and vehicles not being forced to comply to the same laws as taxis, not only violates the law and puts public safety at risk but also is a form of injustice against the entire taxi industry which is made to comply with these laws, which costs a substantial amount of money each year to operate.

Uber drivers continue to operate around Queensland although Scott Emerson, the Minister for Transport in 2014, said in an article by Brisbane Times "that a cease-and-desist letter was sent to Uber on the 21st of May, 2014" although no action has been taken to stop Uber from operating or to issue penalties to drivers for operating an illegal taxi (Jackson, 2014). As Uber drivers continue to operate and take fares from law abiding taxi drivers and companies, this is an injustice that is being served to the taxi industry and also may effect members of staff that work within the head offices of the taxi companies. If drivers are losing work due to Uber because they are not able to compete with prices, as they need to make enough profit to pay for the ongoing costs to operate a taxi lawfully, the taxi company in turn loses profit and also work for their staff members that work in administration, accounts and also in the radio rooms. This in turn leads to disastrous flow on effects for their employees as job cuts may need to be made within these taxi companies, which then puts extra pressure onto our economy to provide support for those left without a job because of the community wide damage Uber has caused within an already functioning and booming taxi business.

Uber and its Illegal Operation

Reforms should be made to the Transport Operations (Passenger Transport) Act 1994 for harsher penalties to be enforced upon people operating unlicensed taxis. Section 27 of the Act states that “a person must not operate a public passenger vehicle providing a public passenger service for which driver authorisation is required unless the person is an appropriately authorised driver”, the maximum penalty is 100 penalty units for not abiding to this section of legislation, this being calculated to a maximum fine of \$11,780 dollars. Uber is a multinational corporation which a spokeswoman for Uber in Australia and New Zealand, Katie Curran, stated to Sydney Morning Herald, that “Uber stands by its partners 100 per cent and always will”, so a fine for a company which is backed by Google, another multinational corporation, is nothing and won’t deter the business from operating illegally throughout Queensland (Atfield, 2014). It is evident that the penalties already in place are not a concern for Uber or for Uber drivers and are therefore not sufficient and need to be increased, without these laws being reformed the Government is allowing for their own laws to continue to be ignored by large companies and citizens of Queensland operating illegal taxis while the taxi industry which put in its best efforts to follow these laws for reasons of public safety and protection are being left to suffer. I look forward to seeing your actions surrounding this issue.

Yours sincerely,

Jesseka Lingenberg