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IPNRC

The Chair
Hon Jim Pearce MP
Infrastructure Planning & Natural Resources Planning Committee
Parliament House, George Street,
Brisbane. Qld 400

Dear Sir

I respond in relation to the request for submissions specific to the consideration of increasing penalties within the Transport Operations (Passenger Transport) Act 1994 for entities operating Illegal Taxi Services in Queensland.

I was hopeful that the terms of the invitation to comment would have been sufficiently broad to allow me to comment in detail of the cause of illegal Taxi Operations in Qld and the detrimental effect it is already having on the best run, best managed and most efficient Taxi Industry in Australia and as some informed parties state, in the world

This illegal Taxi operation has imposed a disruptive and unfair trading imposition on the Qld Taxi Industry. It provides limited infrastructure, pays no licence purchase cost, limited licence operating fees, whilst fares and operating conditions are not determined by Government and is not bound by other very necessary and sensible controls, including fiscal controls that the Qld Government has over a period in time found to benefit the general travelling public. The Parent Company operating this illegal service in Qld therefore has **very low overheads** and it appears from current investigation else ware, probably pays minimum income tax in Australia.

This illegal Taxi operation 'cherry picks' its operational area, does not provide any useful or necessary service to assist disabled and handicapped persons and is causing fiscal hard ship within the existing regulated industry and from my experience is not required to provide a service to remote suburbs within its chosen operational area and is very selective with the passengers it would normally be obliged to accept. Licenced Industry Taxi Drivers are now providing 'moonlighting' services for this illegal enterprise to the detriment of current legal licence holders who wish to provide 24/7 operation with the Licenced Vehicle.

There are other matters relating to driver conditions, superannuation and investments in the industry etc., and more serious of all is the unlimited uncontrolled number of vehicles operating this illegal service over which the Qld Government at present apparently has no ability to control and which have an impact on the current orderly industry, its earnings, and like a cancer will eventually make the obtaining of Licenced Regulated Drivers impossible thus the public and the existing orderly regulated industry will not be better served.

The disastrous New Zealand experience of 30 years ago and the Seattle experience of recent times is a good indicator of the likely out come if this illegal operator is not completely expelled from the Queensland Taxi Industry. Due to operational circumstances specific to the ACT Taxi Industry it is not an appropriate model to be considered and I will not expand the above statement further at this time as it is not relevant to the substance of the enquiry

Finally it is a complete myth being perpetrated by the illegal taxi industry controller, that there is no competition within the Qld industry. As the Qld Government is undoubtedly aware there are several companies, and many individual licence holders, providing competition within the strict limitations of the fare and licence requirements correctly controlled by the Government.

Further there is no basis for any hype on any restricted trade practice legislation being infringed. If this was the case then other Government infrastructure such as electricity, ports and rail etc would also need to be opened up to similar uncontrolled independent enterprise

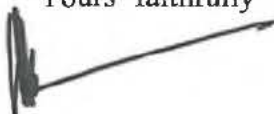
I have provided this very limited preamble to enable the Chair and Committee to determine what motivates my submission in relation to possible implementation penalties.

The following is my request to the Chair and Committee for its consideration

1. The possible deduction of three points from an illegal drivers licence is insufficient as a deterrent as the likelihood of that person again being detained within a short space of time is minimal due to the technical difficulties that the Transport Officers are already experiencing in obtaining information and issuing infringement notices.
In addition it is reasonable for the Committee to consider the cost to the Government and the Qld Public of policing the illegal operations and the possibly that the level of funds made available to undertake such policing and to circumvent the internet technical advantage the Principal of the Illegal Taxi Operation is able to command, will not increase in line with the expansion of the illegal taxi operations.
I am concerned that as time passes an "infringement frustration and/or fatigue" will set in within the Department entrusted with pursuing illegal drivers and the cancer of unregulated taxi operation will grow to the detriment of the Public and the Industry. This is the overseas experience.
Therefore I would respectfully suggest that this proposal for consideration by the Committee be increased to six (6) points, definitely a minimum of five (5)
2. I would further suggest that after due consideration should the Committee believe that three (3) points are in fact a **continuing exercisable deterrent** then **the fine for such illegal Taxi operation be doubled** as that will be a more effective penalty for such an infringement and offset to some degree the monitoring costs applicable to the public and Government purse.
3. It would be appreciated by the Licence Holders of the Regulated Taxi Industry if the Committee would consider expanding its terms of reference to consider some form of penalty for Qld Transport Licenced Taxi Drivers caught driving for an illegal taxi enterprise thus contributing to the benefits derived by such an illegal entity. In addition undertake to determine the appropriate legal vehicle by which the management and share holders behind the Illegal Taxi Enterprise could be made responsible for their engaging in an Illegal Act and be very heavily penalised even to the extent of a possible custodial sentence. It seems inappropriate to me that only the person invited and then supported in the undertaking of an Illegal Act, namely the operation of an illegal taxi, is the only entity penalised.

I thank the Chair and Committee for providing me with an opportunity to convey my opinion on what is considered at grass-roots level a very serious and employment destroying illegal operation not to mention the revenue loss to the Government on the controlled tendering of Qld Taxi Licences.

Yours' faithfully



Keith Herron
21st October 2015