

**Submission presented to the Parliamentary Committee responsible for  
reviewing the Personalized Transport Reform Bill**

Respectfully, I submit the following for your consideration: -

1. Establish an independent Personalized Transport Commission with legislative amendment, policing/enforcement, regulatory and policy development capacity.
2. Bailment Agreements must be retained, with the minimum work conditions and standards for all personalized transport drivers enshrined in legislation. **This is for the protection of all drivers. Previous taxi reviews had resulted in the introduction of the bailment agreements into Legislation.**
3. Security Camera requirements must be consistent and uniform across all personalized transport providers to ensure the safety of all passengers (regardless of the service chosen) and to meet Queensland Police requirements. **Only Appropriate cameras to be used to comply with Police requirements. All cameras must be tamper proof. There needs to be a chain of evidence to ensure Camera Evidence.**
4. Commercial-grade, anti-tamper GPS units must be fixed to all personalized transport vehicles and be remotely accessible to authorized parties. This is a Safety Issue for all personalized transport sectors.
5. The capacity of the Minister to enter Service Contracts be retained to provide a framework for accountability to be managed at the lowest cost to the Government. **It is important to retain Service contracts for the benefit of the disabled and the low-social economic groups in the Community to receive appropriate service and to ensure compliance. There would be no chain of responsibility or accountability otherwise.**
6. Greater consideration must be given to other non-transport Acts at State and Federal levels particularly, Disability, Taxation, Discrimination, Workplace Health & Safety. **All these must be considered in any new legislation. All Operators and Drivers must comply.**
7. All Personalized transport vehicles be required to have dedicated number plates (akin "T" plates for taxis and "L" plates for limousines), rather than the removable stickers. Plates to be provided only when evidence of Safety Certificate was issued by TMR Department NOT by an Inspection Station. They're not all reliable, the Government is abrogating their responsibility of Safety to the Public. **A great number of Uber vehicles operating without the appropriate identification. The only way to ensure compliance is by way of a Registration Plate to identify the vehicle. They must also have CTP and COI before being issued with Plates.**
8. Numbers of Uber vehicles must be controlled by means of paying for a License in a Public Tender like everyone else. He/she would be paying to purchase a business. No one goes into a business without paying for it. This is the reason why there is an avalanche of Uber vehicles on the road. There are some 2,000 vehicles operating at the Gold Coast Area. Taxi Drivers earnings have drastically diminished as a result, they left the industry, most of the fleet is grounded because of that. **Is it a calculated**

plan to destroy the Taxi Industry by Uber at the watch of the Government? Gold Coast Cabs have a fleet of 395 vehicles including 92 Wheelchair Accessible. How could they compete against 2,000? It is most unreasonable to allow anyone with any vehicle regardless to safety, with no Police or health checks, no Public Liability Insurance, no GST or ABN registration to deliver a Taxi Service? The only way to control the numbers is by paying for a License in Public Tender. **However, it has been established over so many years that growth of population relates to the number of Taxis required.** We may have had a small growth but it does not warrant the avalanche of 2,000 suddenly put on the road. **If this case is taken to court I'm sure it would stop all this, no justification to it.** It is worth noting Uber vehicles are not on the road when they are needed. The times when they are needed and the bad jobs are left for Taxi Drivers. They only part timers. Uber as a foreign registered company, do not pay Tax, instead they collect some 20% from earning of drivers and it is all going out of Australia, they bring nothing to this country. Again, most of their drivers don't pay tax either. No ABN, or GST registration. I'm sure the hard-working general public would be enraged if they knew this particularly, when the Government is dismantling all safety, accountability and protection of the public just to please Uber. Why?

9. Provide greater clarity and certainty on the class or classes of Compulsory Third Party insurance for all personalized Transport Sectors. **TCQ has supported the amendment to move booked services to a new class 26 with Limousines. Questions were raised on the TCQ's position on booking services being separated from Taxis. Should all vehicles be put together in one class? Will Rental Cars be included?**
10. All personalized transport providers must hold public liability insurance to prevent the State Government becoming the default insurer and to minimize potential risks to the community.
11. Vehicle age restriction must be maintained. This is a public utility, safety is an issue here. Would be different if it was a private use vehicle. Cleanliness, color, uniformity to a degree and quality of vehicle must take priority. The operator/driver must be held accountable, otherwise the result will be decrease in vehicle standards and service. **Our tourist State will look like Bangkok or Manila taxi fleet. It would give bad reflection about the Country and our services.**
12. All drivers must have an ABN and be registered for GST before receiving a Drivers Authorization. This is to avoid creating a black money market in the industry.
13. Government to establish how it will manage and enforce issues of multiple affiliations by drivers in terms of both "chain of responsibility" and fatigue management. This includes drivers operating across both personalized transport. **This problem has been created by the Government. It is a serious Safety Issue, "FATIGUE". Many taxi operators are already experiencing issues with taxi drivers moving to share ride and alternating between the two. There will be multiple problems as more drivers join up to multiple booking services.**
14. Progress in the short-term with the full integration of taxis into the GoCard public transport network. It was agreed that this item was in the lesser category of importance in the submissions.
15. Expressly make fare "touting" illegal. It was noted that currently it is illegal for taxis to tout and owners have received warnings about this previously from TMR.
16. Expressly prohibit the establishment and operation of Booked Hire Service pick up/and drop off zones, which represent pseudo taxi rank **UBER drivers are using safety issues with councils to lobby for pick up and drop off zones. Need to address these arguments. Share ride drivers use privacy reasons for not wanting to sit at home waiting**

**for work. This could be rectified by UBER by the introduction of ghost cars which they have used in the past to hide cars from TMR compliance. Uber should use this same method to protect their own drivers.**

17. Government must establish and maintain a register of drivers that have been disaffiliated or removed from platforms to prevent drivers from simply shifting to a new platform. It was noted most disaffiliated drivers from the taxi industry were now driving share ride cars.
18. Establish high standards as a requirement for all Driver Authorizations that apply uniformly to all personalized transport drivers.
19. Question was raised about current DA background checks and are all drivers undergoing the same criminal history and health check? All should be uniform.
20. Establish clear and enforceable requirements for Government access to all data related to the delivery of personalized transport services in Queensland at all times.
21. Expressly identify Police Check requirements in the Bill for all personalized transport drivers as part of Driver Authorization approval.
22. Maintain the capacity of the Minister to enter Service Contracts at their discretion to ensure the Government has the capacity to respond quickly to changing or unique circumstances without the need for regulatory or legislative changes.
23. To include the car rental companies in the new legislation. They have been left out.
24. TSS, this should remain with the Taxi Industry – due to the higher Standard of Safety. **TSS customers are not equipped to identify appropriate booking services. Taxis are identifiable with higher standards GPS tracking system etc. etc.**
25. Local nominee for foreign company, such as Uber do not pay taxes, their drivers are allowed to operate without paying tax either. **The changes proposed do not address the current issues with compliance and Safety. The proposed new legislation is FLAWED and could be challenged on basis of absence of Safety, accountability and protection of the public. There is NO benefit to the Community, NONE whatsoever. If someone ends up in wheelchair for life or gets killed because of lack of safety, this would not be a cheap ride. Safety must be paramount.**
26. Operator Accreditation has not been addressed. It was noted that when an Operator signed for a renewal he/she had to answer questions. Such as, have you been charged with any offence in the past year?
27. EFTPOS Commissions will be reduced to 5%, Why?
28. All personalized hire vehicles must have a Maintenance System Programme to show all defects recorded, when discovered and when action had been taken to clear such defects. Such document would be **demande** **d by the** **Coroner** and **the Insurance Company or both** in the case of fatality or injury. Such event is more likely to happen now particularly after dropping the age of Uber driver and inviting anyone to drive for Uber with no regulations accountability or control **ignoring Safety**.

29. Expressly oblige Uber driver to be liable to respond to any complaints from the public. It is lawlessness and anarchy if they do not take responsibility for their services and the government should not allow this to continue. The protection of the public is a duty of the Government.
30. All Uber vehicles must have CTP. In the case of fatality or permanent injury who will take responsibility? The Bureaucrats in Department who recommended waving the requirements of Operator Accreditation? The Director General is no longer carry such responsibility, it falls back on the employee. It is a duty of care to the Public. *Compromising Safety of Passengers.*
31. Uber driver must not be allowed to ignore the seating capacity of his vehicle, endangering safety of passengers with no seat belts. *Compromising Safety of Passengers. Yet, there is no CTP.*
32. Item # 12 of Operator accreditation states that “Taxi Driver/Operator must ensure that the Driver/s do NOT drive if driver’s fatigue level may endanger passenger safety”. This must apply to Uber Drivers. At present, this does not apply. He/she is exempt from Operator Accreditation. *Hence is entitled to endanger passenger safety.* No compliance, no one is in control of this Important Safety Issue. A duty of care on the part of the Government has been ignored for the sake of Uber.
- 34 Uber driver must not be exempt from training in the *Documented Training Programme* for driver’s responsibilities under the *Transport Operations (Passenger Transport) Act 1994*. There are so many Passenger Safety items for the driver to handle if and when required. *Safety of Passengers is badly compromised here again.* The government is allowing it to happen. No duty of care to the Public.
- 35 Uber driver must be trained to comply with an *Incident Management Plan and complete an Incident Report* within 24 hours of the occurrence of an incident as required by Law. This is part of the training provided in the *Documented Training Programme* for driver’s responsibilities under the *Transport Operations (Passenger Transport) Act 1994. It should be part of Driver Authorization Licensing.* In the case of an injury, permanent injury to a passenger or a fatality, this report would be demanded by the Coroner, the Insurance Company or both. *It is a duty of care to the public ignored by the Government just to let anyone and everyone drive for Uber without taking any responsibility to the public.*
- 36 Expressly oblige Uber drivers to avail their services 24/7, 365 weeks in the year, the same as the taxi and limousine operators. Under the Act Taxi and Limousine Operators are under obligation to avail their services 24/7, 365 weeks in the year. Uber drivers should not be allowed to work as and when

- he/she likes. They should be under the same obligations providing similar services to the public? **Competition should be on equal footings.**
- 37 Expressly prohibit employees of TMR from driving for Uber. There is great number of TMR employees driving Uber vehicles. Should this be regarded as an inside trading?
- 38 Expressly prohibit Uber Drivers from getting jobs directly not through the Central Booking Agency. If a Taxi Driver does the same, he/she would be disciplined. It is against the Act and Regulations. The Transport Department demands the number of bookings and the Central Booking Agency is compelled to supply it. This action is to avoid compliance.
- 39 By allowing Uber drivers to obtain bookings directly from the public instead of through the Central Booking Agency have created a large Black Money Market in the industry. They are avoiding paying Tax as well as GST. **As a condition of Driver Authorization, they must be registered for ABN and GST.**
- 40 Uber drivers hang around the Ranks and pick up passengers from there in full view of the Taxi Drivers who have been waiting there for hours? **Should there be a radius of some distance away from ranks where Uber driver is not allowed to operate? This may resolve the issue.**
- 41 Should the Government leave the fare to be determined between the Uber driver and the passenger? The so-called estimate, when a lot of members of the public are completely in the dark, particularly the aged and the ill, about how much it should be? Should a minimum and competitive per kilometer price be determined by the Government and posted inside the Uber vehicle to calculate the distance travelled as per the kilometers recorded on the odometer of vehicle? **This is to protect the public from a scrupulous driver? Would this be a fair and realistic estimate?**
- 42 Could the Minister give an undertaking that the so called Innovative Framework adopted by this Government is not designed to deregulate the Taxi Industry in Queensland similar to the Innovative Framework adopted by the Victorian Government which led to deregulation in that State?

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Respectfully, I submit the following for your consideration: -

The recent changes to the Electoral Boundaries was the result of Queensland population growth. This resulted in only four extra seats in Queensland Parliament. Since there is a relationship between the number of population and the service to be provided. Then it is reasonable to determine that number of combined Uber and Taxi vehicles needed to service each City, area of service or Region should be determined on the basis of the number of population in such area.

It may be OK for the Government to allow Uber drivers some exemptions; however, giving Uber drivers exemption from the Operator Accreditation, means they are operating lawlessly (*Outside the Transport Operations (Passenger Transport) Act 1994, Regulations and Standard*). As a result, safety and duty of care to the public have been ignored and compromised.

Giving Uber drivers exemption of the Operator Accreditation is endangering the public instead of protecting them. Safety and Protection of passengers is what the existing *Transport Operations (Passenger Transport) Act 1994, Regulations and Standard* is all about. It has been refined and refined so many times over the years to further enhance safety and protection of the public. **Why change it now?** Anyone could see this but not the Government.

Uber may be operating legally but not according to law, **lawlessly**. The *Transport Operations (Passenger Transport) Act 1994, Regulations and Standard* was constructed with the wisdom of affording safety and protection to the passengers and their rights under such Act and Regulations. This was jealously guarded by the Department of Transport for those reasons over the years. It was complied with for decades at the expense of the Taxi Industry and carried out with no questions asked, **since it is safety**.

This is until Uber came around, suddenly safety and protection of the public and their rights under such Act and Regulations is **NOW** called **RED TAPE**. It is no longer required. So, according to the Government, Uber's interest comes before the **protection and safety of the public**.

I'm sure the General Public would prefer their safety, duty of care and protection of their rights be preserved under Law in the event of an accident.

Passengers have been denied this with the support of the Government when using Uber services, under the disguise of cheaper transport. It would be cheap until one ends up in wheelchair for life, lose a limp or even killed because of lack of safety. **It is bound to happen.** One would ask **WHY?**

The public is yet to be aware of this, I'm sure they will not like it. They would like very much someone to take responsibility for their actions and inactions. Uber does not seem to like the ideas because they do not want to pay for costs of safety to the public and the Government is allowing it to happen; **WHY?**

In this industry, being on the road 24/7, 365 weeks in the year, someone bound to be injured, end up in a wheelchair for life or even killed in an accident. We hear about it often enough. It is a reality and it is the nature of the beast. This is more likely to happen now particularly when Uber drivers are allowed to operate with any vehicle **regardless to age or condition** and no compliance. Their vehicles have no identifications most of the time, deliberately to avoid Transport Inspectors.

The Government have denied the public the Safety, Duty of Care and Protection of their rights built in the current Transport Act and Regulations, **NOW** called **RED TAPE. This is the Government's Idea to make it cheaper for Uber to operate even at the expense of safety and protection of the public.**

**Uber as a Multy National Company, pays no tax in this country stripping the public from safety and protection with the help of the Government under the disguise of cheaper transport. It would be cheap until someone gets injured, end up in a wheel chair for life or even killed resulting from lack of safety. Who will take responsibility then?** Few weeks ago, an Uber driver lost control, ended up demolishing half a suburban house. The car was written off, luckily no one in the house was injured. The woman driver was taken to hospital by Ambulance in critical state. It was all on Channel Nine news. **Can you imagine if someone in the house was killed or injured? This may not have happened if the Government did not exempt Uber drivers from the Operator Accreditation.**

At present, Uber is operating lawlessly, being exempt of the **Operator Accreditation.** The **Operator Accreditation sums up the all Safety and Protection Measures to Protect the Public and Passengers in One Document.** This is rather foolish and irresponsible on the part of the Government.

It could only be called competition if Uber would be willing to accept the safety rules in place before their participation in the industry. **The Government**

**dismantling every safety element just to make it cheaper for Uber to operate**; even at the expense of public safety and protection.

Uber should only operate with number of vehicles when combined with taxi numbers would equal the number of vehicles needed according to the growth of population in such service area. **Not in thousands of vehicles as it is at present.**

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