

**RE: SUBMISSION TO THE TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL 2017**

Thank you for the opportunity to provide this submission to the Parliamentary Committee investigating the Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017 and Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017 tabled in Queensland Parliament on 21 March 2017. This submission examines and comments on elements of the Bill and Regulations that seek to amend the Transport Operations (Passenger Transport) Act 1994 to implement reforms proposed in Queensland Personalised Transport Horizon Stage 2.

It is with regret that I feel compelled to plead representation and help at this time but I see no other avenue of assistance currently available. Our situation though, is not an isolated case but affects approximately 3,400 Small Business - Taxi Plate Owners in Queensland or (21,500) Australia wide. These plates are not owned generally by the Taxi Companies, (as is the lie, put up by Governments, Uber bloggers and the "PRESS"), but by hard working individuals (Small Businesses) who have put their hard labour and life-savings into what at the time was a "Protected Service Industry" of strict government regulation, which ensured passenger safety and reliability of a 24/7-365-day service, with a guarantee of protection to the Industry from illegal and fraudulent operators by successive State Governments.

**My Personal Circumstance: How the Government decision on Uber and the Taxi Industry has decimated my family financially and will ruin our quality and standard of life.**

My husband and I have been in the taxi industry in Toowoomba for more than thirty seven (37) years. In that time we have worked hard and raised three children who had also worked in our business. They no longer have an inheritance and no longer work in the business due to the changes made by the Queensland Government. We put our heart and souls into this business because we recognized the security we thought we had in an industry being so heavily regulated and controlled by the Government. We gained confidence by the fact that the Government itself sold Taxi Licences for what was considered to be market value. Every cent we saved we put back into the taxi industry buying more licences so that in our retirement we would be self sufficient and not be a burden on the ever increasing welfare system. We have three licences in our name in Toowoomba.

How wrong were we.

As we arrive at retirement age our plans on being **SELF FUNDED RETIREES** and **NOT A BURDEN ON THE GOVERNMENT TO SURVIVE** have been totally squashed. The taxi licences we purchased are our only form of superannuation and now we have very little due to these changes. Changes forced upon us by a Government with no backbone to stand up to a Multi-national business commencing operation illegally and being allowed to operate illegally and under a Cease and Desist Order for more than two years until the Government caved in to their demands. This is part of their business model to operate illegally in an area until the Government meets their demands and not the other way around.

As I and many others had been informed by successive Queensland Governments right through to 2015, the industry was totally safe and government regulated so couldn't be "Hijacked". On this premise, successive Queensland Governments have "Tendered and Sold Licences" worth hundreds of millions of dollars and as recently as 2015 several to the value of over \$600,000.00 each in some areas. Then with our money in their treasury pocket and with the stroke of the pen, they have made these Licences that they sold to the public, worthless, (less than half their market value Pre-2015).

*We had just leased our licences out due to health reasons when ride sharing arrived on the scene. We had a rental property that was my husbands grandmothers home (his inheritance) and we had to sell that to pay the bank back for what we owed for the purchases of our taxi licences as the banks no longer place a value on the Taxi Licences. Since then we have seen our weekly lease payments plummet*

*[REDACTED] per week for our three licences) with our lessee telling us that he will have to drop even further*

*[REDACTED] Our health will not allow us to spend the time in the business as we have done in our younger years and the stress that this has put on us is taking its toll. Health reasons forced us to lease our licences out and we cannot afford to survive and pay our medical bills on the income we are now receiving per week combined. We cannot sell our taxi licences as no one wants them. Our meager savings after putting all back into the taxi industry have all but gone and we are now faced with selling our family home just to survive. How fair is this?*

*Lessees and Operators can walk away from the industry leaving Owners to pick up the pieces. Owners are then at the mercy of the unscrupulous operators and lessees offering a meagher return on their licences or risking their various health and age related circumstances to try and work their licences themselves just to try to earn an income to survive on. Bit hard for an 80 year old to be out there driving a taxi both day and night. This raises another safety issue.*

*We are not against fair and equitable competition but to lose everything we have spent nearly 40 years working for to a business that claims to be new and innovative but which is really just a taxi service, putting passengers in touch with a driver and getting from point a to point b is heartbreaking. The Queensland Government itself put all the rules and regulations in place for the safety of passengers and drivers, which forced costs of operating a taxi to where it is today. I don't understand how all of a sudden they can remove these safety precautions for one part of the industry allowing for cheaper operations and still keeping the other part of the industry so highly regulated. As I said we are not against competition but it has to be fair and with equal operating rules and costs for the safety of the community and drivers.*

*According to Marxian economist Richard D. Wolff, Rideshare resembles preceding taxi services that started out over a century ago:*

*Eventually these businesses were reined in by government after public outcry to make sure the taxis were safe and did not harm their customers. Rideshare is competing with licensed taxi drivers who are vetted and certified and have vehicles that are maintained for safety. Being unregulated allows Rideshare to charge less for the same service as taxis. Claims by Rideshare to have 'new technology' or 'shared value' or 'ridesharing' are merely public relation strategies.*

*— Richard D. Wolff <sup>[135]</sup><sub>[136]</sub>*

*The ludicrous offer of \$20,000.00 as compensation for a Toowoomba Taxi License previously valued and sold at \$350,000.00 and limited to two licences. Just as bad is the \$100 million compensation package for a \$1.65 Billion Dollar Transport Industry, that this Queensland Government has just reduced to be virtually worthless, is unbelievable. It costs more than \$20,000 per year with costs just for, Rego and Third Party Insurance (\$7000.00), Comprehensive Insurance, (\$7,000.00), Public Liability Insurance, Service Licence Fees and Accreditations and Levies plus mandatory GPS and Cameras alone. This is before any other running costs or vehicle outlays. An absolute joke. This action is no less than the THEFT, in many cases, of the Superannuation of thousands of hardworking Queenslanders that trusted and supported successive State Governments of both colours for many decades, abiding by all the rules and Regulations applied so strictly by Queensland Transport.*

*We feel strongly that all personalised transportation vehicles must have identifiable number plates eg Taxis have T Plates, Limousines have L plates etc. We also feel strongly that as with taxis all rideshare vehicles vin numbers should be registered with TMR as rideshare vehicles for purposes of declaration at disposal of the vehicle. Eg taxis have to be declared to new purchaser on first sale from taxi to private buyer, rideshare should also have to do the same, so that someone is not buying a vehicle that has been used for rideshare purposes unbeknowns to them. Transparency has to be upheld.*

*Another item we would like to see is the Queensland Government place a bond on the value of Taxi Licences as far as the financial institutions are concerned so that people do not lose their homes over Taxi Licence borrowings.*

*Taxi licences have to be affiliated with a booking company but there is no where I can find as to what responsibilities a booking company has to their owners and operators for fair and equitable trading in any legislation.*

*I found the following exert from the UBER TERMS AND CONDITIONS*

*UBER DOES NOT GUARANTEE THE QUALITY, SUITABILITY, SAFETY OR ABILITY OF THIRD PARTY PROVIDERS. YOU AGREE THAT THE ENTIRE RISK ARISING OUT OF YOUR USE OF THE SERVICES, AND ANY SERVICE OR GOOD REQUESTED IN CONNECTION THEREWITH, REMAINS SOLELY WITH YOU.*

*YOU ACKNOWLEDGE THAT THIRD PARTY TRANSPORTATION PROVIDERS PROVIDING TRANSPORTATION SERVICES REQUESTED THROUGH SOME REQUEST BRANDS MAY OFFER RIDESHARING PEER TO PEER TRANSPORTATION SERVICES AND MAY NOT BE PROFESSIONALLY LICENCED OR PERMITTED.*

*Uber is clearly not interested in the Safety of either the Community or Drivers and shirk all responsibility. You only have to check the internet to find out how many law suits have been filed against Uber by the community and drivers and if you check Taxi lawsuits they are predominately against Uber and its operation. This has to stand for something.*

*Taxis have for years been the only form of personalised transportation home after a late night out as every other form would not keep working and dealing with the late night early morning patrons that have been kicked out of the pubs and clubs. Even the police rely on the taxis to help clear the city of any trouble makers, so if we are no longer there how do you anticipate getting everyone home after a late night.*

*I believe that the Queensland Government Should Finance a Total "Buy Back" of all Taxi- licences at a minimum of 85% of 2014 – 2015 Licence Values. The Government could then "Lease Back" as many Licences as they saw fit to current operators followed by the general public. The Infrastructure is already in place with the regard to Taxi Companies being able to Dispatch work plus address and implement Government policy and Collection of appropriate Funds. If 4000 Taxi-Licences (Leased at say \$ 20,000pa. plus, Ride-Share Licences) Would give the Government an annual income in excess of \$100,000,000.00 (100 Million per year). This may rescue the 20,000 odd families that the government is currently destroying, plus support the Government with income into the future.*

*We also have major safety concerns for the travelling public with the reduction in operating standards released by the Government and the lack of safety standards put forward for ride sharing. Taxis will continue to train drivers to the high standard that there were previously. We believe all personalised transport vehicles, including ride share and taxis, must have an in car approved camera systems and GPS tracking that cannot be switched off, must carry the same Insurances, CTP and public liability for the protection of the customers and operators. I also have grave concerns for the price gouging that happens with ride sharing and the sharing of email addresses and personal credit card details with agencies with less stringent credit card security than Australia.*

*No one I have spoken to supports a lowering of safety standards.*

*With more ride share vehicles on the roads there will be more congestions and emissions. Queensland taxis have the highest fleet of green vehicles in the world. Remember more congestion means higher prices for customers for all forms of public and personalized transportation.*

*Entry of ride share into regional areas will see the handing back of taxi licences as we already struggle with our work continually being eaten away by community care vehicles and shuttle buses. The booked market in regional areas in a lot of cases forms the majority of the work, so to lose this would be devastating. Ride share needs to be restricted in these areas for taxis to have a chance of survival.*

*Taxi Licences like houses have Property Rights and this should be respected.*

*We have attached and listed below a list of TCQ Requirements that the taxi industry all agree represent the specific actions that need to be amended in the legislation for the safety of both the community and drivers. Their safety has to be a priority in any changes relating to personalised transportation. Stability has to return to the personalised transportation industry for all concerned.*

Noel & Anne Spain



## **List of Requirements**

- 1. Establish an independent Personalised 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 personalised transport drivers enshrined in legislation.*
- 3. Security Camera requirements must establish a minimum standard, be consistent and uniform across all personalised transport providers to ensure the safety of all drivers and passengers (regardless of the service chosen) and to meet Queensland Police requirements.*
- 4. Commercial-grade, anti-tamper GPS units must be fixed to all personalised transport vehicles and be remotely accessible to authorised parties.*
- 5. All personalised transport vehicles to have emergency systems in place to support driver safety.*
- 6. The Bill and Regulation must be fully consistent with all other relevant legislation including, but not limited to, disability discrimination and work, health and safety.*
- 7. All personalised transport vehicles be required to have dedicated number plates (akin to "T" plates), rather than easily removable stickers. Plates to be provided only when evidence of appropriate CTP, public liability and certificate of inspection are provided.*
- 8. Immediately define, and establish appropriate and equitable premiums for, the class/classes of Compulsory Third Party insurance for all personalised transport providers to address continued uncertainty.*
- 9. All personalised transport providers must hold public liability insurance to prevent the State Government becoming the default insurer and to minimise potential risks to the community.*

10. *In the absence of vehicle age restrictions, establish clear vehicle quality and usage rate standards and hold operators accountable.*
11. *Increase licence fees for Booked Hire Service Drivers and Authorised Entities to help fund expected increases in regulatory and enforcement costs for Government and to better reflect the level of "trust" being placed on licence holders.*
12. *All drivers must have an ABN and be registered for GST before receiving a Drivers Authorisation.*
13. *The Government must establish a process for managing the risks of multiple affiliations by drivers in terms of both "chain of responsibility" and fatigue management. This includes drivers operating across both personalised transport and other transport (i.e. truck, bus) sectors.*
14. *Fully integrate taxis into the GoCard public transport network in the short-term.*
15. *Clearly define what constitutes a "hail" and "touting".*
16. *Expressly prohibit the establishment and operation of Booked Hire Service pick up/and drop off zones, on public and private land, which represent pseudo taxi ranks.*
17. *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.*
18. *Establish clear and enforceable requirements for Government access to all data related to the delivery of personalised transport services in Queensland.*
19. *Expressly identify Police Check requirements in the Bill for all personalised transport drivers as part of Driver Authorization approval.*
20. *Maintain the capacity of the Minister to enter into Service Contracts at their discretion to ensure the Government has the capacity to respond quickly, and at the lowest cost, to changing or unique circumstances without the need for regulatory or legislative changes.*



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