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9 April 2017

Research Director
Transportation and Utilities Committee
Parliament House Brisbane

Dear Sir/Madam

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

We take this 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.

We are Taxi License Owners, Operators, Lessor's and Drivers and have been in the industry for nearly 30 years. Over that time we have invested over \$2million in Queensland and provided work to dozens of people. Taxis are one of the largest single providers of jobs in this area and are used by locals and tourist alike to get around up here where government subsidised transport is often lacking.

We have watched with disbelief and amazement as governments around the world and here in Australia have caved in to the demands and fat wallets of an overseas pyramid scheme and given up their local laws and sent the personalised transport sector back to the dark ages. The government regulated assets (Taxi Licenses) of thousands of hard working people were just ignored completely and taken away in [REDACTED] like fashion in the name of innovation.

Taxi drivers are hardly well paid to start with for the abuse and stress they have to put up with from some of the travelling public, but now you are determined to let anyone with a car do "our" job and send us all broke slowly, throwing away decades of rules and laws that were put in place for Public Safety at some point in the past.

Drivers are leaving the industry in droves as they can't make enough money anymore now you have allowed unlimited number of vehicles on the road. Taxis are parked everywhere, so License owners make no money, mechanics, service stations, right down to the local shop all make less money. Service levels and standards MUST go down if nobody wants to do the job for the money offered.

Older License Owners, often used Leasing their asset as a means to self-fund their retirement, usually after decades of driving it themselves to pay it off. Anyone with money still owing on a License STILL has to pay back the bank, despite the License being worth about ¼ of what it used to be and basically unsellable.

This proposed Act is a small step in the right direction and it is good to see some action FINALLY, but it has plenty of holes in it as well. When you are talking about the lives of PEOPLE you cannot afford to have holes, gaps and omissions in the act for their safety. Unscrupulous operators and drivers WILL take advantage if there is a dollar to be made somewhere...especially NOW as you do your best to bankrupt us and send us all on to Centrelink.

I have read the proposed act and have responded by section adding in ideas, criticisms, possible solutions and the odd bit of praise.

I am basically commenting on your notes of the act and then the clauses which follow.

Policy Objectives and Reasons for Them

Queensland's Transport Industry was heavily regulated and has functioned pretty well for decades, with drivers, license owners and governments all earning a living. Most of the regulations were put in place for customer and driver safety and to prevent repeats of bad things that have happened in the past. Everybody knew their rights and responsibilities and penalties for non-compliance.

What new technology has been invented? There used to be a car, a driver and a passenger. The driver drove the car and transported the customer for payment. Guess What! It is the same now. The only "new" thing uber has done is call the governments bluff, (successfully), and ignored the previously established rules and then suckered thousands of people into destroying their own cars for uber's untaxed profit.

How is giving away half our business to an unlicensed illegal competitor and wiping out Licensee's assets and superannuation that we have had to PAY for over many years, (and STILL are paying for in some cases), and forcing us onto welfare, then changing all the rules and giving us maybe 3 months when, (IF), this act gets passed to "adjust" a good idea or fair in any way?

Why do we need to change our laws for an American multinational bully company, they are toxic and do not care one bit about their drivers, their passengers, the community they operate in or the laws of Queensland, they could be regulated operators under the old act, they just chose to ignore it and do what they wanted anyway.

Much like you guys have ignored the OPT review and its findings. As well as the cries for help from your constituents who voted you into your jobs.

How do you strengthen safety by lowering or dropping altogether, previous standards? Did Uber write this line...seriously?

Only SOME customers will benefit, mainly inner city dwellers that already have several cheap transport options at their doorstep like buses, trains, ferries and cars. The disabled, elderly and people in the outer or non metropolitan areas will be no better off and will instead be worse off as the supply of taxi drivers will decrease. Uber has shown no interest in serving this non profitable section of the public.

Buzzwords and waffle. Innovation means to do something new; transporting people for money has been going on since the horse and buggy days. The only innovation uber did was ignoring city, state and federal government laws and do exactly what they liked...and you let them!

You mean like the same accountability and obligations that we had before this mess that you couldn't or wouldn't enforce?

Strengthen Safety Standards

A safety duty is in general a good idea but there are problems. A "driver" cannot fix the car as it belongs to someone else. An "owner" is not responsible for actions of a driver who breaks a road rule and has a crash. A "booker" can't be held responsible for a missed booking, assuming it was properly taken. The point is you shouldn't be held responsible for things entirely out of your control.

Fatigue is tricky and affects people differently. Ultimately the only one who knows how tired he is is the driver and he should have MOST of the responsibility. Owners letting drivers work too many shifts, often at the drivers request, could be held accountable but then so should DTMR for halving the drivers income by allowed unregulated ride share, he still needs/expects the same money to live, fares have not increased so working more hours is the only way to pay the bills. If you keep allowing more drivers transport the same amount of "pie" then each driver gets a smaller piece...ie less money. For a taxi driver most times this is his only full time job, not like BH (Booked Hire) who treat it as a second job or hobby and actually START work after a full day of another job.

Zero alcohol and drugs is patently obvious and should apply to ALL drivers of ANY vehicle on ANY public road. If you are driving a car then you should have zero alcohol/drugs.

Camera Safety is another obvious one that should have been in place much earlier. Knowing somebody's name does not mean they won't rob/assault you. BH drivers often do cash jobs, have personal eftpos machines and do private work where no records are kept...this is undesirable for safety and taxation reasons. When a BH driver puts you on Facebook as a drunk what penalties do they face? Don't say it won't happen; one uber driver did it to the founder of the company! All public carrying passenger vehicles should have Taxi spec cameras and safety alarm systems. Remember it is a Level Playing Field now.

Providing Greater Customer Choice and flexibility.

It is good that you are Licensing BH, this was an obvious thing from the beginning as well and did not need years of committees and inquiries to happen. Yearly licenses are a good idea as most will not last that long anyway. The fee should be higher, more like \$1000 p.a. to deter hobbyists. Public Transport needs full time professional drivers and operators not someone who has NO clue what they are doing hoping for a quick buck.

You had no option but to keep existing licenses as you were not going to buy them out. You have however destroyed their value and bankrupted many people who will now be on welfare, so I hope "Customer Choice" was worth it. I could go on for pages about how unfair, unAustralian and [REDACTED] like your actions have been to Taxi License Holders property rights but I will stick to the points. You will pay for giving a \$1.5 Billion Industry away to a foreign multinational at the ballot box and the Treasury Box for years to come.

As above for Limousines.

There are way too many BH vehicles now so Peak Demand permits will no longer be needed.

Keep TSS with Taxis, their current drivers have had the training to deal with the elderly and disabled, as you have dropped the training standards, this may not continue. Cabcharge does a lot of paperwork and payments to drivers for the government so it is not advisable to spread this around 50 different operators.

Drive Innovation and Improved Customer Service Standards

The system of service contracts we had between booking companies/owners/drivers/DTMR has worked well for the last 10 years or so. Everybody knew where they stood and what the penalties for non performance were. Most places around the world would be envious of Qld's old Taxi system. Now that you have destroyed License values there is nothing to threaten us owners with, so you have had to throw the system out and start again.

Why remove Bailment? I can only assume it will no longer be compulsory but still allowed. This has worked well for the taxi industry for hundreds of years, I doubt too many people will shift from it. I am not paying a driver \$20 per hour so he can sit under a tree and read the paper. Fares will not be going lower if you now expect Taxi drivers to get sick pay, holiday pay and all the other union benefits of a defined "employee"...and then on the other side you allow uber to pay slave wages to their drivers who have to bring their own tools. (car). I assume this means uber drivers can now sue for "employee" status under these other acts.

The Taxi Security Levy has worked well to make taxi ranks and nightclub areas safer for the public and drivers. BUT now BH passengers use the safe, sheltered, well lit, secure ranks we pay for as waiting points and then run across the road and hop in an uber. Put a \$1 Safety Levy on all Taxi and BH vehicles after 10pm or something. Thank you for waiving this fee and a few others for a year but it still doesn't make up for what I have lost in License values and income.

Maximum fares is pretty vague. Are you banning price gouging - sorry, surge pricing - sorry, the "demand responsive algorithms" that ride share use? At least they should be capped at twice normal

price or something. This breaks SO many laws of the ACCC who again have done nothing to stop it. The public EXPECT to be protected from price gouging by their elected officials.

Accountability and Clearly defined Obligations

Again a Chain of Responsibility is a nice buzzword but very feeble in reality. You have proven you have no power to make ride share do anything you order, how will you enforce these new rules you have made up? A sensible well operated business will already have these in place. On the other hand uber has shown NO willingness to be subject to ANY laws ANYWHERE in the world. Why do you think they will obey you now? What has changed?

This Chain should also include the Customer...I have not seen any rules for them to be polite, smell nice, know where they are going, pay the fare, not kill the driver, not eat or drink in the car, not smoke, damage the vehicle or spew on the floor etc.

Also DTMR and the government, what are your penalties for failing to enforce these rules as happened last time around? What are your penalties for possibly halving driver's income?

There needs to be a new independent body set up, run by new people, with no current DTMR head bureaucrats as they have proven to be incapable of action. This body should have legislative powers to make and enforce rules and regulations on Personal Transport matters. This will include ALL relevant rules and standards, complying with other intersecting acts, enforcing the same with appropriate penalties, scaled to hurt the offender, demerit points, license suspensions, corporate penalties and jail time for offenders. We are transporting living PEOPLE here, not pizzas or freight. We need rules and tough, timely enforcement!

Booking Entity Authorisation is a good idea, records need to be kept of bookings and complaints etc but people do want it to be a local office in their own city. Dealing with overseas call centres or only by email should not be allowed. In the bigger towns 24/7 service should be mandatory, smaller towns will need some exemptions for the one man band type operator who is the owner, booking company and driver all in one.

Having a local HUMAN nominee as a BEA representative is a small step in the right direction for day to day stuff but when something serious happens he will be nowhere to be seen, probably off in a foreign country lying on a beach. Assuming no wrongdoing, say he retires and there is no replacement, or takes a month off, what then? Allowing other fake shell companies to be the patsy for the main one achieves nothing either.

Penalties, a top idea and well overdue...the problem is no one enforced the last lot so why will it be any different this time around. Charging Fred the uber driver \$100,000 will do nothing; he will not pay it, the only reason most people drive uber is because they don't have \$100! He will just declare bankruptcy or it will go on SPERS. Uber should not be allowed to pay the penalty for Fred either...this used to be known as "aiding and abetting criminals".

Demerit points should be applied to the driver's license if you are serious about getting rid of bad drivers. Driving at 65kmh in 60kmh zone will lead to fines and demerit points, so does using a mobile phone whilst driving as it endangers public safety...well so does not following Public Transport rules. If demerits don't work and bad behaviour continues cancel his license. That still will not stop some

people as I have been hit by many idiots with NO license at all; jail time is required here for repeated driving infringements. Impounding or crushing his car, IF it is his own car, is also another step to remove him from the road...and isn't that the point, to get him off the road?

Fining uber \$1 million dollars again is a joke, assuming they actually pay it still will not hurt them badly or stop their offending. Assume you actually get tough and cancel/suspend uber's BEA, (assuming it gets one in the first place), how will this work? Uber Qld is turned off, how are you going to stop the app? What if I have an uber NSW app in QLD, can I use that? If the offence/problem is in Townsville are you going to stop uber statewide? You cannot control the internet as that is why we are here in this mess in the first place. Short of sending in a SWAT team and pulling the plug on their computers what CAN you actually do to this company? If you get tough and uber is suspended etc will you now fine the drivers as they now have no ABE to operate under, or the customers as they are now using an illegal service?

Audit Powers, good move to change and clarify the legislation but you will still be denied assistance from the likes of uber. Again what will you do when they say NO!

Same problem again, the large multinationals have shown no willingness to trade data with the government so far anywhere else in the world, why is QLD different? Data is the most valuable asset uber has, they will not give it away. The intent is good to plan for future growth etc but I see problems with enforcement as usual.

Other Amendments

Surcharge - I agree cap at 5%, BUT you must cap uber's 25% as well, after all you are paying for the service of processing of money the same as Cabcharge and banks. The app is cheap and a once off cost, already paid for many times over. Most Taxi Companies now have apps that charge NO surcharge. Paying a non taxed 25% of every fare out to uber's overseas Tax Havens is just stupidity for a state like QLD.

As stated above Cabcharge does much paperwork for the Qld government and may not like doing it for a lesser price...you would have to ask them.

Operator Accreditation does not apply to taxis and BH so no comment. Not sure what kind of future transport you have in mind...driverless cars perhaps...good to start planning now.

Well, no meaningful compensation has been paid before...you were pretty clear on that.

Notes on provisions

Clauses

Clause 1 – no comment

Clause 2 – the sooner you enforce some rules the better, unregulated ride share has been going on for years already.

Clause 3 – no comment

Clause 4 – Currently no service needs OA under this act?

Clause 5 – If one does, you will need this

Clause 6 – Pretty obvious

Clause 7 – drive instead of operate

Clause 8 - driver's license suspension should come in sooner not 3 strikes in 3 years, why not use demerit points to speed this up, if they are bad drivers they would have lost their license for speeding well before this anyway. DTMR has previously objected to this, well their way did NOT work before, so let's get serious this time around.

Clause 9 – no comment

Clause 10 – no comment

Clause 11 – sensible, same as current act basically, also include notification if particulars change.

Clause 12 – no comment

Clause 13 – objected to above, don't know if bailment is still allowed? I think it just means it is not compulsory under the act anymore. I can't see anyone changing to another method.

Clause 14 – have not paid any compo before so nothing new here. Covering yourself for when uber folds and its drivers try to sue you for it I guess.

Clause 15 – A bit less red tape for Taxi Operators by removing contracts. As stated above how will you get data out of uber?

Clause 16 – BEA instead of Service Contracts...not a lot of difference.

Clause 17 – The Main Changes – I will summarise referring to Section numbers.

Clause 18 – Same

S68 – no comment

S69 – Defines Taxi Service.

This includes a "person" to drive the vehicle, what about the driverless cars that are coming? Is a person "driving" the vehicle when he is in China sending it to a job remotely? What if he sits in the seat but drives it via laptop or only in an emergency like they are currently doing in the USA?

A Hire on the spot is a reasonable definition to hopefully exclude BH drivers taking immediate fares which are supposedly for taxis. But as stated elsewhere drivers must have evidence of booking. This will need to be strictly enforced but. What about a BH driver that has BEA, can he take an immediate "on the spot" booking? (as long as he records it)

Plying or Standing for hire, again I agree it is a better definition but I can read this to say any uber car parked on a public road with a driver in attendance while displaying his little uber sticker (sign, marking, light or other thing) is plying for hire. I hope this is what you intended. Under the definition of other thing...you can see the uber car on the app parked just ahead of you and you walk up to it

and get in does that mean he is plying for hire. So this means no BH vehicles to be parked on public roads anywhere with signs on, or to be visible on the app...have you told uber this? Is this how you are solving the looming congestion problem? Great thinking, I like it.

The definition of Motor Vehicle also includes Motor bikes and Trikes under TORUM.

S70 – Defines Booked Hire

Person and Motor vehicle problem again.

The problem in this section is “a substantial part of the public” this means that you are therefore allowing them to exclude “other” sections of the public...eg anyone not having an app, smartphone, credit card, not a woman, not a certain colour or religion etc. How does this law get past the Anti Discrimination Act and bleeding heart do-gooders?

It means an end to the old Universal Service Obligation as BH does not have to pick up anyone they don't want to for whatever reason, in other words they pick and choose their jobs and leave the unprofitable ones behind. I assume that taxis can now do the same thing and pick and choose and not service undesirable jobs. It is now a Level Playing Field, remember.

S71 – Defines Booking Service

Should not be allowed to be located outside Australia, needs to be at least in same state and speak same language. Open 24/7 for large towns that are defined Taxi Service Area's and have a local contact number.

S72 – widening the Chain of Responsibility, again all parties are partly responsible but you have got to blame the main person at fault, driver, booker, operator or owner. Again you forget to include DTMR, the customers and the government in the chain. Under your own definition DTMR operates “us”, who then operate the service.

S73 – no comment on MAIC yet...see later.

S74 – A Taxi Service is to be provided only by a Taxi. Obvious. BUT a Taxi can do a BH job under S76.

S75 – area restrictions no comment

S76 - BH to be done by licensed BH vehicle, Limo or Taxi. No comment except enforce this and make penalties higher and quicker for repeat offenders.

S77 – A Fixed Booking Device. Does this include a Taxi Phone, Taxi Rank or sign etc. So you can't pick up a BH anywhere near one of these areas. Is an Uber Zone a fixed booking device?

S78 – Must be Authorised Booking Entity (ABE). How does the public know this? Will there be a Q number type thing or do we just “take their word” they are authorised. Nobody will look up the Government Gazette.

S79 – Good.

S80 – Defines Booking Record. So if there is no record of a booking for the current passenger in the vehicle that proves it was a “hail” and therefore Taxi work. Does this extend to the passenger having a record of making the booking? The driver will show you an old booking for “Fred” and the customer will just say “Yes, that’s me” As the vast majority of this situation will be uber or other electronic apps do inspectors have the right to check the customer ACTUALLY requested a ride on the customer’s phone?

In a BH “cash” or “personal job” situation where they cut out the app and its massively inflated commission via personal arrangement, the driver will most likely NOT be an ABE under S78 so he is NOT ALLOWED to take a booking and would be stupid to record it as such and incriminate himself. So this effectively bans personal jobs...good idea but good luck enforcing this.

Following on...smarter drivers will become their own personal ABE’s so they can personalise jobs, but will also still be just “drivers” for other ABE’s, is this allowed? Can a driver work for multiple ABE’s? What about if he is an ABE himself...any difference? Legally who will be providing the service? There are insurance implications here as well; I assume a sensible ABE would have some kind of business insurance. Though you are in an uber (another ABE) marked car, you have privately booked (assuming driver has ABE as above) the driver and he will need some insurance coverage of his own as uber claims to have. Similarly the driver should not even display uber logos but his own ABE signage if the job has been booked via his own ABE. How many ABE signs allowed on one car? Or only one at a time?

Each ABE or app will need its own mobile phone, so these part time fatigued drivers now have to operate the vehicle safely, deal with the public AND monitor several mobile phones at once...when they get a fare they must accept it by pushing a button ON THE PHONE!?!? Wait - isn’t using a mobile phone while driving ILLEGAL? Well using several of them at once definitely HAS to be.

I know you will say they should just have one ABE, which means one phone to play with while driving, which is still illegal mind you, but reality is as you have sliced up the pie so small drivers need every source of jobs they can get to make a living and will have multiple apps running.

Most of these regulations seem to be focussed on either Taxi or the BH uber part time model, where one owner drives his own car under uber’s ABE. No thought has gone into people operating BH on the 24/7 Taxi fleet model with multiple drivers for each car.

Whose face/profile appears on the booking for the customer, can BH even have multiple drivers registered for each vehicle, why not have BH provide customer with drivers DA on the booking or make them display it in their car like Taxis do.

What about 24/7 multi car operations? Advertising...fake and real, touting for fares? Rental cars being used (Hertz etc) as BH vehicles? Is Hertz then in the Chain of Responsibility?

What about Gap Cover as Taxis have for the protection of passengers, why is BH exempt from that? Are BH required to insure the passengers luggage in their care and control as taxis do?

I can’t see anything saying they need to have comprehensive vehicle insurance, even assuming insurance providers will cover them. Taxis currently pay about \$4000 per car, BH pay much less, and can still operate 24/7...the same risk should be the same price.

S81 – good luck seeing Uber’s records....

S82 – Good to be able to see personal phones etc.

S83 – no comment

S84 – Chain of Responsibility, overall a good idea but you can’t hold the office responsible for driver’s actions out on the road. Don’t forget to include DTMR, passengers and Government in the Chain of Responsibility.

S85 – TWO MORE Acts to read now....do people enforce these ones? As they are all about abuse of market power and price gouging and fair pay, I don’t think so, or uber wouldn’t be here.

S86 – as above S84.

S87 – as above

S88 – as above. You seem VERY focussed now on responsibility and care and safety while you have let uber run riot over all our previous safety laws for the last couple of years.

S89 – pretty vague, how can the CEO know a driver has run a red light and killed somebody and stop it before it happens.

S90 – penalties are getting larger but still peanuts to a corporation like uber. Will you get ASIC involved and de-register these companies?

Also POLICE need to be giving out the more minor driver level penalties as well, not only DTMR...we all know there are many more Police around than DTMR inspectors. If we have photographic/video evidence can we send to DTMR and expect a response? Or does it only happen if DTMR sees it happen... If a complaint is made, the result of the complaint should be sent back to the maker.

BH pick up on Taxi Ranks all the time, however many ranks are on private property, airports and shopping centres, hotel driveways etc...this is a massive hole that needs to be filled. The airports have all made pseudo Taxi Ranks for BH vehicles in a separate place normally, and added on Tolls for the right as well, but at shopping centres etc BH and Taxi share the same space...not always peacefully either. Not good for driver or passenger.

S91 – as above

S91B – Fatigue, as stated is hard to enforce. Taxis do it by a) the operator seeing the driver and b) having to use a computerised dispatch system which monitors and limits log in time. Uber uses psychological games and bonus incentives and rewards to encourage drivers to keep working for more hours. Larger BH companies with say more than 10 cars should have a computerised log in system as well which can automatically limit working hours. The drivers Driver Authorisation number should be the identifier used. The problem is he can drive 12 hours in a Taxi and then straight afterwards he can do 12 more hours as BH as nobody tracks his TOTAL driving time. Also many BH drivers do the work as a second job and so are tired BEFORE they even start driving. Safety first huh?

Government to take some major responsibility here as well for causing downwards levels of income by not capping BH vehicles...no expenses have gone down...so drivers must work more hours.

S91C – the only foolproof way to do this will require a new 24/7/365 computer system monitored by DTMR who will then allow BH and Taxi drivers to log into other systems once cleared...highly unlikely to happen. BH will not talk to taxi operators and share driving data, no office workers boss will give him “permission” to uber all night and turn up at his day job as a zombie. Also the system will have to cope with that DA being used on multiple platforms at once.

S91D – No Comment

S91E – Great they exist...pity they are worth nothing now and you have bankrupted 3000 odd innocent Queensland families in the process.

S91F – This is effectively a Lease so why call it a License. Temporary License may be a better name. These Licenses if needed, should be priced HIGHER than the prevailing Lease rates for the town where they are. Making “offers” should NOT be acceptable as this will force prices down further. If work there is profitable people will pay a small premium to enter the market. The DTMR should set the price to restore some stability to the industry. Undercutting the current Lease Owners prices will lead to more experienced original owners going broke. This is a major problem.

2018 is only 8 months away...probably more like 3 by the time any of this gets passed...and that is assuming we don't have an election, throw it all in the bin and start again.

S91G – If the value decreases do we get a refund? Since Anti Competitive conduct provisions now apply to Taxis I assume under the new Level Playing Field they will apply to uber as well and therefore uber will not be allowed under “Public Interest” under 91T...there is NOBODY more Anti-Competitive than uber.

S91H – Limousines No Comment

S91I – no comment.

S91J – There is also therefore no limit to congestion, pollution, parking, decreasing current driver's incomes and therefore Taxi License value and future Lease returns to owners and government. More and more people working more and more hours for less and less money...What could possibly go wrong with this scenario?

S91K – This should not be INTENDED, this should be a fact. All vehicles must have at least a yearly Certificate of Inspection, all vehicles must have proper full CTP and Comprehensive, \$20 million Public Liability and Gap insurance cover and be registered correctly as a BH vehicle. MAIC to be ordered to make fair changes to CTP ASAP, not another delayed time wasting inquiry.

Lots of these Sections allow government to make regulations...where and what are the regulations? We need more details...

Persons and Companies to be reputable and offence free...guess uber is out again...yay!

S91L – BH licenses yearly renewal, good...many will be broke by then anyway.

S91M – Not Transferable. Are they able to be Leased? And then sub-leased?

S91N – no comment

S91O – no comment

S91P – no comment

S91Q – This is MORE red tape not less, while the idea is good, what is wrong with telling the driver the conditions etc and having a copy in the car glovebox as is the case now. This means another 20 odd bits of paper I will need to print out now...probably weekly as they lose it or it gets damaged. Expecting a driver to bring a piece of paper to work every day is a bit backwards. I know they can have it on their phone but many older taxi drivers do not have smartphones and they are still always forgetting them or letting them go flat. Just have a record in the car somewhere.

S91R – need to see more details on these “alleged” regulations.

S91S – What do you mean “MAY”...they had better be transferrable and Lease able. Again you have to do this or buy our Licenses back. Can the new Licenses be leased and sub leased?

S91T – Good.

S91U – Sensible. Where are details published?

S91V – see S80 Booking records...same problems.

S91W – no way uber can get a BEA if this is true. If this is not the intent of this section and uber gets a local nominee to be the patsy, then that local nominee NOT to have been involved in uber before it became legal...ie 5 September 2016.

S91X – I guess this depends on company size...public need some way to know the entity has authorisation as well...eg Q number etc

S91Y – no comment but will need to be enforced.

S91Z – no comment

S91ZA – again how do you suspend uber? You do NOT control the internet.

S91ZB – How does this apply if nominee is on holiday overseas etc? Do big companies need to have multiple BEA nominees on multiple people in order not to breach act.

S91ZC – no comment

S91ZD – What good is having a local nominee if he does a [REDACTED]” and is not here to be punished? If one leaves the country on holiday there must be another to be liable. You have NO power over uber that much is proven. Revoking the nominated persons BEA will NOT shut down ALL uber unless you have some magic power over the internet or its servers.

S91ZE – same argument.

S91ZF – same argument – if uber has no BEA or local nominee it is ILLEGAL...will DTMR issue a public announcement to that effect, then they must fine the customers as well as BH drivers. People who use illegal drugs get penalties, not just the sellers, this cannot be any different.

S91ZG – Good theory. Will uber comply? Also need some powers to get BH to IMMEDIATELY assist Police with cases involving dangerous driving or personal harm. No good them sending an auto reply email the day after...people are dead by then.

S91ZH – Good. Where is this published?

S91ZI – no comment

S91ZJ – Too lenient. First offence warning, second offence fine AND demerits, third offence license suspension. No 3 year time limit. Offences remain on file like demerit points for 3 years but. Most BH will go broke or change jobs before 3 years are up. Uber has an endless supply of drivers so it will not disrupt their business model much at all.

S91ZK – commonsense.

S91ZL – if someone is driving while suspended he should be in jail.

S91ZM – Audits good.

S91ZN – no comment except compliance issues as stated above.

S91ZO – as above

S91ZP – no comment

S91ZQ – good

S91ZR – most people would assume the government or ACCC or some “body” would be protecting their interests from price gouging...but apparently not. Are you prepared for the reaction when Taxis start surge pricing from private addresses? Do you not read social media after every concert or event people are fuming with being gouged. People are wising up and think they are smart by uberizing in and getting a Taxi home to avoid the surge pricing, the problem with that theory is there are not many taxis left on the road to do the work at night as the income has halved. You should be protecting EVERYBODY, not just rank and TSS customers.

S91ZS - I agree with the cap...so long as uber and BH are capped as well. Uber taking 25% is no different to Cabcharge or another eftpos merchant taking 10% for the processing of the financial transaction. It meets your definition of “processing payment” or “for one payment method over another”. (No Cash allowed in most BH models). If uber claim that the 25% is NOT for processing the money but for the “getting” of the vehicle tell them to call it a Booking Fee like Taxis do.

S91ZT – good idea.

S91ZU – What about if other area booking entity requests assistance?

S91ZV – not fair but no comment as it is obvious you will not pay this and have no regard for people’s hard work and assets.

S91ZW – Taxi Security Levy benefits ALL transport, taxi, BH and even private citizens picking up family ALL use the safe, well lit, and sheltered seating in and around secure taxi ranks. All BH should

pay a levy as well, maybe not as much as they can't use the ranks...allegedly...but they should contribute something. Otherwise scrap it all and use council rates etc.

S91ZX – as above

S91ZY – only current Taxi Drivers have correct training for TSS fares. Many BH drivers are very selective on their passengers and would not pick up the disabled anyway. No BH Company has a wheelchair accessible vehicle either.

Clause 19 – no comment

Clause 20 – no comment

Clause 21 - agree with the Limousine bit but SOMEBODY should have the power to order ANY non taxi away from a rank, area or fixed device if they are plying for hire.

Clause 22 – need clarification on what vehicles and standards are allowed.

Clause 23 – no comment

Clause 24 – the Chief Executive will be a busy person signing photos of BH vehicles breaking the law.

Clause 25 – no comment

Clause 26 – need a list of these regulations. Commented on above re cameras etc.

Clause 27 – no comment

Clause 28 – S213 (1a) – has a grammar mistake – “force” not “forced”.

Clause 29 - no comment

Clause 30 – no comment

Clause 31 – no comment

Clause 32 – no comment

Clause 33 – good

Clause 34 – good

Clause 35 – no comment

Clause 36 – no comment

Clause 37 – no comment

Transport and Other Legislation (PTR) Amendment regulation 2017

I will just comment on certain sections of the act.

S2 - Hurry Up

S6 – What is the cost of this mythical Class 26?

Suggest at minimum twice Class 3 price to start with and then use a km based method with a percentage refund if not doing the average kms. These refunds should apply to Taxis Class 3 as well if they are not working as much either due to having no work to do anymore since you gave most of it away to ride share. It can't kill someone sitting in the shed. Kms will be obtained from yearly COI inspections, refunds paid after area averages are worked out.

All Taxis go into Class 3...van and WAT taxis are not "buses" if they operate under the act as a taxi and should NOT be insured as such. This is a good opportunity to amend this discrepancy. If it has a Taxi sign or a T plate IT MUST BE IN CLASS 3.

S7 – What Class is a Booked Hire Van? It can't be in Class 10 as well can it? Similarly all BH to be in Class 26 or 4 (if rentals).

S8 – This is the critical piece of information that should not have taken this long to get right. Ride share is forcing up the CTP cost of all Class 1 motorists, and has been bludging off the system for too long. This price should be at least double Class 1 CTP to deter part timers.

S14 – BH Signage. This is an improvement having them on the front and back but still not obvious enough. Also which BEA is operating at the time, depends who took the booking as above in S80. How many signs and therefore ABE's are allowed?

S15 – S117E – vague vehicle requirements again, TORUMS says a motor bike is a vehicle?

S16 S117Q – Cameras – relevant place a) you do not need a sign on the drivers door, he knows he is being recorded.

S117V – good. Any BH taking payment "in the car" needs a camera

S117W – good. So no crappy ebay Dash Cams allowed. Need to tighten up offences for publishing videos taken by BH drivers on facebook etc. Many BH have these for safety.

S117X – not sure what b) means...So the passenger can film the driver?

S117ZD – (1) Must not Sell...how about adding distribute, publish, upload, give away. Ride Share drivers and passengers do it all the time...not necessarily for money but to publicly shame and embarrass the "offender" on social media. Sometimes deservedly but it is not allowed.

Also both drivers and passengers use their personal mobile phones for this as well. This is not an Approved Security Camera System or an illegal interior view dash cam. This needs to be covered. Not all recordings and events are covered by these sections. I guess it intersects the Privacy Act and usual Public Place arguments so you expect to be recorded...but not publicly shamed.

Recordings only to be given to Police or DTMR etc...not social media, newspapers, A Current Affair, Funniest Home Videos etc...and NO profit can be made from it.

S117ZI – Training. We need some standards but not the previous expensive overly long course which included TAFE courses for non English speakers. A common sense approach by the operator or BEA holder, some training on the computer systems or app and an exclusion from Anti Discrimination lawsuits if the guy can't speak English is all that is needed.

S19 – 4B – BEA prices, I discussed before how people would have separate BEA's for batches of vehicles. It is not until you have 11 vehicles that it is cheaper to get option b) \$700, rather than 2 BEA's under a) which would only cost \$500. Technically they should have different signage etc, their own nominated person, their own booking system but in reality they will all work together as one.

Conclusion

This act is a step in the right direction, even if it is years too late.

As you can see from this there are still some areas that need tightening up. In my discussions with most Transport Department Officials they say "but that is not allowed, they wouldn't do that". Believe me if there is a dollar to be made from it, they will do it.

Well, it isn't allowed, but they still do it, because they know there are not any penalties. When they still do it what are you going to do about it?

As I have stated you have not been able to control uber yet up until this point so what has changed now if this act gets passed?

Increasing penalties and having local nominees and all the above all sounds good but what I need is when I give a DTMR or Police official a complaint, especially if I have photographic evidence of an offence, that it will be acted upon swiftly and a result sent back to me. Something like an email saying offence number 1234, he was given a warning or fined or we found no offence committed.

Why are there NO demerit points involved in any of this? For most bad drivers getting a few points and a couple hundred dollar fine for an offence would end their uber career quickly. Impounding their car for repeat or serious offenders will end it even quicker.

Look at the screaming about the slight lowering of weekend penalty rates by the unions, or fiddling with housing prices, negative gearing, pensions and superannuation. If you took 75% of someone's house or superannuation balance from them just because it was "INNOVATIVE" and "DISRUPTIVE", or just because "it worked in the USA so it should work here" you would have Civil War!

What we need is 15 Years of our lives back, or the couple of million dollars of our family's assets you have destroyed. We should be enjoying the results of our decades of legal hard work and taxpaying, not worrying about how we will find drivers to drive our taxis so we can pay the bank back this week.

Commented [1]:

I suppose we will get the benefits of our taxpaying when we join the Centrelink queue...

I would appreciate any answers to my questions posed here and if you have any problems drafting rules and penalties to regulate the Personalised Transport Market please contact me.

With Many Thanks

Navneet Sandher

Owner Operator