

# Multi Fleet Operators

10 April 2017

This submission is in response 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. It is lodged on behalf of the Black & White Cabs Multi-Fleet Operators (MFO's) listed at the end of this document. This group of MFO's operates a total of 665 taxis in the Brisbane Taxi Service area. This represents more than one-third of all taxi licences in the region.

Whilst not within the scope of this document, it is important to note that we are united in stating that the methodology in calculating both the "Transition Payment" and the "Hardship Payment" was fundamentally wrong. Applying caps to both payments fell well short of providing adequate assistance to those who suffered the greatest loss and has done nothing to assist our attempts to continue operating our businesses.

In regards to the Stage 2 Implementation Paper, we believe that the intent of the Stage 2 amendments should be to create a level playing field. This is explained in the Five Year Strategic Plan in the Personalised Transport Horizon document that was drawn up in September 2016. The proposal falls well short of this objective in a number of areas. The first page of the Transport Operations (Passenger Transport) Act - Ch1, s2(1) states:

*"This Act is intended to achieve the provision of the best possible public passenger transport at reasonable cost to the community and government, keeping government regulation to a minimum."*

It is very difficult to see how many of the changes being imposed on the existing taxi and limousine industries are more about allowing other participants in the market at any cost, rather than a planned method to produce results that will achieve the best possible outcomes.

There are a number of specific items that either fail to create a level-playing field, act against the best interests of the travelling public, or both. Below we have listed our primary areas of concern along with brief supporting information:

1. Identifying ride-booking services via an identification sign alone requires a great deal of trust that the participants providing these services have the will to comply. It could be argued that the persons to cause the greatest degree of concern will also be the most likely to simply ignore this requirement. We believe it must be a mandatory requirement that all public transport providers have a dedicated number plate assigned to the vehicle.

Currently this requirement exists through "T" plates for taxis and "L" plates for limousines. Similarly an "R" or "RB" plate should be mandatory for ride-booking services. These plates would identify that the vehicle complies with all requirements attached to the licence, including:

- The vehicle has the correct CTP
- The vehicle is operating with a valid Booked Hire Service Licence
- The vehicle can be easily identified by authorities for compliance reasons such as current COI, working ranks, working hails, touting etc.

## **Multi Fleet Operators**

Further to this, the identification sign should be retained and displayed when the vehicle is working at any given time.

2. The proposed fees charged for Booked Hire licences are insufficient. Taxi licences were purchased for considerable capital cost and there is also a similar annual renewal fee proposed. Other Government issued licences such as motor dealers, real estate agents, tattoo shops, etc., have annual renewal fees around \$1,200. It fails to show consistency by allowing ride-booking services to operate for a fee of only \$237 pa.
3. Paying tax and GST is an obligation for all Australians. The ATO has ruled that all taxi and ride-booking drivers must pay GST. It should follow that prior to being issued with a Booked Hire / Taxi Driver Authorisation (BHTX DA), all drivers should provide proof they hold a current & valid ABN and are registered for GST.
4. The Bailment Agreement was entered into Qld Legislation about 7 years ago following recommendations from the Workplace Rights Ombudsman to ensure there are safeguards for taxi drivers. By establishing minimum standards, drivers were given some guarantees in regards to their occupation. Bailment Agreements clearly document the relationship and agreement between taxi drivers and operators which creates certainty between the parties. It is imperative that Bailment Agreements be retained along with minimum work conditions and standards for **all** personalised transport drivers enshrined in legislation.
5. Whilst Government plans to establish a "chain of responsibility" there are major concerns regarding where responsibility sits in a number of situations. With drivers being able to affiliate with multiple service providers, there are issues that have not been considered. For example, if a taxi driver is affiliated with an existing taxi booking company and also receives work from another booking entity, which entity is responsible for; dealing with fatigue management, visa requirements, complaints, lost property, camera downloads or enquiries for a rank or hail job?
6. Service Contracts have proven to be a reliable way of ensuring accountability across the taxi industry for a number of years. It is firmly our belief that some form of Service Contract should be retained to provide a framework for accountability across all platforms of the personalised transport spectrum. This should also present the lowest cost to Government.
7. We believe that mandatory public liability (Gap) insurance should be enforced on all sectors of the personalised transport system. This would ensure that the State Government does not become the default insurer and also minimises potential risks to the community.
8. Currently fare touting is an illegal activity; however the definition is not clearly explained in Qld Legislation. Experience has shown that many incidents of touting can be clouded by referring to the activities as marketing or such. Government needs to ensure that the exact intent is clearly defined to avoid confusion for both patrons and service providers.

This could be further assisted by having a very clear definition of what defines a "hail" job. Again this is an area that is undefined and open to interpretation. A further method of dealing with this issue should include expressly prohibiting the establishment and operation of Booked Hire Service pick up/and drop off zones. These zones in reality do little more than represent pseudo taxi ranks.

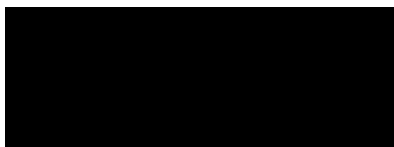


## Multi Fleet Operators

9. The proposed changes create uncertainty and an imbalance when it comes to Security Camera systems. The reality of personalised transport is that circumstances can change quickly and for the safety of both drivers and passengers, we believe that all personalised transport vehicles must have security camera systems and the standard should be consistent across all Booked Hire Services (ride-booking and taxis).
10. With the creation of a new CTP Category (26) for ride-booking services, we believe that the premiums should cost no less than the current Category 4 pricing that applies to limousines. We also believe that MAIC must monitor pricing using the same formulas that have applied to taxis for the past 20 years to ensure that the conditions of calculation are consistent across all modes of the personalised transport industry.

The Government has endorsed a 3-stage process for the personalised transport industry and it is our belief that if we are to establish consistency across all providers, along with the desired outcomes of legislation, it is vital that Stage 2 provide a true level playing field. We believe the 10 concerns outlined above should be considered by the Parliamentary Committee to create that level playing field. The Committee should then recommend amendments to the current draft Transport Bill & Regulation.

Yours sincerely



Greg Webb  
Managing Director  
Black & White Taxi Management

Signed for and on behalf of all Black & White Cabs Multi Fleet Operators listed below:

Ronnie Woods	Nindi Jhutti	Allan Hughes	Calvin Hughes
Luay Al Yassiry	Occhi Oner	Monardo Giani	Osman Durmaz
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