

PRIVATE SUBMISSION – NAME SUPPRESSED


RE: Inquiry into Transport Technology

Submission to the Queensland Parliament Transport and Public Works Committee

PLEASE KEEP AUTHORSHIP OF THIS SUBMISSION PRIVATE

September 28, 2018

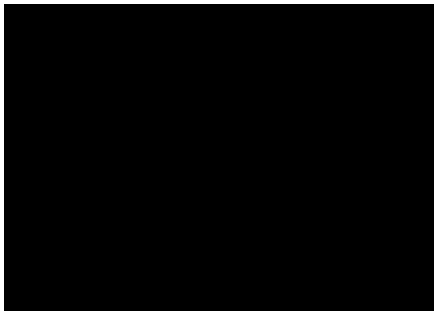
Please keep the Identity of the author of this submission private for privacy reasons.

I am happy for this to be published in a "Name Suppressed" format 

Committee Secretary
Transport and Public Works Committee
Parliament House
George Street
Brisbane Qld 4000

Email: tpwc@parliament.qld.gov.au

RE: Inquiry into Transport Technology



PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Table of Contents		Pages
Submission cover sheet		1
Table of Contents		2
Inquiry Terms of Reference		3
Executive Summary		3
Introduction		4
Specific/Key Issues		
1. TOR a) Trends/Changes in vehicle fuel type usage		4-5
	Marked reduction (from 2016 to 2018) in proportion of hybrid vehicles providing on-demand passenger transport in Qld	4-5
2. TOR c) 'New'/Emerging technological factors impacting on transport networks		6-21
2 a)	History of taxi regulation – including issues impacting transport networks	6
2 b)	'App'-based ordering of taxi and taxi-type on-demand passenger transport services	7-15
2 b)	i) Impact of 'new' technology on community as a whole – Excessive on-demand personal passenger transport vehicles – impacts on <ul style="list-style-type: none"> ▪ worker remuneration/industry viability, ▪ community use of transport networks/curbspace & transport infrastructure, & ▪ on environmental issues 	7-9
	ii) Transport for People with a Disability (PWD) – including potential impact on the transport network of 'new' technology	10-14
	iii) Queuing Systems – Impact of 'new'/emerging technological factors on transport networks and on the community	15
2 c)	Driver aid technology	16-18
2 d)	Emerging/'New' Technology and Community/Public Safety	18
2 d)	i) Automated vehicles	18-19
	ii) 'New'/emerging technology and on-demand passenger transport	20-21
3. TOR d) Examining how technology is affecting employment arrangements in the transport industry		22-40
3 a)	History of taxi regulation	22
3 b)	Impact of 'new' technology on pre-existing on-demand Qld passenger transport workers and businesses - Evidence of severe financial impact & taxi business failure	23-24
3 c)	Worker rights, remuneration and employment conditions & arrangements for transport workers using the 'new' technology	25-40
4. Recommendations		41-44
Current opportunities for the Qld government to fine-tune the recent reforms (developed in response to the challenges posed by 'new' technology) in the on-demand passenger transport and food delivery sectors to improve transport worker conditions, Public Safety and provide benefit to the entire community		
	Potential areas for appropriate amendments to TOPTA/ the Regulations (Transport Operations (Passenger Transport) Regulation 2018) that may improve both driver conditions and provide benefit to the entire community that are worthy of examination:	42-44
4 a)	Initiatives to improve transport worker income	42
4 b)	Initiatives for Public Safety	43
4 c)	Initiatives for Disability access	44
5. Summary		45-46

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Inquiry Terms of Reference:

“To consider in detail the challenges and opportunities which technology will bring to the transport sector in coming years including:

- a) identifying trends and changes in fuel type usage in the sectors of personal transport, freight transport and public transport, such as the increasing uptake of hybrid and electric vehicles
- b) examining the readiness of the transport network for increasing electrification of vehicles in coming years
- c) identifying other emerging technological factors which will impact on transport networks into the future, such as driver aid technology and ‘driverless car’ technologies
- d) examining how technology is affecting employment arrangements in the transport industry, particularly in the food delivery area”

Executive Summary:

Qld had a safe and viable on demand personalised passenger transport system that many considered to be world class.

The industry, while imperfect, had the highest proportion of Wheelchair Accessible Taxis in Australia, had a very high proportion of fuel efficient hybrid vehicles, had at least a degree of protection against worker exploitation via the Qld legislated bailment agreement (that would have benefited from strengthening), and actually had a career path for workers who could progress from driver, to licence owner, and/or base Operator, and ultimately go on to become a self-funded retiree licence owner (ie ‘superannuant’ from the transport industry).

In response to the challenges posed by aggressive marketing centred around ‘new’/emerging technology, and lobbying from a large foreign corporation, together with an orchestrated campaign of non-compliance with Qld laws (2014-16), the Qld government introduced wide-ranging reforms (2016-17) to Qld Personalised Transport governance & legislation.

This submission provides an analysis and reflection on the interim outcome of the response to the challenge posed by the ‘new’ technology, raises questions and highlights areas of community importance that have arisen, and flags some of these as learnings relevant to the development of future responses to other emerging and ‘new technologies – including automated vehicle technology and questions around accountability and legislative exemptions.

Finally, this submission provides a range of suggested areas for examination of legislative amendment which serve as opportunities for the Qld government to fine-tune the recent reforms in the Personalised Transport arena in order to address the matters raised – particularly the issues of transport Worker’s Rights/Employment Arrangements, and Public Safety.

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Introduction:

This submission addresses a range of transport technology issues – including the challenges around the ‘new’ technology ‘app’-based ordering of on-demand public passenger transport and food delivery services, automated vehicle technology, transport workers in the ‘gig’ economy; and will specifically focus on TOR (a) proportion of hybrid vehicles, (c) emerging technological factors which will impact on transport networks into the future, and (d) how technology is impacting on employment arrangements in the transport industry

Specific issues:

1. **TOR a)** *identifying trends and changes in fuel type usage in the sectors of personal transport, freight transport and public transport, such as the increasing uptake of hybrid and electric vehicles*

The proportion of Qld on-demand passenger transport fleet comprising hybrid vehicles:

- There has been a marked reduction in the proportion of hybrid vehicles providing on-demand passenger transport in Qld - from 70% in 2016 to 15.28% in 2018
 - In 2016, 70% of the Qld taxi fleet comprised hybrid petrol/battery vehicles¹

Figure 2 World Leading Innovations, Queensland Taxi Industry

INNOVATION	PIONEERED IN QLD	WHEN
Company-managed customer feedback and enquiries	✓	1975
State-of-the-art computer dispatch systems	✓	1988
Universal EFTPOS Facilities	✓	1990
Premium Taxi Services	✓	1990
Mandatory Wheelchair Training for All Drivers	✓	2004
Wholesale Adoption of Hybrid Vehicles (70% of the Fleet)	✓	2005
Universal Camera Systems	✓	2005
Fully Integrated Meters with back-to-dispatch systems	✓	2008
Taxi Smartphone Booking Apps	✓	2011
Audio Recording	✓	2018

1

¹ Innovation in the Queensland Taxi Industry TCQ - Response to OPT Innovation Paper – Pg4
<http://www.tcq.org.au/uploads/3/0/6/0/30604245/5 - innovation in the queensland taxi industry 2.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

- By contrast, following the Qld government’s legalisation of Booked Hire services in Qld, hybrid vehicles now comprise only 15.28% of the Qld Personalised Transport vehicle fleet²

Table 3 outlines Queensland’s vehicle fleet based on different fuel types within different transport categories and shows that electric vehicles are now evident in the heavy vehicle, personalised transport, private and public transport categories. It also indicates that hybrid vehicles consisting of either a petrol/electric and diesel/electric engine, are also becoming more visible across the fleet.

Category	Fuel Type							
					Hybrid Vehicles			
	Petrol	Diesel	Petrol/ Gas	Diesel/ Gas	Petrol/ Electric	Diesel/ Electric	Gas	Electric
Emergency	3.93%	95.64%	0.09%	0.35%	0.00%	0.00%	0.00%	0.00%
Heavy Vehicle	2.36%	97.54%	0.02%	0.03%	0.00%	0.04%	0.01%	0.01%
Personalised Transport	67.03%	14.83%	2.39%	0.01%	15.28%	0.01%	0.41%	0.04%
Private	71.92%	26.79%	0.64%	0.03%	0.41%	0.00%	0.18%	0.02%
Public Transport	16.75%	80.14%	0.97%	0.04%	0.00%	0.00%	2.04%	0.05%

Table 3: Queensland’s vehicle fleet by purpose of use (data is current as at 30 June 2018)

2

This clearly demonstrates that, while the historic Qld taxi fleet embraced the commercial and environmental benefits of running a fleet of fuel-efficient hybrid vehicles, the structure of the ‘gig’ corporation on-demand passenger transport fleet – that relies upon individual worker drivers to provide the capital and essential equipment/tools of the business, has not been able to reach the same conclusion and indeed, the perverse incentives may even be such as to deliver the opposite – eg someone wanting to drive an expensive high powered V8 vehicle or large SUV may see potential personal benefit in being able to claim tax deductions and business expenses by purchasing their desired car, and then signing on as a booked hire driver.

Ultimately this demonstrates that the Community benefit of increased use of low emission (hybrid and electric) vehicles in high mileage passenger transport vehicles is not resolved by market forces in the ‘gig’ economy sector, and that achievement of the Community Benefit requires legislated mandatory requirements that all on demand passenger transport fleets (for each and every Authorised Booking Entity) must achieve a minimum level of fuel efficiency and/or a maximum level of CO₂ emissions

Recommendation

See recommendations on pages 41-44 to address this matter

2

<http://www.parliament.qld.gov.au/documents/committees/TPWC/2018/7TransportTechnology/submissions/004.pdf> Pg 6

5

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

2. TOR c) *identifying other emerging technological factors which will impact on transport networks into the future, such as driver aid technology and ‘driverless car’ technologies*

An emerging technological factor, the nature and extent of which is still evolving, is the rapid uptake and Qld government legalisation of ‘app’-based bookings for non-taxi on-demand passenger transport services. This has had a significant impact on passenger transport networks, on transport services for people with a disability, and on the community as a whole. The extent of this impact has not yet been fully developed or realised. However, both the long-term history of taxi regulation and evidence from overseas can provide useful insight, warnings, and guidance as to the way forward that will deliver benefits to the entire community – including benefits for those working in the industry, people with disabilities, and the general public – some of whom may not even use the services offered

2 a) History of taxi regulation – including issues impacting transport networks

- There is a long history of taxi regulation and the reasons behind it³
“A long history of regulation”
*“Looking back at history, what has often driven regulatory interventions is the **proliferation and resulting chaos of having too many vehicles on the road.***
*With ridesharing’s popularity, it’s not hard to imagine how this still relatively new service could eventually result in city after city returning to the “good ol’ days” of **too many drivers, not enough safety and inadequate consumer protection.***
*How happy will customers be if they **can hail a ride right away, but then are stuck in traffic for 30 minutes longer** because the streets are jam-packed with congestion?”*
*“Might we reach a saturation point, when **limiting the number of liveries on the public roads fulfils other important policy goals, such as cutting down on traffic, air pollution and carbon emissions, as well as safety?**”³*
- A history of the regulatory cycles and economics (including the community benefits, costs and risks) of the on-demand passenger transport industry has been very well summarised by Professor Richard Wolff⁴

2 b) ‘App’-based ordering of taxi and taxi-type on demand passenger transport services

‘App’-based ordering of taxi and taxi-type on demand passenger transport services has been portrayed, marketed and perceived as being a ‘new’ or emerging technological factor necessitating radical reform of the Qld Personalised Transport sector

However, regardless of potential subsequent/future hardware and software developments over the ensuing 20 years, electronic ordering of on-demand passenger transport services was actually envisaged by the Qld parliament 17 years prior to the arrival of Uber in Queensland - when it was incorporated into the Transport Legislation Amendment Act 1997 - Act No. 66 of 1997 which amended the Transport Operations (Passenger Transport) Act 1994 (TOPTA) to include a new definition of taxi service which included hiring via electronic communication:

³ History of taxi regulation for the public good and for the well-being of the community:
<http://www.theglobalist.com/uber-taxi-battle-commercial-transport/>

⁴ Uber: Innovator or Business Destroyer? Professor Richard Wolff, Professor of Economics Emeritus, University of Massachusetts, Amherst <https://www.youtube.com/watch?v=GtM1TIKG9kk>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

“taxi service” means a public passenger service, other than an excluded public passenger service, provided by a motor vehicle under which the vehicle—
(a) is able, when not hired, to be hailed for hire by members of the public; or
(b) provides a demand responsive service under which members of the public are able to hire the vehicle through electronic communication; or
(c) plys or stand for hire on a road.⁵

- Therefore no further amendments to TOPTA were required when the existing Qld taxi industry developed and implemented ‘app’-based ordering of taxis in 2011⁶

Figure 2 World Leading Innovations, Queensland Taxi Industry

INNOVATION	PIONEERED IN QLD	WHEN
Company-managed customer feedback and enquiries	✓	1975
State-of-the-art computer dispatch systems	✓	1988
Universal EFTPOS Facilities	✓	1990
Premium Taxi Services	✓	1990
Mandatory Wheelchair Training for All Drivers	✓	2004
Wholesale Adoption of Hybrid Vehicles (70% of the Fleet)	✓	2005
Universal Camera Systems	✓	2005
Fully Integrated Meters with back-to-dispatch systems	✓	2008
Taxi Smartphone Booking Apps	✓	2011
Audio Recording	✓	2018

6

The radical reforms of the Qld Personalised Transport industry have had widespread significant (and in some cases devastating) consequences that were perhaps not fully envisaged prior to implementation

These include some that have already occurred, some that have been seen and documented overseas and may not yet be fully appreciated in Qld, and some that are likely to evolve into larger issues in the future:

2 b) i) Impact on community as a whole - Excessive on-demand personalised transport vehicles – impacts on worker remuneration/industry viability, community use of transport networks/curbspace & transport infrastructure, & on environmental issues

- There are now at least 16,000+ cars doing the work previously done by approx. 2,500 cars in Qld - as it was reported by Mr Neil Singleton, Insurance Commissioner, Insurance

⁵ TRANSPORT LEGISLATION AMENDMENT ACT 1997 <https://www.legislation.qld.gov.au/view/pdf/asmade/act-1997-066>

⁶ Innovation in the Queensland Taxi Industry TCQ - Response to OPT Innovation Paper – Pg4 <http://www.tcq.org.au/uploads/3/0/6/0/30604245/5 - innovation in the queensland taxi industry 2.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Commission, Queensland Treasury⁷ that there are currently more than 14,000 registered booked hire vehicles in Qld (and there are approximately 2000-2500 registered taxis in the areas where booked hire services operate in Qld)

- Booked-hire/uber is taking people off mass transit (buses and trains) and putting them in to private cars^{8, 9, 12}. A continuation of this trend in Qld could result in expensive planned public transport (mass transit) infrastructure being unnecessary and/or very significantly under-utilised by the time construction is completed
- Booked-hire/uber is taking people away from transport via physical exercise (walking, cycling) and putting them in to individual cars¹²
- There is a large amount of evidence from overseas experience of uber and booked hire operators contributing to traffic congestion in Washington¹⁰, in Chicago¹¹ & in San Francisco & an academic study from University of California¹² highlights that this impact has occurred across multiple jurisdictions in the US. New York city has recently capped the number of uber/booked-hire vehicles
- Passenger transport vehicles are now less efficient - as a significant amount of time is spent driving without passengers (dead km)
- The large number of cars has a very significant impact on community resources (eg curbspace) – A perspective clearly identified by Elliott Sclar, Professor of Urban Planning Director, Sustainable for Urban Development, Columbia University NY, US¹³ There is a finite amount of curbspace (particularly in CBD areas) that must be shared by the entire community – including buses, cyclists, pedestrians, driveways for businesses, delivery/loading zones for businesses (to collect parcels bought by on-line shoppers and to deliver supplies to businesses such as city cafes), private cars, taxis, booked hire cars, limousines, road maintenance/repairs, new building construction/renovations. It is not possible to manufacture more curbspace – therefore demands from any one group for more really equate to a demand to take some from another group that is already using it.

⁷ Presentation: 'Insurance: CTP and more' by Mr Neil Singleton, Insurance Commissioner, Insurance Commission, Queensland Treasury September 12, 2018 at the Taxi Council Qld Queensland Taxi Conference

⁸ Studies are increasingly clear: Uber, Lyft congest cities

<https://apnews.com/e47ebfaa1b184130984e2f3501bd125d>

⁹ Uber and Lyft Are Cannibalizing Transit in Major American Cities

<https://usa.streetsblog.org/2017/10/13/uber-and-lyft-are-cannibalizing-transit-in-major-american-cities/>

¹⁰ Despise your commute? Metro, Uber and Lyft are conspiring to make it worse.

https://www.washingtonpost.com/local/despise-your-commute-metro-uber-and-lyft-are-conspiring-to-make-it-worse/2017/12/04/cca0cebe-d915-11e7-b1a8-62589434a581_story.html?utm_term=.fafa545b2a0d

¹¹ How Should Chicago Spend Its Uber Tax? <https://www.citylab.com/transportation/2017/11/how-should-chicago-spend-its-uber-tax/546233/>

¹² Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States Institute of Transportation Studies ◦ University of California, Davis October 2017 Research Report – UCD-ITS-RR-17-07 http://usa.streetsblog.org/wp-content/uploads/sites/5/2017/10/2017_UCD-ITS-RR-17-07.pdf

¹³ Uber in danger of running out of road in London <https://www.ft.com/content/602a84dc-6b71-11e5-aca9-d87542bf8673>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

October 7, 2015 11:57 pm

Uber in danger of running out of road in London

[Share](#) [Author alerts](#) [Print](#) [Clip](#)[Comments](#)

Sir, Framed as a question of monopoly versus competition, it is easy to make a case for favouring Uber over London's black cabs as the FT's October 2 edition makes exceedingly clear ("The Tories' penchant for protecting big business", Editorial; "Taxi users should decide Uber's fate in cities", Letters; and "Uber wants you to change the world without leaving home", Comment).

The argument for that framing is straightforward, if unrestricted; the barriers to entry into the taxi industry are quite low (having access to a vehicle). Hence the advocates declare "let supply expand to meet demand". But there is also what economists call a fallacy of composition in that argument. London has a finite number of streets. These streets have to serve expanding amounts of traffic related to the ways we now shop online, the increasing density of buildings, the need for space for public transport and bicycles, etc. If entry is unrestricted the competition of the many for use of that scarce resource will turn London's already congested streets into an even slower moving queue. It is for that reason that from shortly after the advent of the motor car to the present, cities all over the world regulate entry into their local taxi industries.

Where public regulation fails, private regulation in the form of cartels and gangs ensure limits on supply. Public regulation is preferable. The question facing Transport for London is one of balancing the equitable use of a scarce public resource.

Elliott Sclar*Professor of Urban Planning**Director, Center for Sustainable Urban Development, Columbia University**New York, NY, US*[Share](#) [Author alerts](#) [Print](#) [Clip](#)[Comments](#)

13

Recommendation

See recommendations on pages 41-44 to address these matters

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

2 b) ii) Transport for People with a Disability (PWD) – including potential impact on the transport network of ‘new’ technology

It is 43 years since the United Nations made a Declaration on the Rights of people with disabilities¹⁴, it is 37 years since the International Year of Disabled Persons¹⁵, and it is 10 years since Australia ratified the United Nations Convention on the Rights of Persons with Disabilities¹⁶

The Commonwealth government undertakes periodic reviews of the **Disability Standards for Accessible Public Transport**. The most recent ‘Final Report’ of the review (published in 2015) of the 2002 Standards is available¹⁷ and highlights how Australian States have been working to improve transport accessibility for PWD:

Table 4: Wheelchair accessible taxis as a proportion of taxi fleets in each state and territory for 2001, 2007 and 2012

State or Territory	2001	2007	2012
	%	%	%
New South Wales	5.4	9.9	12.3
Victoria	6	8.1	11.9 ¹
Queensland	10	15.2	19.7
South Australia	7	7	9
Western Australia	8	6.3	4.9 ²
Tasmania	0	7.8	11.4
Northern Territory	4.9	18.8	19
Australian Capital Territory	9.4	5.2	5

17

This is supplemented by a further recent Commonwealth government publication and website looking at transport accessibility and implications for various government and private sector groups¹⁸

Some Sections of this Guide¹⁸ relevant to PWD (as well as to the broader community) include:

- 3.4.3 Vehicle fleet consistency
- 3.4.4 Vehicle livery
- 3.5.10 Customer service staff uniforms
- 3.8.5 Security matters

¹⁴ Declaration on the Rights of Disabled Persons

Proclaimed by General Assembly resolution 3447 (XXX) of 9 December 1975 <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/001/60/IMG/NR000160.pdf?OpenElement>

¹⁵ The International Year of Disabled Persons 1981 <https://www.un.org/development/desa/disabilities/the-international-year-of-disabled-persons-1981.html>

¹⁶ United Nations Convention on the Rights of Persons with Disabilities

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

¹⁷ Review of the Disability Standards for Accessible Public Transport 2002 - Final Report July 2015

https://infrastructure.gov.au/transport/disabilities/review/files/Review_of_Disability_Standards_for_Accessible_Public_Transport.pdf

¹⁸ The Whole Journey Guide

<https://infrastructure.gov.au/transport/disabilities/whole-journey/guide/index.aspx>

https://infrastructure.gov.au/transport/disabilities/whole-journey/files/whole_of_journey_guide.pdf

PRIVATE SUBMISSION – NAME SUPPRESSED
RE: Inquiry into Transport Technology

It is timely to assess the interim outcome (ie current status) of the 2016-2017 Qld government reforms of Personalised Transport against these parameters in the Commonwealth Guide.

Objectively, the reforms appear to have delivered a significant negative outcome/impact in a wide range of areas regarding transport for people with a disability - including:

- Reduction in percentage of vehicle fleet that are Wheelchair Accessible - from 19.7% to now approximately 4% (642 Wheelchair Accessible Taxis as a percentage of the now 16,000+ total booked hire vehicles plus taxi vehicles in identical areas)
- Loss of vehicle fleet consistency – including absence of standard braille on all entry points for all Personalised Transport vehicles
- Loss of standardised vehicle fleet livery (& lack of clear visibility of personalised transport vehicle identification).
 - Beyond issues pertaining to PWD, this also has clear implications for the general community – See the example below (page 20) regarding the Public Safety impacts when ‘new’ technology entrants gain exemptions from historical laws implemented for public safety - ‘fake ride-share’ driver alleged sex assault case - September 2018
- Loss of standardised frontline customer service staff (ie driver) uniforms
- Loss of standardised vehicle security measures – secure cameras and audio recording in all vehicles for all trips

There are clear obligations of the Qld government under both the Commonwealth government Guide¹⁸ and following the Article 4 obligations of the United Nations Convention on the Rights of Persons with Disabilities¹⁶

Article 4
General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

- Given these obligations, and during what is probably the greatest passenger transport reforms in Qld in 70 years, it is then difficult to understand why the Department of Transport and Main Roads has elected to discontinue monitoring and reporting of the provision of

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

transport services to People with a Disability as stated in the 2018-2019 TMR SDS¹⁹ despite TMR statements espousing commitment to transport for PWD

2018-19 service area highlights

The department will build on its achievements and continue its focus on delivering the Government's commitments for the people of Queensland, with 2018-19 highlights under this service area to include:

- implementation of 'short term' actions within the *Disability Action Plan 2018-2022* to improve the accessibility of the passenger transport network for people with disabilities, such as:
 - establishing an Accessible Transport Networks team which reports directly to the department's Director-General
 - continuing to provide funding through dedicated programs to upgrade existing and provide new, accessible passenger transport infrastructure
 - providing passenger transport concessions for people with disability, in accordance with the concessions framework
 - providing the Taxi Subsidy Scheme to assist eligible people with disability with the cost of accessible transport options.

Response times pertaining to transport for PWD which were previously monitored and reported and which showed deterioration during the reform process²⁰

Department of Transport and Main Roads	Notes	2016-17 Target/Est.	2016-17 Est. Actual	2017-18 Target/Est.
Service area: Passenger Transport Services				
Service standards				
<i>Effectiveness measures</i>				
Wheelchair accessible taxi response times compared to conventional taxi fleet response times:	M, 1			
Peak				
Percentage within 18 minutes:				
- Conventional		85	95	85
- Wheelchair		85	85	85
Percentage within 30 minutes:				
- Conventional		95	97	95
- Wheelchair		95	95	95
Off peak				
Percentage within 10 minutes:				
- Conventional		85	86	85
- Wheelchair	1	85	71	85
Percentage within 20 minutes:				
- Conventional		95	96	95
- Wheelchair	1	95	90	95

1. Response times for wheelchair accessible taxi (WAT) services are longer than response times for conventional taxis. This may be due to drivers not prioritising wheelchair work or because they are engaged in providing other services under a contract with other entities such as the Department of Veterans' Affairs. The off peak results for wheelchair accessible services are below target and may be attributable in part to the industry changes and the personalised transport reform program currently being implemented. It is anticipated that WAT service levels will improve following the introduction of an incentive payment for drivers of wheelchair accessible taxis for services provided to Taxi Subsidy Scheme members identified as requiring a wheelchair to travel.

¹⁹ Qld Budget 2018-19 Service Delivery Statements

Department of Transport and Main Roads Pg 14 <https://budget.qld.gov.au/files/SDS-Transport%20and%20Main%20Roads-2018-19.pdf>

²⁰ Qld Budget 2017-2018 Service Delivery Statement Department of Transport and Main Roads <https://s3.treasury.qld.gov.au/files/bp5-dtmr-2017-18.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Are now listed as “Discontinued measures”²¹

Discontinued measures

Performance measures included in the 2017-18 *Service Delivery Statements* that have been discontinued or replaced are reported in the following table with estimated actual results.

Department of Transport and Main Roads	Notes	2017-18 Target/Est.	2017-18 Est. Actual	2018-19 Target/Est.
Service area: Transport Infrastructure Management and Delivery				
Service area: Customer Experience				
Customer satisfaction ratings of public transport by service type (using a 0 - 100 index – 100 being excellent): Whole-of-Queensland: Taxi	2	≥67	..	Discontinued measure
Service Area: Passenger Transport Services				
Wheelchair accessible taxi response times compared to conventional taxi fleet response times:	2			Discontinued measure
Peak Percentage within 18 minutes: Conventional		85	85	Discontinued measure
Wheelchair		85	85	Discontinued measure
Peak Percentage within 30 minutes: Conventional		95	95	Discontinued measure
Wheelchair		95	95	Discontinued measure
Off peak Percentage within 10 minutes: Conventional		85	85	Discontinued measure
Wheelchair		85	85	Discontinued measure
Off peak Percentage within 20 minutes: Conventional		95	95	Discontinued measure
Wheelchair		95	95	Discontinued measure

Notes:

- The Queensland Government is in the process of delivering significant reform to the personalised transport industry. The intent of the reforms is to ensure Queensland residents have access to safe, accessible, affordable and accountable personalised transport services. The reform process has been underway since mid-2016. Given the significant changes in the personalised transport sector and in the department's role as regulator of the industry, the department will discontinue reporting taxi measures. As taxi customer satisfaction survey data was not collected for most of 2017-18, a reliable 2017-18 Estimated Actual result is not available.

²¹ Qld Budget 2018-19 Service Delivery Statements
Department of Transport and Main Roads Pg 18-19 <https://budget.qld.gov.au/files/SDS-Transport%20and%20Main%20Roads-2018-19.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

- TMR do have a spreadsheet template to collect data from Authorised Booking Entities²²
- However, this only collects a single data point for Taxi Subsidy Scheme (TSS) work (amongst other data) – and doesn't collect data for all journeys provided to People with Disabilities – in particular - it doesn't collect transport-related data regarding those who need to use large motorised mobility devices.
 - There are people with TSS cards who don't require a Wheelchair Accessible Taxi and who can travel in a conventional sedan
 - There are people who require the use of large powered mobility devices who are ineligible for a TSS card but who do require transport for themselves and their mobility device
 - Non-taxi Authorised Booking Entities are unable to accept TSS cards – therefore the current TMR data collection tool will not collect any data on the level of service these non-taxi Authorised Booking Entities provide to PWD
- It is also noted by TMR that there are some significant problems with the electronic system developed by TMR – as documented in their own FAQ web page²³

“Why can't I open the forms on my iPad or iPhone?”

The reporting forms will not work on iPad, iPhone and some mobile devices. The operating systems of these devices do not support the macros in the forms.

If you do not have access to a computer and you have five or fewer affiliated vehicles with your booking entity authorisation, please contact

personalised.transport@tmr.qld.gov.au to request an alternative version of the forms.

To use the alternative version, you will still need Microsoft Excel on your device.

Alternatively, paper copies of the reporting forms can be provided by your TransLink Regional Office. The paper forms will need to be filled in after 30 June 2018 (be before 28 July 2018) and sent to:

Personalised Transport Policy

TransLink Division

Department of Transport and Main Roads

GPO Box 50

*BRISBANE QLD 4001*²⁶

Without clear policy settings and legislated provisions to monitor and ensure continued appropriate services are readily available for PWD and that ensure the commercial viability of providers of services to PWD, there is a risk that these essential services may become unavailable. Such an outcome could necessitate a government response - such as the introduction of government-operated dedicated 'para-transit' vehicle fleets. This could then further add to the total number of vehicles using the transport network and transport infrastructure – further contributing to traffic congestion, pollution, and slowing travel times for the entire community.

Recommendation

See recommendations on pages 41-44 to address these matters

²² <https://personalisedtransport.tmr.qld.gov.au/33519/documents/> & <https://personalisedtransport.tmr.qld.gov.au/33519/documents/79228/download>

²³ <https://personalisedtransport.tmr.qld.gov.au/33519/documents/80877>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

2 b) iii) Queuing Systems – Impact of ‘new’/emerging technological factors on transport networks and on the community:

A big change from the ‘old’ system of on-demand passenger transport (& indeed the entire public transport (mass transit) system) is whether customers/passengers can be made to pay while queuing

Systems where the total (including capital) costs are borne by the industry/government/transport corporation/operators and must be recouped from the passengers:

- In mass transit systems (eg trains, buses) – passengers queue for free while waiting for scheduled services - and pay for travel via distance calculations only
- In taxis, passengers queue for free (eg at taxi ranks or at home/work) waiting for one of the limited number for available taxi vehicles to arrive, but then pay via a combination of distance and travel time – for the convenience, personalised service, and door to door nature of the service

However, with the emerging/‘new’ technology ‘gig’ on-demand passenger transport systems/services, the capital/vehicle costs and the costs of drivers being on-call/instantly available are borne by the workers directly. Consequently, ‘gig’ corporation service providers have been able to effectively ‘flood the market’ with unlimited vehicles and drivers at no cost to their businesses.

The end result of this is that passengers can request a booked hire service from a ‘gig’ corporation and, almost instantly, enter one of an ‘almost unlimited’ number of nearby waiting/circling vehicles.

Upon entry to the vehicle (the business model focuses on this being the shortest possible time – which the customer has been conditioned to believe is the best possible service), the passenger starts to pay (via both time and distance calculations).

If the vehicle is then stuck for protracted periods in grid-locked traffic (one of the impacts on the transport network of the large number of ‘gig’ corporation booked hire cars), then the customer is now paying for queuing - rather than queuing for free while waiting for a vehicle to arrive. Using the ‘new’ technology system (excluding subsidies from venture capitalists and transport workers), the passenger ultimately pays a higher price for the total trip – because the distance is identical, but the time is much longer.

This demonstrates that the **‘gig’ corporation business model** for on-demand passenger transport actually **profits with worse traffic congestion and with slower travel times** – as long as the paying customer can enter a vehicle (and start paying money) as soon as possible after the trip is requested, and as long as the ‘gig’ corporation bears no capital or labour costs to have an ‘unlimited’ supply of available vehicles and drivers to facilitate the shortest possible time between trip request and entry into the vehicle with the meter running (**ie the passenger now pays to queue**).

It is important to note that the total time to reach the passenger’s destination (wait time plus travel time) may be unchanged (or worse), and that the **‘new’ technology gig system may result in other road users being massively inconvenienced and it may make pollution worse**, but, with the ‘new technology system’ the off-shore ‘gig’ corporation is receiving income while their customers pay to

PRIVATE SUBMISSION – NAME SUPPRESSED**RE: Inquiry into Transport Technology**

‘wait’ – even though the Public good/entire community is suffering. This reflects another perverse outcome of the ‘new’ technology - and a huge and worsening impact of the ‘new’ technology on the transport networks.

2 c) Driver aid technology

Driver aid technology has the potential to deliver significant benefits for the community and for individuals

However, there are a number of key issues that must be considered:

- Initial costs (vehicles and transport network/infrastructure)
- Potential ongoing costs – maintenance, updates, replacement
- Rapidity of obsolescence – both hardware and software
- Potential costs of updates/upgrades may not be affordable for the majority of consumers and may make otherwise functional and serviceable vehicles no longer commercially viable – This would have a very significant consumer/community cost and environmental impact of vehicles that effectively become disposable items after 3-5 years (look at recent issues with single use plastic bags and the large amount of e-waste from consumer electronic goods- such as computers, televisions, mobile phones etc)
- Requires a degree of trust that items will perform according to promises made by the manufacturer – look at recent example with VW and ‘diesalgate’ scandal
- Requires reliable mechanisms to ensure that faulty products do not remain on the road posing a risk of harm to members of the community – look at the relative lack of success and protracted delays in dealing with the faulty Takata airbag issue in Australia & throughout the world
- Requires reliable mechanisms to deal with foreign corporations that manufactured faulty products and then enter Administration or file for bankruptcy leaving faulty products remaining on the road posing a risk of harm to members of the community – look at the relative lack of success and protracted delays in dealing with the faulty Takata airbag issue
- Technology is still in relative infancy and it appears that ‘driverless’ cars are further away in time than the hype would suggest. A recent article provides some insight

“... then polls the students about the future of fully autonomous vehicles. Three-quarters expect to be using them regularly by 2030. Leonard thinks they might be disappointed.

It’s one thing to set driverless vehicles loose on closed-loop tracks, another to have them navigate cities, as Uber learned in Arizona in March, when one of its autonomous cars struck and killed a pedestrian”²⁴

²⁴Toyota’s Vision of Autonomous Cars Is Not Exactly Driverless

<https://www.bloomberg.com/news/features/2018-09-19/toyota-s-vision-of-autonomous-cars-is-not-exactly-driverless>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

- Accountability – Who holds the ultimate responsibility when something goes wrong? Vehicle manufacturers vs software engineers, vs onboard ‘drivers’ vs legislators – look at the widely reported case where an ‘autonomous’ uber car struck and killed a pedestrian while they were walking across a road pushing a bicycle. While the vehicle sensors detected the person 6 seconds prior to impact, programming had set the vehicle to ‘not brake’

“The NTSB [National Transport Safety Bureau] report indicates that the Uber self-driving system first detected Herzberg [the pedestrian] about 6 seconds before impact, initially classifying her as an unknown object, then a vehicle and then as a bicycle. At 1.3 seconds before impact, the report states, the system “determined that an emergency braking manoeuvre was needed to mitigate a collision.” Less than a second before impact, the test operator took the wheel and started to brake just after hitting Herzberg.

The Uber self-driving system was operating normally at the time of the crash, with no faults or diagnostic messages.

What’s chilling is that the engineers behind Uber’s software program disabled the system’s ability to avoid a life-or-death scenario while testing on public roads,” says David Zuby, the Institute’s chief research officer. “Uber decided to forgo a safety net in its quest to teach an unproven computer control system how to drive.”²⁵

- How would current Qld laws deal with a situation if it could be demonstrated that a human driver saw a pedestrian/cyclist, worked out that an ‘emergency braking manoeuvre’ was required in order to avoid a collision (at approx 60 km/hr) with the pedestrian/cyclist, chose not to brake - and then struck them and killed them? It is certainly conceivable that a charge of murder would be pursued (rather than manslaughter) as there was a clear intentional decision not to brake after the pedestrian/cyclist was seen/detected.
- What laws will/should apply to ‘autonomous’ vehicles?
- Should they be any different to the laws that would apply to human drivers?

Issues and public risks associated with immature semi-autonomous vehicle features and with lax legislation taking a ‘pro-technology’ approach have been clearly recognised:

“Lax U.S. oversight of industry jeopardizes public safety

A patchwork of state laws and voluntary federal guidelines is attempting to cover the testing and eventual deployment of autonomous vehicles in the U.S. It is a decidedly pro-technology approach that lacks adequate safeguards to protect other road users.”²⁶

²⁵ Insurance Institute for Highway Safety, Highway Loss Data Institute - Status Report Insurance Institute for Highway Safety | Highway Loss Data Institute Reality check Research, deadly crashes show need for caution on road to full autonomy – inc Fatal Uber crash shows risks

of testing on public roads Published Aug 7, 2018 <https://www.iihs.org/externaldata/srdata/docs/sr5304.pdf>

²⁶ Insurance Institute for Highway Safety, Highway Loss Data Institute - Status Report Insurance Institute for Highway Safety | Highway Loss Data Institute Reality check Research, deadly crashes show need for caution on road to full autonomy – inc Lax U.S. oversight of industry jeopardizes public safety Published Aug 7, 2018

<https://www.iihs.org/externaldata/srdata/docs/sr5304.pdf> & <https://www.iihs.org/iihs/sr/statusreport/article/53/4/6>

PRIVATE SUBMISSION – NAME SUPPRESSED**RE: Inquiry into Transport Technology**

While it is much easier to develop, implement and use automated and/or autonomous rail systems than road vehicles - due to the inherently largely 'closed' nature of the rail transport system, the recent example from Devonport, Tasmania demonstrates that it took nine minutes after notification of Emergency Services to deliberately derail the out of control train²⁷. Even then, two innocent people received injuries. Reports of overseas terror attacks involving both cars and trucks in recent years have demonstrated the potential for very significant injuries and damage to be inflicted when out of control trucks and cars are driven through crowded streets and boulevards.

- What systems are required to be mandated in order to enable operators and/or authorities to take control of 'out of control' automated/'autonomous' road vehicles?

2 d) Emerging/'New' Technology and Community/Public safety

Issues of Public Safety should be the highest priority when legislators consider necessary governance and responsibilities when considering advancement of autonomous vehicle technology on public roads.

- Should current safety standards be relaxed because of 'new' technology?
- Should exemptions from proven beneficial safety systems be granted to organisations or categories claiming to use 'new' technology?
- Will there be a need to radically modify existing road infrastructure to create a clear physical separation between automated vehicles and all other road users – either as a short-term or as a long-term solution to issues like those outlined above?
- What strategies are available to State governments that will successfully deal with large multi-billion dollar foreign corporations if they demonstrate wilful and ongoing disobedience with State laws, and where they appear to see the payment of financial penalties as just 'the cost of doing business'?

2 d) i) Automated vehicles:

Many current (often safety-related) elements of passenger transport vehicles have been developed, incorporated, and become mandatory in vehicles over the past 70 years.

- Which of these, if any, should be foregone in the push for automation?

"For example, by law all passenger vehicles must have manual driver controls, but what happens when human drivers are no longer needed to operate vehicles?"

General Motors, for one, hopes to ditch the steering wheel and brake and accelerator pedals in a self-driving Cruise AV to test in a ride-sharing fleet. GM petitioned NHTSA to exempt up to 2,500 of these electric cars from more than a dozen safety standards, including the manual control requirements"²⁷

²⁷ <https://www.police.tas.gov.au/news-events/media-releases/devonport-freight-train-derailment/> & <http://www.abc.net.au/news/2018-09-21/train-derails-in-devonport/10289726> & <https://www.facebook.com/Tas.Police/posts/1971096869636870>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Qld has recently implemented subordinate legislation that has created some exemptions for automated vehicles:

“270 Requirement for road-based public passenger vehicle — right-hand drive

(1) A person must not provide a public passenger service on a road using a public passenger vehicle that does not have a right-hand drive.

Maximum penalty—20 penalty units.

(2) For subsection (1), a public passenger vehicle has a right-hand drive if the centre of the steering control of the vehicle is either—

(a) to the right of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle; or

(b) in line with the centre of the vehicle.

(3) This section does not apply in relation to an automated public passenger vehicle.

(4) In this section—

*automated public passenger vehicle means a public passenger vehicle that is capable, without human input, of controlling its steering, acceleration and braking to safely navigate itself for the typical duration of a public passenger service for which it is used”.*²⁸

As noted from both the US NTSB and the US Insurance Institute for Highway Safety above, current evidence would suggest that there may be no current (nor in the foreseeable future) vehicle capable of meeting the definition of 270 (4) in the Qld Regulations – where the key word is 'safely'

However, it is also important to note that 'capable' doesn't mean that the vehicle has to be able to reliably, accurately or consistently perform the task. For example, if the automated vehicle is capable of doing the trip safely 1 in 100 trips - that would fit the definition of being 'capable' of performing the task - but if the automated vehicle ran over pedestrians the during the other 99 trips – then clearly it doesn't pass the 'pub test' – ie the general community standard of acceptability

In factories and worksites throughout Australia, there are many automated mechanised systems that have developed over time and that have delivered significant improvements (efficiency, productivity, safety etc). However, these systems generally have some type of manual safety over-ride/emergency shut-down/'kill' switch that can be used in the event of a malfunction of the automated system.

- Should automated vehicles still have some mandatory manual steering and braking controls so that, in the event of a failure of the automated systems, a vehicle occupant could take a degree of manual control over the vehicle in order to avert an accident or to minimise the extent of damage/harm from an accident?

It has been reported that automated vehicles will reduce the number of vehicle accidents.

- Should occupants in automated/'autonomous' vehicles be exempted from wearing seat belts?
- Should manufacturers of automated/'autonomous' vehicles be exempted from the requirement to include seat belts in the vehicles?

²⁸ Transport Operations (Passenger Transport) Regulation 2018 Subordinate Legislation 2018 No. 119 Current 1/9/2018 <https://www.legislation.qld.gov.au/view/pdf/asmade/sl-2018-0119>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

2 d) ii) 'New'/emerging technology and on-demand passenger transport

The recent changes to Qld legislation governing on-demand personalised transport driven by the use of emerging/'new' mobile telephone 'app' technology saw the exemption of service providers using 'new' technology from some of the historical safety-related laws governing traditional taxis. For example, safety features such as mandatory in-vehicle video and audio recording of all trips, distinctive vehicle identification with approved decals/colour schemes and official TMR number plates for licensed public passenger transport vehicles.

However, it appears that these exemptions may have contributed to a recent spate of reported adverse incidents relating to Public Safety which are clearly of concern – with issues for both drivers and passengers²⁹.

Exemption for booked hire services using the 'new'/emerging technology 'app'-based ordering of on-demand passenger transport from the mandatory taxi livery/decals and official TMR numberplate elements of vehicle identification appears to have resulted in a Public Safety risk whereby the safety elements of the 'new' technology system are capable of being readily overcome by a motivated person with a computer, a laser printer, and two pieces of paper (ie producing and affixing fake 'ride-share'/booked hire stickers in the vehicle windscreens) with allegedly at least five women sexually assaulted in a matter of weeks in Brisbane³⁰. This scenario is not unique to Qld and has been seen throughout the world. It does not reflect a failure of the 'new' technology per se, but rather a failure of the regulations governing the 'new' technology that enables a person with criminal intent to easily create a counterfeit ('fake') booked hire vehicle that can be used to lure and trap innocent victims. The purpose of corporations is to maximise profits and returns for their shareholders.

²⁹ Brisbane Uber driver accused of raping 16-year-old girl granted bail

<http://www.couriermail.com.au/news/queensland/crime-and-justice/brisbane-uber-driver-accused-of-raping-16yearold-girl-granted-bail/news-story/a09223cb3f0ef503886fc3f9238a45cb>

Brisbane Uber driver charged with second rape from 2015

<https://www.brisbanetimes.com.au/national/queensland/brisbane-uber-driver-charged-with-second-rape-from-2015-20170719-gxegs0.html>

Gold Coast Uber driver charged with alleged rape of passenger <http://www.abc.net.au/news/2017-09-30/gold-coast-uber-driver-charged-with-raping-female-passenger/9003916>

Fijian Uber driver denies sexual assault in car in Camden

<https://www.9news.com.au/2018/09/25/17/58/uber-driver-sexual-assault-camden-court>

Uber passenger violently assaulted driver in confronting altercation

<https://www.9news.com.au/2018/09/26/16/46/uber-driver-attacked-sydney-cctv-video-passenger-assault>

Female ride-share drivers campaign for safer working conditions

<https://www.smh.com.au/business/workplace/female-ride-share-drivers-campaign-for-safer-working-conditions-20180718-p4zs96.html>

<https://www.brisbanetimes.com.au/business/workplace/female-ride-share-drivers-campaign-for-safer-working-conditions-20180718-p4zs96.html>

³⁰ 'Fake Uber driver' charged with sexual assault of two women in Brisbane

<http://www.abc.net.au/news/2018-09-22/fake-uber-driver-sexual-assault-fortitude-valley-brisbane/10294068>

& <https://mypolice.qld.gov.au/brisbanecentral/2018/09/22/update-sexual-assault-charges-brisbane/>

Further sexual assault charges laid against 'fake Uber driver'

<https://www.brisbanetimes.com.au/national/queensland/further-sexual-assault-charges-laid-against-fake-uber-driver-20180926-p50608.html> & <https://mypolice.qld.gov.au/blog/2018/09/25/update-2-sexual-assault-charges-brisbane/>

Woman's horror ordeal after predator poses as Uber driver <https://au.news.yahoo.com/womans-horror-ordeal-predator-poses-uber-driver-100751729.html>

PRIVATE SUBMISSION – NAME SUPPRESSED**RE: Inquiry into Transport Technology**

Therefore, corporations always try to minimise costs, reduce the regulatory burden applicable to their business, and maximise their revenue. It is up to regulators to ensure that Public Safety and the safety of workers is not compromised, and to take the necessary action if it is.

- Is this the standard that is acceptable to the public and to the legislators?
- Is there a need for urgent action from legislators to overcome demonstrated system deficiencies resulting from the exemptions?

Similarly, despite reported safety systems designed into governance of the emerging/'new' technology app-based ordering of on-demand public passenger transport in Qld, as well as both the Qld govt requirements for Booked hire vehicles and other public passenger vehicles to have annual Certificates of Inspection and an appropriately listed Purpose of Use at the time of vehicle registration, and the Commonwealth government mandatory recall of vehicles affected by the faulty Takata airbags³¹, it is uncertain whether Authorised Booking Entities have ensured that all vehicles in their public passenger transport fleets have had the compulsory safety-related recall matter rectified. Clearly the travelling public are at risk if some of the approved and operating public passenger vehicles on Qld roads are operating with outstanding vehicle faults that have the potential to cause serious and/or life-threatening injuries³²

These, and the above examples and issues that have been raised in relation to automated and 'driverless' transport vehicles suggests the need for a significant degree of caution by legislators in order to ensure public safety; and to minimise, or rapidly address, any unintended adverse consequences or outcomes when considering the introduction of any emerging technologies into widespread public use.

Recommendation

See recommendations on pages 41-44 to address these matters

³¹ <https://www.productsafety.gov.au/recalls/compulsory-takata-airbag-recall/takata-airbag-recalls-list>

³² <http://www.abc.net.au/news/2017-07-21/driver-killed-by-defective-air-bag-say-police/8732788> & <https://www.news.com.au/technology/innovation/motoring/motoring-news/the-face-behind-the-airbag-deaths-that-caused-the-worlds-biggest-car-recall/news-story/f7f556655e49b50d26de72b1ff22b1b4>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

3. TOR d) *examining how technology is affecting employment arrangements in the transport industry, particularly in the food delivery area*

The recent introduction of ‘app’-based ordering of taxi and taxi-type on-demand passenger transport and food delivery services has been championed as ‘new technology’, as a creator of ‘new jobs’, and as an opportunity for many people to demonstrate their entrepreneurial flair by ‘starting their own business’ in the transport industry.

However, it is now timely to examine the impacts of these changes on the employment arrangements of existing workers and businesses in the transport industry, as well as the real world outcome for those workers enticed into the transport industry by the ‘new’ technology and the accommodative legislated changes

Qld had a safe and viable on-demand personalised passenger transport system that many considered to be world class.

The industry, while imperfect, had the highest proportion of Wheelchair Accessible Taxis in Australia, and actually had a career path for workers who could progress from driver, to licence owner, and/or base Operator, and ultimately go on to become a self-funded retiree licence owner (ie ‘superannuant’ from the transport industry).

3 a) History of taxi regulation

The history of taxi regulation and legislation in Western democracies provides real insight into both the need for, and the origins of, the extensive regulatory structure that underpinned the Qld regulations governing the on-demand passenger transport industry in Qld up until 2014

- There is a long history of taxi regulation and the reasons behind it³³
“A long history of regulation”.....
*“Looking back at history, what has often driven regulatory interventions is **the proliferation and resulting chaos of having too many vehicles on the road.***
*With ridesharing’s popularity, it’s not hard to imagine how this still relatively new service could eventually result in city after city returning to the “good ol’ days” of **too many drivers, not enough safety and inadequate consumer protection.***
*How happy will customers be if they can **hail a ride right away, but then are stuck in traffic for 30 minutes longer** because the streets are jam-packed with congestion?”*
*“Might we reach a saturation point, when **limiting the number of liveries on the public roads fulfils other important policy goals, such as cutting down on traffic, air pollution and carbon emissions, as well as safety?**”³³*
- A history of the regulatory cycles and economics (including the community benefits, costs and risks) of the on-demand passenger transport industry has been very well summarised by Professor Richard Wolff³⁴

³³ History of taxi regulation for the public good and for the well-being of the community:

<http://www.theglobalist.com/uber-taxi-battle-commercial-transport/>

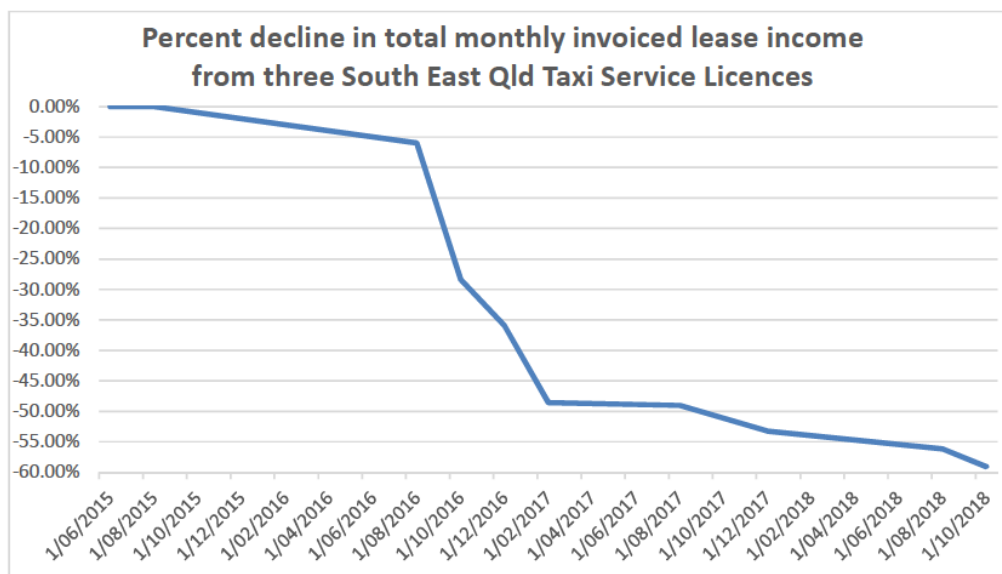
³⁴ Uber: Innovator or Business Destroyer? Professor Richard Wolff, Professor of Economics Emeritus, University of Massachusetts, Amherst <https://www.youtube.com/watch?v=GtM1TIKG9kk>

**PRIVATE SUBMISSION – NAME SUPPRESSED
RE: Inquiry into Transport Technology**

The impacts of the ‘new’ technology and the recent accommodative regulatory changes in Qld can be assessed in two main areas – the pre-existing workers and businesses, and the new workers:

3 b) Impact on pre-existing on-demand Qld passenger transport workers and businesses - Evidence of severe financial impact & taxi business failure

- Income for Qld taxis is down by approx. 60% and continuing to fall



- Some of the people who testified before the Transport & Utilities Committee³⁵ have lost their house and/or their business is in liquidation leaving many unpaid creditors
- Complete Taxi Management is in liquidation leaving many unpaid creditors & large arrears owing³⁶
- Testimony at the Transport and Utilities Committee Public hearing³⁷ demonstrates that the superannuation/life savings of workers in the Qld on-demand passenger transport industry have been decimated (both income and assets), and that these elderly retired transport workers and/or their widows have been severely impacted by the regulatory response to changes that were perceived to be required due to ‘new’ technology

³⁵ TRANSPORTATION AND UTILITIES COMMITTEE PUBLIC HEARING—INQUIRY INTO THE HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL 2016
TRANSCRIPT OF PROCEEDINGS FRIDAY, 21 OCTOBER 2016 Caboolture
<http://www.parliament.qld.gov.au/documents/committees/TUC/2016/Heavy%20Vehicle%20National%20Law%20and%20Other%20Legislation%20Amendment%20Bill%202016/trns-21Oct2016-Caboolture.pdf>

³⁶ Complete Taxi Management Pty Ltd (In Liquidation) ACN 070 178 139 ABN 82 070 178 139
Trading Name: Complete Taxi Management
Report to Creditors 21 May 2018

³⁷ TRANSPORTATION AND UTILITIES COMMITTEE PUBLIC HEARING—INQUIRY INTO THE HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL 2016
TRANSCRIPT OF PROCEEDINGS WEDNESDAY, 12 OCTOBER 2016
Brisbane
<http://www.parliament.qld.gov.au/documents/committees/TUC/2016/Heavy%20Vehicle%20National%20Law%20and%20Other%20Legislation%20Amendment%20Bill%202016/trn-12Oct2016-Hear-HVNL.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED
RE: Inquiry into Transport Technology

Notice

Corporations Act 2001 Paragraph 491(2)(b) Regulation 5.5.01	
NOTICE OF APPOINTMENT AS LIQUIDATOR	
Company details	
Company:	Complete Taxi Management Pty Ltd
ACN:	070 178 139
Status:	In Liquidation
Appointment Date:	08 May 2018
Resolution	
Notice is given that at a general meeting of the members of the Company held on 08 May 2018, it was resolved that the Company be wound up and that Paul Nogueira be appointed liquidator(s).	
Date of Notice:	09 May 2018
Paul Nogueira Liquidator	
Address	Worrells Solvency & Forensic Accountants Unit 11A, Lakes Vista Office Park, 2 Flinders Parade, North Lakes QLD 4509
Contact person	Brandon Fourie
Contact number	(07) 3050 1933
Facsimile	(07) 3448 0116
Email	brandon.fourie@worrells.net.au

Government response to the working arrangements of transport workers facing the impact of 'new' technology is clearly challenging. Reflecting on the outcomes demonstrated above, what should occur in a fair and just western democratic society?

- Is this the outcome of regulatory reform of transport worker's conditions/employment arrangements (workers who partnered with the Qld government to provide essential public passenger transport services) that is acceptable or appropriate?
- Is there a need for urgent action from legislators to overcome demonstrated system deficiencies?
- Is it appropriate to develop a mechanism by which affected transport workers can have a dignified and fair exit from the industry?
- Is it appropriate for the Qld government to utilise existing provisions to provide further industry adjustment or compensation?³⁸
- Should adversely affected transport workers wait for further legislative and regulatory reform of the industry?³⁹ If so, how long should they wait?

³⁸ Direct financial assistance to the Qld Personalised Transport industry was provided via the HVNLOLA 2016 Bill. This Act allows that further financial assistance can be provided via Regulation (Chapter 4) until 8/12/2018.

At the time the HVNLOLA Bill was being considered, TMR staff often referenced other States. As such, it is important to note that the NSW government recently announced a further assistance package of \$142 million to affected individuals involved in the personalised transport industry at the time legislation pertaining to radical industry reform was granted assent in that State.

The Qld government has a record of providing industry assistance in passenger transport – as demonstrated by the announcement by the Minister for Transport and Main Roads The Honourable Mark Bailey on Wednesday, July 18, 2018 'Fairer wages for Qld bus drivers'

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

3 c) Worker rights, remuneration and employment conditions & arrangements for transport workers using the ‘new’ technology

- During the period of reform of the Qld laws governing on-demand passenger transport, a range of perspectives were presented to government⁴⁰. Ultimately, it was decided to reduce the regulatory burden to explore the outcome that would ensue – with a hope that workers and the public would not be worse off.

Since the reforms were passed, there has been widespread reflection on the outcome for transport workers and the community – from Qld, other parts of Australia, and elsewhere in the world. These reflections indicate that overall, the reforms have left transport workers worse off.

- The consensus can be broadly summarised by the statement that ‘Gig’ economy work is not new or different, it is simply old-style servitude of low-skill low-paid work requested/ordered/managed electronically – typically by the working elite
- A 2014 academic paper⁴¹ clearly identified the requirements for uber’s success which included:
 - .. **“company success is predicated upon:**
 - *Gaining exemption from taxi laws and regulation*
 - *Classifying drivers as independent contractors instead of employees (allowing Uber to evade the costly protections and benefits guaranteed to workers in a standard employer-employee relationship)*
 - *A depressed labour market in which workers are willing to assume the burden of risks and costs associated with driving for the company”⁴¹*
- A recent submission to the Senate Select Committee on the Future of Work and Workers (Submission 111 - Attachment 2⁴²) includes pertinent information:

³⁹ The Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017 allows for wide-ranging government action regarding Personalised Transport to be made via Regulation, without the need for further legislation to pass parliament.

⁴⁰ Final Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017 as passed - despite information provided to the Public Works and Utilities Committee – for example in Submissions number 18

<https://www.parliament.qld.gov.au/documents/committees/TUC/2017/I36PersonalisedTransport/submissions/018.pdf> & 19

<https://www.parliament.qld.gov.au/documents/committees/TUC/2017/I36PersonalisedTransport/submissions/019.pdf> & 20

<https://www.parliament.qld.gov.au/documents/committees/TUC/2017/I36PersonalisedTransport/submissions/020.pdf> &

Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017 Report No. 37, 55th Parliament Public Works and Utilities Committee May 2017 Section 2.8 Driver working conditions – removal of taxi service bailment agreements

<https://cabinet.qld.gov.au/documents/2017/May/PersTrans/Attachments/Report.pdf>

⁴¹ Berkeley University Roundtable on the International Economy in December 2014

<http://www.brie.berkeley.edu/wpcontent/uploads/2015/01/Disruptive-Innovation.pdf>

⁴² Senate Select Committee on the Future of Work and Workers Submission 111 - Attachment 2 Should we take the gig economy seriously? Joshua Healy, Daniel Nicholson and Andreas Pekarek LABOUR AND INDUSTRY, 2017 <https://doi.org/10.1080/10301763.2017.1377048>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

“... gig work may be resurrecting a type of labour market that trade unions and regulators have long resisted – one in which workers must undercut each another for advantage, precipitating a ‘race to the bottom’ on wages and other performance expectations (e.g. delivery times).

*In one high-profile expression of this view, Unions New South Wales (2016) argued that **the online gig economy uses new technology as a ‘fig leaf’ to conceal old methods of worker exploitation.** Its report characterises the platform business model as ‘unregulated Taylorism’, allied to a ‘Dickensian marketplace’ that is fragmenting working standards and disintegrating whole jobs into on-demand tasks, without the employment safety nets traditionally afforded to workers⁴²*

- It has been noted that ‘The gig economy is nothing new – it was standard practice in the 18th century’⁴³
- Professor Joellen Riley, Head of School and Dean, Professor of Labour Law, The University of Sydney talks about her concerns of the worker’s conditions in the ‘gig/sharing’ economy.⁴⁴
- Professor Joellen Riley, Head of School and Dean, Professor of Labour Law, The University of Sydney talks about her concerns regarding the uber contract⁴⁵
- Professor Joellen Riley, Head of School and Dean, Professor of Labour Law, The University of Sydney highlights some key areas of concern and some possible ways forward to protect workers in the gig economy⁴⁶
- Courts have been able to see through the confected categorisation of workers of gig corporations as “contractors”^{47, 48, 49}
- Personal experience of uber drivers in Qld 20th July 2018 as posted on an uber driver’s forum
“Looked at me first post on this forum from last year, funny, I was so full of enthusiasm with the fantastic money earning opportunities and flexibility...I ended

⁴³ The gig economy is nothing new – it was standard practice in the 18th century

<https://theconversation.com/the-gig-economy-is-nothing-new-it-was-standard-practice-in-the-18th-century-81057>

⁴⁴ Fears gig-economy threatens loss of 100 years of workplace rights

<https://www.smh.com.au/business/workplace/fears-gigeconomy-threatens-loss-of-100-years-of-workplace-rights-20160516-gowag1.html> &

In an interview with the Sydney Morning herald 2016 <http://www.smh.com.au/video/video-news/video-nsw-news/uberfication-of--the-workforce-20160517-4f4oa.html>

⁴⁵ The Uber contract explained: “I would be loath to sign this contract.”

<http://www.smh.com.au/business/workplace-relations/the-uber-contract-explained-i-would-be-loathe-to-sign-it-20160523-gp25vc.html>

⁴⁶ New Directions for Law in Australia 4

Brand New ‘Sharing’ or Plain Old ‘Sweating’? A Proposal for Regulating the New ‘Gig Economy’ Joellen Riley
<http://press-files.anu.edu.au/downloads/press/n2641/html/ch04.xhtml>

⁴⁷ Uber drivers are officially employees in New York state <https://theoutline.com/post/5469/uber-employees-abc-test-insurance?zd=1&zi=4mmybrxs>

⁴⁸ Uber loses appeal in UK employment rights case

<https://www.theguardian.com/technology/2017/nov/10/uber-loses-appeal-employment-rights-workers>

⁴⁹ EMPLOYMENT APPEAL TRIBUNAL

https://assets.publishing.service.gov.uk/media/5a046b06e5274a0ee5a1f171/Uber_B.V._and_Others_v_Mr_Y_Aslam_and_Others_UKEAT_0056_17_DA.pdf

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

up spending more time working than with my family, the only time money was good was during the Christmas season, plenty of frustration with passengers, high expenses, and I came out the other end hating Uber with passion.

Thank god I found a [non-uber] job!!

Weekends off, plenty of time with my kids, way less stress...the list goes on.

Uber starts off feeling like it's great, until reality sets in, then you wake up and realise it's trash!"⁵⁰

- It seems that uber threatens drivers with deactivation for trying to abide by uber's own rules regarding transportation of children/unaccompanied minors⁵¹
- All workers in the 'gig' economy need protection from exploitation – eg Deliveroo asks riders to sign new contracts with less favourable conditions⁵²
- Australian Unions are running a current campaign to 'Change the Rules'⁵³ to try to restore worker rights and protections
- At her National Press Club presentation in March 2018, current Secretary of the ACTU, Sally McManus said:

"###All working people should have equal rights. Two classes of workers have emerged - those with access to rights and those without them. Sham contracting and the so-called "gig economy" are taking away:

- *The minimum wage*
- *Sick leave*
- *Public holidays*
- *Health and safety protections and more*

This is taking workers' rights back 100 years.

Australian workers of the past made sacrifices so all - ALL - working people had these rights, not just some."⁵⁴

- A recent academic paper⁵⁵ highlights the precarity of work in the Personalised Transport industry, that history provides some useful guidance, and that

⁵⁰ Comment #29 AvengingxxAngel <https://uberpeople.net/threads/are-things-improving-in-the-gc.270453/page-2>

⁵¹ Transporting unaccompanied minors .. read!! <https://uberpeople.net/threads/transporting-unaccompanied-minors-read.271529/>

⁵² Deliveroo's new contracts shift liability to workers, riders allege <http://www.abc.net.au/news/2018-07-20/deliveroo-shifts-liability-to-riders-in-new-contract/10017326>

⁵³ Change the Rules campaign <https://changetherules.org.au/>

⁵⁴ Sally McManus, Secretary ACTU Press Club Speech

21 March 2018 Change the rules For more secure jobs and fair pay <https://www.actu.org.au/media/1033746/180320-national-press-club-speech-sally-mcmanus-march-21-2018.pdf>

⁵⁵ V. B. Dubal, The Drive to Precarity: A Political History of Work, Regulation, & Labor Advocacy in San Francisco's Taxi & Uber Economics, 38 Berkeley J. Emp. & Lab. L. 73 (2017)

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

“taxi work and Uber work are one and the same. And yet, regulators and (some) labor advocates have approached them differently-conceptualizing Uber work as something new-representing the future of work in low-income sectors”

and

“Many chauffeur drivers in San Francisco's taxi and Uber economies who lack strong representation and no enforceable protections work long hours only to end their day with less than subsistence wages, or even worse, in debt. Such workers are being systematically carved out of the political process. This, I conclude, is a crisis not only for workers but also for the possibilities of democratic politics.”⁵⁵

- A further recent Australian academic paper⁵⁶ has considered a range of options to regulate work in the gig economy and has some cautionary advice:
 - “Without adjusting and strengthening labour regulations and safety nets to reflect new practices of gig work, the prospect of building an inclusive, fair labour market – already challenged by the preponderance of insecure, precarious employment forms – will be set back all the more.” Active, innovative strategies of labour regulation are essential*
 - The alternative is to stand by and allow working arrangements to degrade into a no-holds-barred vision of ‘crowd-based capitalism’, with all the hardship that model would entail.”⁵⁶*
- A further issue that has real long-term community impact is the consequence of underpaid workers who cannot earn a sufficient wage to make Superannuation Guarantee (or equivalent) contributions who will ultimately be reliant upon the Social Security system – a cost borne by the broader community – ie all other workers.
 - This issue was one element of a number of recommendations made by the Qld Minister for Education and Queensland Minister for Industrial Relations Grace Grace MP to the Senate Select Committee on the Future of Work and Workers⁵⁷
- In order to ensure protection of Queensland workers, it is imperative for the government to be able to objectively assess and address the true situation as it is being applied in the community – rather than simply take at face value words (including ‘contracts’) written by/for foreign corporations with a vested interest in trying to portray their view of what they would like, or what is more financially advantageous for them/their shareholders:
 - A good example of this is uber – a company that goes to great lengths to argue that they are an “intermediation service” using contractors
 - However, the Court of Justice of the European Union found⁵⁸ that uber is really a corporation providing transport services and, as such, regulations regarding transport services were applicable.

⁵⁶ A Stewart, J Stanford Regulating work in the gig economy: What are the options? The Economic and Labour Relations Review 2017, Vol. 28(3) 420– 437

⁵⁷

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Future_of_Work_and_Workers/Future_ofWork/Submissions Qld Government Submission number 132

PRIVATE SUBMISSION – NAME SUPPRESSED**RE: Inquiry into Transport Technology**

- Similarly, the UK Employment Tribunal and the Employment Appeal Tribunal found that workers driving for uber were not independent contractors⁵⁹
- Some specific comments from the recent ruling in the UK⁶⁰ are included here. This perspective has been reinforced when the original decision was upheld at appeal⁶¹

**Case Nos: 2202550/2015
& Others**

90 Fourth, it seems to us that the Respondents' general case and the written terms on which they rely do not correspond with the practical reality. The notion that Uber in London is a mosaic of 30,000 small businesses linked by a common 'platform' is to our minds faintly ridiculous. In each case, the 'business' consists of a man with a car seeking to make a living by driving it.⁴⁴ Ms Bertram spoke of Uber assisting the drivers to "grow" their businesses, but no driver is in a position to do anything of the kind, unless growing his business simply means spending more hours at the wheel. Nor can Uber's function sensibly be characterised as supplying drivers with "leads".⁴⁵ That suggests that the driver is put into contact with a possible passenger with whom he has the opportunity to negotiate and strike a bargain. But drivers do not and cannot negotiate with passengers (except to agree a reduction of the fare set by Uber). They are offered and accept trips strictly on Uber's terms.

60

⁵⁸ Court of Justice of the European Union PRESS RELEASE No 136/17 Luxembourg, 20 December 2017 "The service provided by Uber connecting individuals with non-professional drivers is covered by services in the field of transport Member States can therefore regulate the conditions for providing that service"

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-12/cp170136en.pdf>

⁵⁹ Case law: Court of Appeal confirms Uber drivers are to be treated as workers

<https://www.icaew.com/en/library/subject-gateways/law/legal-alert/2017-12/case-law-court-of-appeal-confirms-uber-drivers-are-to-be-treated-as-workers>

<https://www.judiciary.uk/wp-content/uploads/2016/10/aslam-and-farrar-v-uber-reasons-20161028.pdf>

https://assets.publishing.service.gov.uk/media/5a046b06e5274a0ee5a1f171/Uber_B.V._and_Others_v_Mr_Y_Aslam_and_Others_UKEAT_0056_17_DA.pdf

⁶⁰ <https://www.judiciary.uk/wp-content/uploads/2016/10/aslam-and-farrar-v-uber-reasons-20161028.pdf>

⁶¹ EMPLOYMENT APPEAL TRIBUNAL Appeal No. UKEAT/0056/17/DA

https://assets.publishing.service.gov.uk/media/5a046b06e5274a0ee5a1f171/Uber_B.V._and_Others_v_Mr_Y_Aslam_and_Others_UKEAT_0056_17_DA.pdf

PRIVATE SUBMISSION – NAME SUPPRESSED
RE: Inquiry into Transport Technology

Case Nos: 2202550/2015
& Others

91 Fifth, the logic of Uber's case becomes all the more difficult as it is developed. Since it is essential to that case that there is no contract for the provision of transportation services between the driver and any Uber entity, the Partner Terms and the New Terms require the driver to agree that a contract for such services (whether a 'worker' contract or otherwise) exists between him and the passenger, and the Rider Terms contain a corresponding provision. Uber's case is that the driver enters into a binding agreement with a person whose identity he does not know (and will never know) and who does not know and will never know his identity, to undertake a journey to a destination not told to him until the journey begins, by a route prescribed by a stranger to the contract (UBV) from which he is not free to depart (at least not without risk), for a fee which (a) is set by the stranger, and (b) is not known by the passenger (who is only told the total to be paid), (c) is calculated by the stranger (as a percentage of the total sum) and (d) is paid to the stranger. Uber's case has to be that if the organisation became insolvent, the drivers would have enforceable rights directly against the passengers. And if the contracts were 'worker' contracts, the passengers would be exposed to potential liability as the driver's employer under numerous enactments such as, for example, NMWA. The absurdity of these propositions speaks for itself. Not surprisingly, it was not suggested that in practice drivers and passengers agree terms. Of course they do not since (apart from any other reason) by the time any driver meets his passenger the deal has already been struck (between ULL and the passenger).⁴⁶ The logic extends further. For instance, it is necessarily part of Uber's case (as constructed by their lawyers) that where, through fraud or for any other reason,⁴⁷ a fare is not paid, it has no *obligation* to indemnify the driver for the resulting loss. Accordingly, in so far as its policy is to bear the loss and protect the driver (we were only told of a policy relating to fraud), it must be free to reverse the policy and if it does so, drivers will be left without remedy.⁴⁸ That would be manifestly unconscionable but also, we think, incompatible with the shared perceptions of drivers and Uber decision-makers as to Uber's legal responsibilities. For all of these reasons, we are satisfied that the supposed driver/passenger contract is a pure fiction which bears no relation to the real dealings and relationships between the parties.

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Statements from the recent **Report of the Senate Select Committee on the Future of Work in Australia**⁶² demonstrate that objective analysis within Australia reaches the same conclusions:

*“4.122 The committee also notes submitters' calls for regulation of the gig economy and strengthened protections in industrial relations laws to ensure that all Australians share economic gains. The committee does not believe that technological change should necessarily be reversed, but is instead of the view that policymakers must keep pace with and embrace the positive aspects of change, whilst mitigating potential harm to workers. Having said this, **the committee rejects assertions that workers who perform tasks in the gig economy are independent contractors in the true spirit of the term, and is persuaded by evidence pointing instead to their dependence on the relevant digital platform.***

*4.123 There is **a very simple test to be applied here:** if a company makes money directly as a result of workers' labour, and if workers are dependent on the company for work and income, then those workers are employees of that company. That the companies engaged in the “gig” economy have benefited from strategies seeking to leverage old and narrow common law definitions of employee/employer relationships and **thereby deny their workers basic protections under industrial law demands a legislative response.** The committee therefore joins **calls for a firm and swift regulatory response** which will broaden the definition of employee to capture gig workers and ensure that they have full access to protection under Australia's industrial relations system.”*

Additionally, this report⁶² also makes a number of very pertinent observations and comments:

*“4.13 While much commentary on “the future of work” focuses on challenges created by technological change, work is already changing for many people, due to inadequate regulation of the labour market. **Supposedly new forms of work, such as gig work, can be seen simply as new forms of the same worker exploitation that has occurred for centuries:***

*The way that employers are using this is similar to how employers have always used the intermediate status of a labour hire setting to say, 'I'm not an employer; I'm just an intermediary,' and **of course that's what Uber says.** Uber says, 'We don't hire workers—in fact, we work for the drivers.'*

4.57 Elaborating on this trend, Professor David Peetz submitted that employers were clearly moving 'towards a model of labour utilisation that could best be described as 'not there' contracting.' He described it thus:

It is the process by which centres of capital (we might call these 'lead firms' or 'core capital') fragment what would otherwise be corporate structures in ways that maintain high control, minimise labour costs and risk, maximise centralised profits

⁶² Select Committee on the Future of Work and Workers Hope is not a strategy – our shared responsibility for the future of work and workers

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Future_of_Work_and_Workers/Future_ofWork/Report

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

and minimise accountability for externalities. Thus, ‘not there’ contracting is the key feature of an emerging “not there” capitalism’.

4.60 Barratt, Woods and Veen cited Stewart and Stanford’s (2017) characteristics of the gig economy:

Work in this new segment of the economy is characterized by four aspects: high levels of irregularity shaped customer demand; part of the capital is provided by workers; the work is frequently paid on a piece rate basis; and it is arranged and/or facilitated via online and/or mobile platforms.

4.61 Unions NSW submitted that the gig economy is underpinned by five features:

- (a) Work is fragmented into specific individual tasks or jobs and workers are engaged on a task by task basis with no guarantees of continuous work.*
- (b) Work is performed by individual workers, but may be commissioned by an individual or a business.*
- (c) Labour transactions between workers and individuals/businesses are facilitated by a for-profit company who charge users for this service (eg, Airtasker, Uber). These transactions are performed through web based applications which are managed and controlled by the for-profit company.*
- (d) Workers are treated as independent contractors by the facilitating companies and are not afforded any employment protections or minimum standards in the performance of their work.*
- (e) The price charged for each job is set by the facilitating company or by the commissioning customer. Payment is collected through the platform, and compensation (net of the platform’s margin) is then disbursed to the worker.*

4.63 At the core of gig economy work is the idea that workers are not employees, they are instead independent contractors, and as independent contractors they are governed by commercial—rather than employment—law. While employment relationships are regulated by labour laws which provide minimum terms and conditions, independent contracting arrangements are treated as commercial contracts.

4.67 The benefits this style of work is said to promise workers are easily defined. They include autonomy, flexibility and opportunities to earn a living in new ways.

4.68 The drawbacks are also readily apparent:

*However, **the nature of their employment relationship can be considered precarious due to the low income security, minimal worker entitlements, a lack of superannuation contributions and few opportunities for career development.** Furthermore, **rates of pay for digital platform work are often significantly lower than the minimum wage.***

4.69 The committee received a significant volume of evidence on the appropriateness of gig workers being categorised as independent contractors. Unions NSW pointed to common features of the gig economy which **the union body says demonstrate that gig workers are in fact dependent, not independent:**

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

- (a) Charges a work fee to workers using the site/app. This generally takes the form of a percentage of the fee charged to the customer. For examples Airtasker takes 15 percent of earnings and Uber takes 20 percent of fares.*
- (b) Regulates the behaviour of workers. The public image and brand of the company is regulated. This extends to controlling the public interaction of workers on the website. Workers can be blocked from work for publicly expressing dissenting views.*
- (c) Workers are dependent on ratings within the app for work. Apps provide opportunities for customers to rate workers within the app. Workers are then dependent on the apps internal rating system in order to receive work.*
- (d) Maintains the right to remove workers and thus restrict their ability to work. Companies maintain the right to block workers from their platforms. This is particularly restrictive considering the market domination of gig-economy platforms in certain industries, making it very difficult for blocked workers to continue working in the area. Workers can be blocked for low ratings, cancelling jobs or speaking out against the company. Workers are given few rights to challenge.*
- (e) Provides (limited) insurance protection. Some companies provide limited insurance, like Airtasker, Uber and Deliveroo. However, there are no uniform requirements for workers to be provided insurance cover or access to worker's compensation.*
- (f) Provides equipment to perform work. Deliveroo and Foodora provide branded carry bags for deliveries as well as uniforms.*
- (g) Controls who performs the work. Gig-economy work relies on individual worker profiles and ratings. As such, companies restrict workers from further outsourcing a task or having it partially performed by another contractor. This limits the ability of workers to fully control the nature and performance of their work.*
- (h) Interviews and screens workers. Whizz pre-screens workers before providing them with access to the platform. Deliveroo and Foodora require riders to pass a riding test before they can work on the platform.*
- (i) Provides training. Runs training which provides specific instruction on how work is to be completed. Whizz runs a training and induction session for their cleaners, providing guidance on how work is to be conducted. Deliveroo and Foodora run training for new delivery riders/drivers covering road safety, branding and use of the app.*
- (j) Arranges a roster of shifts. Some food delivery companies have attempted to restrict the number of workers competing for jobs by requiring workers to sign up for shifts in order to access the app.*
- (k) Time limits placed on the completion of work. The company may require work to be completed in a set time. Foodora and Deliveroo use delivery time as a performance measure which determines continued access to the app*

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

4.71 A submission from the QUT Business School Work/Industry Futures Research Program highlighted a recent ruling in the United Kingdom, which suggests that some forms of gig work may indeed be covered by existing labour laws, but added:

However, as the Productivity Commission (2016) has emphasised, it is **highly likely that regulatory changes will be required** to accommodate this growing category of employment.

4.72 The implications for workers do not end at lack of legal oversight however, as a joint submission from three academics drawing on research in the **food delivery sector** points out. **The workers do not have job or income security; what security does exist is shaped by demand, the number of workers vying for jobs, and 'the technologically mediated allocation of work by the platform':**

This led to income uncertainty and variability, with many workers expressing that they waited long periods, sometimes over an hour for the algorithm to allocate them a job. This **waiting time is unpaid**. In this context, workers regularly reported average hourly earnings well below the national minimum wage of \$22.86 per hour, the national minimum wage for casual employment. A pay rate which is legal as workers operates as independent contractors rather than employees.

4.73 Furthermore, the committee heard that platform work has **the effect of increasing competition between workers, which in turn applies downward pressure on both pay and working conditions**. In effect, in an unregulated arena, **the more workers that compete for a job, the less money they will have** to settle for in exchange for their work:

Together these features place downward pressure on pay and working conditions and suggest that the organisation and experience of platform work may be profoundly different from traditional modes of employment. **These changes may have wide-reaching social and economic implications.**

4.74 Evidence indicates that **the workers are also highly vulnerable to losing their income and can have little confidence in future earnings:**

One rider interviewed explained how they had become injured at work, and therefore had to stop working in the gig economy and, consequently, their earnings dropped to zero.

4.75 Wider limitations of work in the gig economy also become apparent when considering the need for verifiable income for obtaining a home loan and the value of experience in the gig economy when pursuing alternative employment. This, the researchers conclude, possibly:

...excludes gig workers from the race for better jobs, potentially pushing workers deeper into the gig economy or long-term unemployment as technological developments around automation have the real potential to replace these relatively low-skilled forms of work.

4.76 Although garnering significant interest in its own right, the committee heard that the gig economy is simply a part of the wider trend towards casual work that has been evolving for the past 30 years. And rather than accepting the idea that workers in the gig economy represent some form of new, undefined cohort of entrepreneurs, submitters **drew parallels between gig work and sham contracting:**

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Current employment legislation recognises the phenomenon of employers disguising employees as independent contractors, also known as sham contracting. The Fair Work Act provides for a contravention for misrepresenting employment as an independent contracting arrangement.... **Despite legislative and common law provisions, the use of sham contracting remains an ongoing problem** both in the 'traditional' and gig-economy, with employers taking advantage of the broad interpretation of the legal definition for independent contractors.

4.77 Speaking as Economist and Director of the Centre for Future Work, Dr James Stanford commented on **the notion that digital platforms somehow represent a new, or unprecedented challenge for protecting workers:**

It's funny that digital platforms are seen as what's new, what's innovative, what's hip, the way of the future. In fact, majority of what they do is actually tried and true and has been around for hundreds of years. This includes hiring people on an on-demand or irregular basis only when the work is immediately there; paying them on a piecework basis—that is, paying for each unit of work rather than per hour or per day; requiring workers to provide their own capital equipment—tools, cars, workplaces; and also the concept of triangulated intermediation, where you have somebody performing the work, somebody using the work as the end user and then **someone in between, whether it's a labour hire agency or a gang master or a digital platform**—somebody who is in between the two who occupies this unclear intermediate space. Those **features of so-called modern gig work are hundreds of years old in fact, as old as capitalism. The only thing that's new is the method for managing, organising, disciplining and compensating the work—and that is the smartphone, of course, which didn't exist in the putting-out system of late mediaeval Europe.**

4.78 Instead of being new, Dr Stanford pointed out that employers have long used the intermediary status, whether it is a digital platform or a labour hire setting, to avoid obligations under industrial laws. Dr Stanford **cited Uber as an example of how a company uses technology and legislative loopholes to evade traditional employment responsibilities:**

*For all intents and purposes, practically, the drivers are clearly doing work for Uber. They are told where to go, what passenger to pick up, where to take them, what route to take them. Uber controls the payment. **People can't work without Uber doing that.***

4.79 Furthermore, the committee heard that it would be **a mistake to not recognise the immense profitability of such business models:**

*Uber doesn't make money. This is the great irony. In our research we've indicated that **ride-share drivers, including for Uber, almost certainly do not make the minimum wage. They are in effect providing an enormous subsidy that's worth hundreds of millions of dollars to Uber in Australia** through that below-minimum-wage labour. Yet, despite that, Uber can't make money. It hasn't made a profit and won't. **But the owners of Uber have made money** off the speculative demand for the shares, for the equity, in Uber. That's where **the subsidy paid by workers through subpar compensation ends up showing in billions of dollars of wealth for Uber's owners, and other platforms** as well."*

PRIVATE SUBMISSION – NAME SUPPRESSED

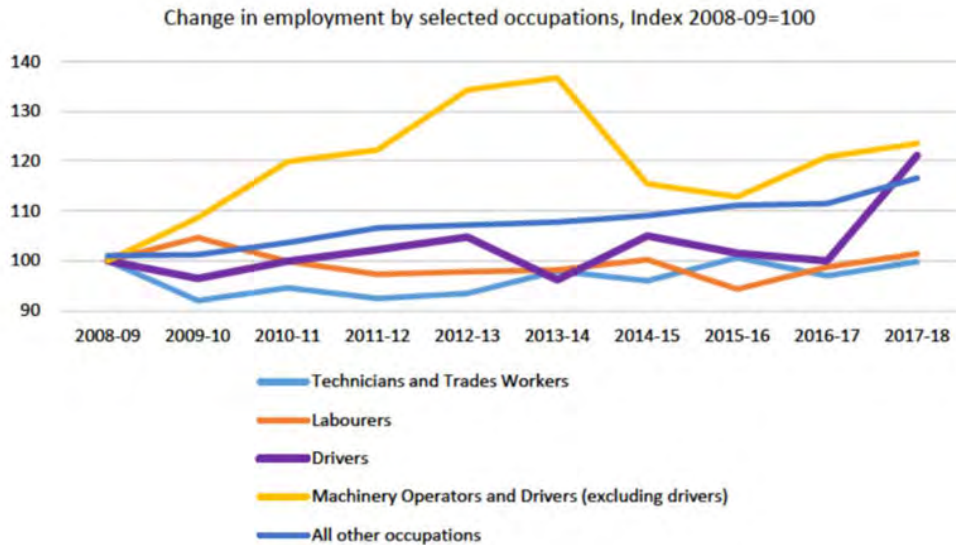
RE: Inquiry into Transport Technology

As outlined above, the impact of the recent Qld government reforms in the Personalised Transport sector in Qld are now being felt by transport workers across the board – not just by taxi small businesses – ie the impact is being felt by all on-demand passenger transport workers (taxi, booked hire, limousine) – where the impact is greatest and includes costs and low incomes, as well as by other transport workers (couriers, food delivery workers, bus drivers) and by the general public – where the impact is less direct and occurs via the impact on the transport network in terms of increased traffic congestion, slower travel times, and access to loading areas

- The current TMR submission to the Qld Parliament Transport Inquiry⁶³ highlights the enormous growth in the number of transport drivers during the past 12 months:

Employment of drivers grew by around 19,036 workers, or 21.1 per cent, over the decade to 2017-18. Notably, almost all of this growth occurred in the last year. Aside from this recent increase, there was relatively low growth in employment of drivers over the past decade, in

.....



This may partially be explained by technological changes impacting on the industry. In recent years, the growth of online retailing, app-based delivery services for food delivery and ridesharing as well as traditional bricks-and-mortar retailers increasingly offering delivery services, has likely resulted in significant increases in employment in some industry subdivisions and occupations. Conversely, increasingly sophisticated logistics technologies may be reducing labour requirements within parts of the industry.

63

However, these “jobs” are not necessarily well paid, often transfer the business costs onto the worker, do not come with worker benefits/rights, and are often precarious

- The TWU (collectively with a number of other unions and via Maurice Blackburn lawyers) made a submission with a strong emphasis on this matter to the current Qld Parliament Wage Theft Inquiry⁶⁴ (Submission number 33)

63

<http://www.parliament.qld.gov.au/documents/committees/TPWC/2018/7TransportTechnology/submissions/004.pdf>

64 <http://www.parliament.qld.gov.au/documents/committees/EESBC/2018/Wagetheft/submissions/033.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Some pertinent comments in this submission include:

"i. The gig economy

*The advent of the 'gig-economy' and resulting irregular and insecure employment has drastically changed Queensland and Australia's industrial relations landscape. **Gig-economy entities have leveraged new technology and exploited out-of-date legislative frameworks to circumvent industrial laws** and have sought to engage workers as independent contractors in the delivery of services previously performed by employees.*

*The most prominent and obvious example of **gig-economy work that has sought to evade conventional employment arrangements and which has thereby derived an unfair advantage are the food delivery services such as UberEats, Foodora and Deliveroo.***

Maurice Blackburn submits that workers performing work for gig-economy food delivery services should properly be considered employees."

.....

"ii. Transport:

Despite the fact that Uber has complete control over the rates of pay drivers receive for their services and jobs they perform, Uber denies its drivers are employees, instead referring to them as "driver partners".

Uber also denies playing a significant role in the service it provides, describing its role as merely providing a digital platform through which drivers and customers can enter into contractual arrangements.

Uber's "arm's length" position is hard to reconcile with the fact that it allocates jobs to drivers, sets the rates charged, dictates and imposes terms of service on both drivers and passengers and has the power to unilaterally terminate drivers' services.

Uber drivers are responsible for all petrol, insurance, operating and capital costs, as well as net GST payments. They are responsible for their own income tax, and for their own superannuation contributions. They are not paid for the time and expense of driving to their fare, or for time spent waiting between fares.

*A recent study found that, after taking into account all costs, but before paying income tax and superannuation contributions, **the average Australian Uber driver is paid \$14.62 an hour, with many drivers receiving less.***

*This is over \$4 an hour below Australia's statutory minimum wage of \$18.93 per hour. That's a loss of \$163.78 a week for a driver working 38 hours a week (it is clear that **many Uber drivers work well in excess of that figure to make ends meet.**)"*

The recently published **Report of the Senate Select Committee on the Future of Work in Australia**⁶⁵ made many specific recommendations on how these matters should be addressed. Of note, this

⁶⁵ Select Committee on the Future of Work and Workers Hope is not a strategy – our shared responsibility for the future of work and workers
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Future_of_Work_and_Workers/Future_ofWork/Report

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

report makes a number of key recommendations relevant to workers in the transport industry – particularly those working in the ‘gig’ economy:

“Recommendation 6

*4.125 The committee recommends that Australia’s workplace legislation be amended, to strengthen the protections available to workers and their unions, to ensure that all Australians share the economic gains arising from technological and other change. Further, Australia’s future workplace laws and **legislators will need to more rapidly adapt to and anticipate the evolving nature of work and employment relationships, so as to ensure that workers, however classified, are afforded fundamental workplace rights and entitlements.***

Recommendation 7

4.126 The committee recommends that the Australian Government review the definition of "casual" work in light of the large numbers of Australians who are currently in non-standard employment.

Recommendation 8

4.127 The committee recommends that the Australian Government ensure legislated workplace health and safety and improved superannuation rights for workers who are not classified as employees and/or perform non-standard work.

Recommendation 9

*4.128 The committee **recommends legislative amendments to crack down on sham contracting and employment arrangements which classify workers who are in fact dependent as independent contractors, in order to avoid employment obligations.***

Recommendation 10

4.129 The committee recommends that the Australian Government make legislative amendments that broaden the definition of employee to capture gig workers and ensure that they have full access to protection under Australia's industrial relations system.

Recommendation 14

4.133 The committee recommends that the Australian Government conduct research into the direction and further development of digital platform work, to ensure that proposed changes emanating from this report have the intended impact, in protecting workers.

Recommendation 17

4.136 The committee recommends that further consideration be given to implementing portable leave schemes—which allow individuals to accrue leave entitlements across their working lifetime and transfer them to new positions—across a range of industries, recognising the increasingly flexible working patterns of modern Australians.

Recommendation 24

6.80 The committee recommends that the government reform Australia's superannuation system to ensure it remains strong in light of emerging labour market trends, with specific

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

reference to gender equity and workers engaged in non-standard employment arrangements. Specific elements of this reform should include abolishing the \$450 minimum threshold for Superannuation Guarantee Contribution eligibility.”

While many of the recommendations from the Senate Select Committee Report focus on initiatives that are available to the Commonwealth government, the TWU/Maurice Blackburn submission to the Qld Parliament Education, Employment and Small Business Committee (EESBC) Qld Wage Theft Inquiry⁶⁶ (after acknowledging the work required to be done by the Commonwealth government) calls for protection of transport workers at a State level - via specific suggested amendments to The Transport Operations (Passenger Transport) Act (1994) (the Act) (TOPTA):

“In relation to Uber and other ride-sharing organisations, there are a number of legislative options available:

- *Insert a new section 91W(2) into The Transport Operations (Passenger Transport) Act (1994) (the Act) which requires that all applications for the grant or renewal of a booking entity authorisation be submitted with calculations demonstrating that, on its lowest rate of pay (ie, excluding surge pricing from calculations), after all petrol, insurance, operating and capital costs, net GST payments, income tax obligations and superannuation contributions are taken into account, drivers will receive at least the minimum they would be entitled to under the Passenger Vehicle Transportation Award 2010 (including casual loading and penalty rates), or in the alternative, the minimum they would be entitled to under the minimum wage, including casual loading and all other entitlements;*
- *Insert new section 91W(3) into the Act which requires that the Chief Executive reject any applications for the grant or renewal of a booking entity authorisation when not satisfied that the applicant’s driver pay rates are sufficient to meet the minimum they would be entitled to under the Passenger Vehicle Transportation Award 2010 (including casual loading and penalty rates), or in the alternative, the minimum they would be entitled to under the minimum wage, including casual loading and all other entitlements;*
- *Insert new 91Y(2) into the Act mandating that all booking entity authorisations are subject to the condition that the holder provide records on a yearly basis confirming that drivers are paid at least the minimum they would be entitled to under the Passenger Vehicle Transportation Award 2010 (including casual loading and penalty rates), or in the alternative, the minimum they would be entitled to under the minimum wage, including casual loading and all other entitlements;*
- *Insert new 91Y(3) allowing the chief executive to impose more regular driver payment reporting as a condition of the entity’s booking entity authorisation, where the entity has a history of underpaying its drivers within the last five years;*
- *Insert new 91ZA(2)(iv) into the Act providing that a regulation may authorise the chief executive to suspend or cancel a booking entity authorisation if the chief executive is satisfied that the person or entity holding that authorisation has paid a driver or drivers below the minimum they would be entitled to under the Passenger*

⁶⁶ Inquiry into Wage Theft in Queensland Submission number 33 made on behalf of Maurice Blackburn, the Australian Manufacturing Workers Union Queensland, the Australian Meat Industry Employees Union Queensland, the Together Union Queensland, the Transport Workers Union Queensland, United Voice Queensland and the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia – Plumbing Division Queensland.

<http://www.parliament.qld.gov.au/documents/committees/EESBC/2018/Wagetheft/submissions/033.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Vehicle Transportation Award 2010 (including casual loading and penalty rates) after taking into account all petrol, insurance, operating and capital costs, net GST payments, income tax obligations and superannuation contributions, or alternatively, the minimum they would be entitled to under the minimum wage, including casual loading and entitlements;

- *Insert new 91ZC into the Act allowing the chief executive to refuse the issuing of a booking entity authorisation for up to three years in circumstances where the entity has a repeat history of underpaying drivers; and*
- *Insert new 91ZD into the Act mandating the imposition of significant fines for every day that an entity operates as a booking entity without the necessary booking entity authorisation. This provision is **suggested in light of Uber's past history in Queensland of operating unlawfully. Fines would need to be significant to provide Uber and other organisations the necessary motivation to obtain the booking entity authorisation.***

It now appears clear that, to the extent that is possible to achieve at a State level, the laws and regulations that govern transport workers in Qld (eg the Personalised Transport legislation and regulations) warrant amendment in order to protect workers from exploitation and attempts to artificially categorised these workers as “independent contractors” in order to avoid the provision of mandatory worker benefits (such as job security, a right to ‘natural justice’ superannuation, workcover, sick leave, annual leave, paid parental leave etc).

The views of the Qld Department of Transport & Main Roads (TMR) were clearly enunciated during consideration of legislation pertaining to the Personalised Transport reforms during 2017:

Ms Rose: “Workplace arrangements and conditions are matters that the department feels are best managed under federal industrial and competition laws”⁶⁷

However, the evidence provided from a wide range of sources (as outlined above) is that the ‘Federal industrial and competition laws’ have failed to protect transport worker’s rights and incomes/employment arrangements in Qld, and it seems that the mood of the electorate, the unions (eg the Change the Rules campaign), and the perspectives of the Qld Labor government (via the current Wage Theft and Transport Technology Inquiries) have now changed to re-focus on preservation/restoration of worker rights and protection against worker exploitation.

Recommendation

See recommendations on pages 41-44 to address this matter

⁶⁷ PUBLIC WORKS AND UTILITIES COMMITTEE PUBLIC HEARING—INQUIRY INTO THE TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL 2017 - TRANSCRIPT OF PROCEEDINGS THURSDAY, 20 APRIL 2017 Brisbane
<https://www.parliament.qld.gov.au/documents/committees/TUC/2017/I36PersonalisedTransport/I36-trns-ph-20April2017.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

4. Current opportunities for the Qld government to fine-tune the recent reforms in the on-demand passenger transport and food delivery sectors to improve driver/worker conditions and provide benefit to the entire community

The principles regarding protection, preservation and restoration of transport worker rights in Qld raised by many and varied groups throughout Australia and briefly summarised in this submission can be more broadly applied to the entire 'gig' economy – where hard fought worker benefits, job security, a definite career path, and long term retirement benefits/superannuation/savings have been eroded – based upon marketing and spin that suggest that many low paid, low skill service jobs are somehow 'different' in the 21st century because they are requested using technology and mobile phone 'apps' - compared to when they were requested by 'masters' who rang bells in English manors or Southern American cotton plantations in the 18th and 19th centuries.

There is now an opportunity for the Qld government to re-introduce and strengthen worker protections in the Qld Personalised Transport sector

The specific amendment clauses to TOPTA proposed in the TWU/Maurice Blackburn submission to the EESBC Qld Wage Theft Inquiry⁶⁸ do not take into account the broader current issues of a lack of financial viability in the Qld on-demand passenger transport industry. That is, in a market flooded with excess supply, there is insufficient demand and revenue to afford payment of workers at levels above a specified minimum. Therefore, the suggested amendments in that submission may not be the most appropriate or effective if they do form part of a much broader legislative reform package to return the industry to financial viability - which then will have the ability to adequately remunerate all of the workers in it.

Despite this, the submission to the EESBC highlights that the current Qld government does have the power to significantly and promptly improve the working conditions for Qld workers in the on-demand passenger transport industry (and possibly also including in the food delivery sector).

⁶⁸ Inquiry into Wage Theft in Queensland Submission number 33 made on behalf of Maurice Blackburn, the Australian Manufacturing Workers Union Queensland, the Australian Meat Industry Employees Union Queensland, the Together Union Queensland, the Transport Workers Union Queensland, United Voice Queensland and the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia – Plumbing Division Queensland.
<http://www.parliament.qld.gov.au/documents/committees/EESBC/2018/Wagetheft/submissions/033.pdf>

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

Potential areas for appropriate amendments to TOPTA/ the Regulations (Transport Operations (Passenger Transport) Regulation 2018) that may improve both driver/worker conditions and provide benefit to the entire community that are worthy of examination:

4 a) Initiatives to improve transport worker income	Benefit to Workers	Benefit to Consumers/Community	Possible Risks/Downside
Mandate a cap on vehicle numbers providing on-demand passenger transport	<ul style="list-style-type: none"> • A better balance between vehicle supply and consumer demand • Improves earnings for drivers <ul style="list-style-type: none"> • Minimum wage • Superannuation • Sufficient earnings for correct vehicle maintenance & insurances 	<ul style="list-style-type: none"> • Reduction in traffic congestion & pollution • Improved access to loading zones • Passengers queue for free – instead of paying to ‘queue’ while stuck in a vehicle in congested traffic • Potential improved travel times without the need for new transport infrastructure 	<ul style="list-style-type: none"> • Longer wait times for vehicle arrival/ pick-up • Potential for higher prices if ‘gig’ corporations use ‘surge’ pricing
Mandate provision of services using low emission/ ‘green’ vehicles	<ul style="list-style-type: none"> • Lower vehicle operating costs (fuel, registration, & possibly maintenance) 	<ul style="list-style-type: none"> • Reduction in pollution • Consistent with many other current government environmental initiatives 	<ul style="list-style-type: none"> • Potential higher vehicle purchase costs for drivers/workers/operators
Mandate a maximum cap on ALL booking fees/commissions – eg 5% maximum NOTE: Credit card fees are now typically < 1% With only an offshore server for an ‘app’ & no Australian call centre, it seems difficult to justify commissions of 25%	<ul style="list-style-type: none"> • Lower booking fees enables higher net earnings for workers/drivers and improves viability of industry 	<ul style="list-style-type: none"> • Lower commissions on food delivery services improves earnings for workers/drivers and/or restaurants 	<ul style="list-style-type: none"> • Some ‘gig’ corporations may object to attempts to restrict their income from fees and charges (analogous to many corporations and large banks when fee restrictions/caps have been imposed previously)
Alignment of CTP for all Personalised Transport vehicles to Class 26 pricing as a short-term measure until long term claims data becomes available for booked hire vehicles/drivers	<ul style="list-style-type: none"> • Lowers costs/improves earnings for drivers/workers in the taxi industry 	<ul style="list-style-type: none"> • Provides a ‘Level Playing Field’ until there is sufficient data to justify cost differentials 	<ul style="list-style-type: none"> • Some ‘gig’ corporations and/or drivers/Operators may object to attempts to remove the commercial advantages delivered by current different cost structures
Mandate that 100% of the booking fees charged must stay within Qld	<ul style="list-style-type: none"> • Supports local economy which may generate more work/income for workers/drivers 	<ul style="list-style-type: none"> • Helps stimulate the Qld economy 	<ul style="list-style-type: none"> • Some ‘gig’ corps may object to attempts to restrict the ability to send funds from Qld via off-shore low tax jurisdictions (analogous to many corporations previously)

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

4 b) Initiatives for Public Safety	Benefit to Workers	Benefit to Consumers/community	Possible Risks/Downside
Mandate official TMR number plates and highly visible distinctive vehicle livery/decals (including braille) for ALL on-demand passenger transport vehicles	<ul style="list-style-type: none"> • Improved safety • Community awareness & concern when vehicle is stationary in unusual locations 	<ul style="list-style-type: none"> • Improved safety • Less likelihood of ‘fake’ booked hire vehicles being used to commit offences – particularly sexual offences against women • Community awareness & concern when vehicle is stationary in unusual locations • Improved access for People With a Disability 	<ul style="list-style-type: none"> • Potential for higher costs for drivers/operators • Some ‘gig’ corporations may object to attempts to improve safety for the public by making it more difficult for people with malicious intent to make an imitation/‘fake’ booked hire vehicle to commit criminal acts
Mandate that no vehicle can be registered as a Qld on-demand passenger transport vehicle (booked hire vehicle, taxi, limousine) unless proof has been provided to TMR that it has had all safety-related recall defects successfully and completely rectified (eg Takata airbag recall)	<ul style="list-style-type: none"> • Drivers are confident that a vehicle safety-related adverse event cannot be blamed on their omission of not having the matter rectified 	<ul style="list-style-type: none"> • Improved safety for passengers/consumers • Avoids injury in first instance rather than seeking damages after injury/adverse event has occurred • Better outcome for the individuals involved and for the community as a whole 	<ul style="list-style-type: none"> • Some ‘gig’ corporations and/or drivers/Operators may object to attempts to improve safety for the public by making it more difficult to register vehicles with outstanding safety-related recall defects

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

4 c) Initiatives for Disability access	Benefit to Workers	Benefit to Consumers/community	Possible Risks/Downside
<p>Restore collection and public reporting of response times/ data for Wheelchair/ powered mobility device journeys (not just TSS data) and mandatory collection of data for transportation of PWD from all authorised booking entities</p>	<ul style="list-style-type: none"> • Demonstrates reforms have not adversely affected services to PWD 	<ul style="list-style-type: none"> • Demonstrates reforms have not adversely affected services to PWD • Consistent with many other current government equal access initiatives 	<ul style="list-style-type: none"> • Potential for data to show deterioration in services to PWD – which would then provide an opportunity to further fine-tune the reforms to deliver the necessary improvements required
<p>Mandate 20% of the entire Personalised Transport vehicle fleet of each Authorised Booking Entity to be Wheelchair Accessible and fully compliant with the required Australian Standards (20% Wheelchair Accessible Vehicles is the level that existed in the Qld on-demand passenger transport fleet prior to the recent reforms)</p>	<ul style="list-style-type: none"> • Demonstrates reforms have not adversely affected services to PWD 	<ul style="list-style-type: none"> • Demonstrates reforms have not adversely affected services to PWD • Consistent with many other current government equal access initiatives 	<ul style="list-style-type: none"> • Some workers/ drivers may object to capital costs of WAV vehicles – This issue is resolved if the Operator/Authorised Booking Entity funds the Wheelchair Accessible vehicles • Some ‘gig’ corporations may object to attempts to provide equal services to PWD – It is very difficult to justify exemptions to the Disability Discrimination Act for ‘gig’ corporations worth many Billions of dollars

PRIVATE SUBMISSION – NAME SUPPRESSED

RE: Inquiry into Transport Technology

5. Summary:

This submission provides an analysis and reflection on the interim outcome of the Qld government response to the challenge posed by the ‘new’ technology of ‘app’-based ordering of on-demand passenger transport services in Qld.

This submission raises questions and highlights areas of community importance that have arisen and flags some of these as learnings relevant to the development of future responses to other emerging and ‘new’ technologies and highlights that, in 2018, throughout the Qld Personalised Transport industry:

- The proportion of fuel efficient hybrid vehicles providing on-demand passenger transport services has decreased from approximately 70% in 2016 down to 15.28% in 2018,
- In its current form, the industry may not have long-term sustainable viability,
- Worker’s conditions in the on-demand passenger transport sector have been decimated
 - worker’s typically now earn less than the minimum wage
 - worker’s may not earn sufficient to fund superannuation contributions
 - worker’s may not earn sufficient to fully fund vehicle maintenance and insurances,
 - long-term personalised transport worker’s (whose superannuation/life savings were invested in the industry) have experienced enormous losses in both their assets and their income, and
- The industry no longer has a career path for workers.
- Transport businesses that fully complied with the requirements of the Qld government and were innovative during 2012-2016 (e.g. using vehicles with added safety features such as autonomous emergency braking, and were early adopters of technological safety improvements – such as audio recording systems in their Qld taxi fleet) have gone into liquidation as a result of the impacts and effects of the Qld government response/reforms of the on demand passenger transport governance and legislation
- People with criminal intent have been able to easily imitate legitimate approved on-demand passenger transport businesses to allegedly commit criminal offences – most notably sexual assaults against women
- The proliferation of on-demand passenger transport vehicles is impacting directly on the current transport networks with increased traffic congestion and pollution and slower travel times; and indirectly on future transport networks via a reduction in patronage of mass transit public transport

This submission examines elements and governance around other emerging and ‘new’ technologies – particularly automated/’autonomous’ vehicle technology and driver aids, and raises questions/identifies challenges around the potentially unforeseen adverse consequences of granting legislative exemptions to current mandated safety features of transport systems and transport vehicles

This submission further explores a broad range of issues pertaining to transport worker income and employment arrangements – particularly aspects pertaining to the ‘gig’ economy

PRIVATE SUBMISSION – NAME SUPPRESSED**RE: Inquiry into Transport Technology**

Finally, this submission provides a range of suggested areas for examination of legislative amendment which serve as opportunities for the Qld government to fine-tune the recent reforms in the Personalised Transport arena in order to urgently address the matters raised – particularly mechanisms to improve Qld transport Worker’s Rights/Employment Arrangements/incomes, and Public Safety. Taking up such an initiative at the State level would demonstrate a true commitment to transport workers in Qld and address urgent issues, while also not interfering with potential future legislative changes at a federal level.