

Answers on behalf of David Rohrshiem, General Manager Uber ANZ, to questions on notice and additional questions from the Committee for Transport and Infrastructure.

1. Uber deactivation policy.

A copy of the Driver Deactivation Policy is attached. The Policy can also be found on the Uber website at <https://www.uber.com/legal/deactivation-policy/anz-en/>

2. Reactivation of drivers.

In accordance with our policies, Uber has reactivated people's access to the platform following a review of the issues. We make it clear that the safety of both riders and driver-partners is Uber's primary concern at all times.

3. Driver contracts.

Attached is a copy of the Driver Deactivation Policy and an example of the communication that went out to all driver-partners at the time the Policy was published. The attached example was sent to driver-partners based on the Gold Coast. Similar communications were sent to driver-partners in all cities across Australia where Uber is available.

Also attached is a copy of the Partner Terms for ridesharing driver-partners. You will see that sections 2.4 and 12.2 of these Terms reference Uber's policies, which include the Driver Deactivation Policy.

4. Access to people with disabilities.

In May 2015, Uber launched its uberASSIST setting in the Uber app. Using this product setting in the app allows a rider to request a ride on demand with a vehicle that can accommodate folding wheelchairs, walkers and collapsible scooters.

uberASSIST driver-partners have also undertaken information sessions on the needs and requirements of people with disability, accessibility and mobility issues, developed by the Australian Network on Disability (AND). Currently, 10 per cent of the available ridesharing supply hours on the Uber platform nationally are uberASSIST.

The high level of customer service, coupled with the standard of vehicles, accessibility and reliability, make uberASSIST a popular option for people with various accessibility needs.

In addition to uberASSIST, Uber is actively seeking to partner with community transport organisations to implement a uberWAV option (wheelchair accessible vehicles). By

partnering with wheelchair accessible transport providers such as community transport groups, Uber would seek to facilitate rides in purpose-fitted WAVs with accessibility lifts and ramps. We are in active discussions on this with Transport for NSW and a range of local disability groups.

These partnerships will seek to leverage existing wheelchair accessible vehicles available in local communities to provide better mobility services for those who require additional assistance. By making use of underutilised WAVs, Uber can also help enable an important additional income source for community groups and carers.

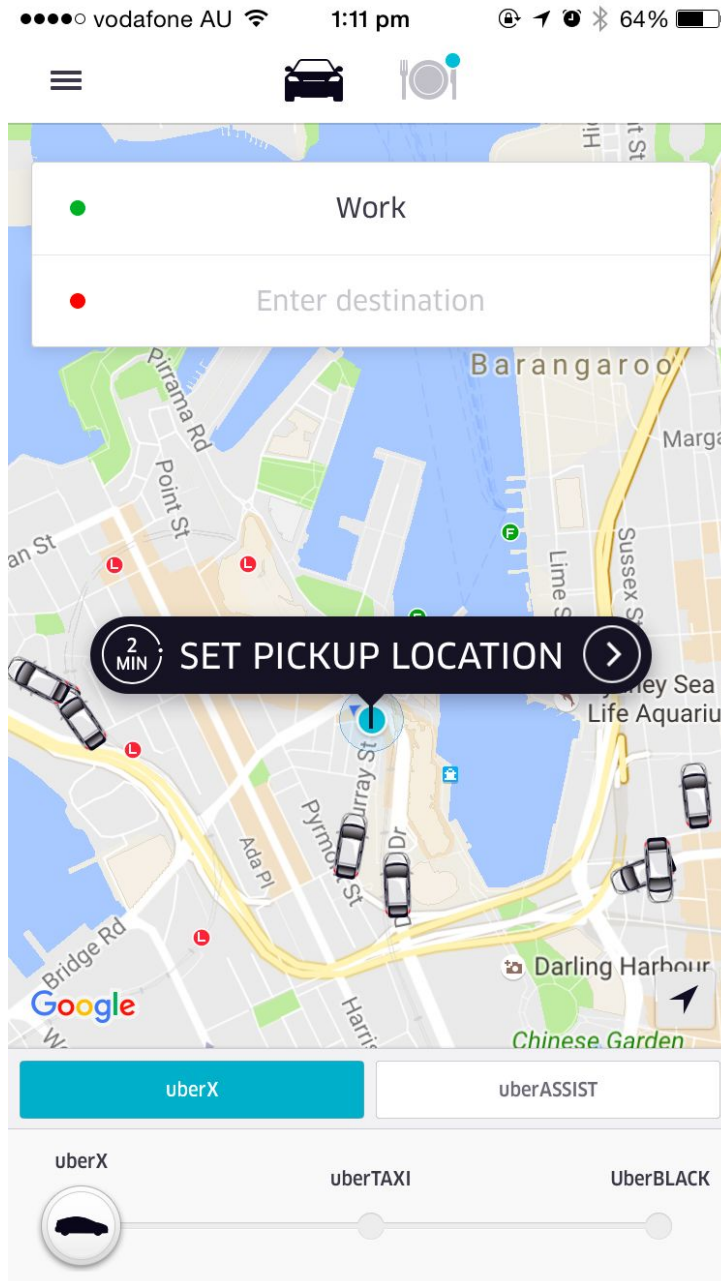
We have also made a submission to the NSW Legislative Assembly Committee on Community Services in relation to its inquiry: Access to Transport for Seniors and Disadvantaged People in Rural and Regional NSW. This submission further outlines Uber's capabilities in this area.

5. Your submission notes that you have been engaging with Federal entities to assist in the development of a national framework for the sharing economy. How is this progressing?

Our engagement with the Federal Government is ongoing, and we engage with all sides of the Parliament including the Government, Opposition and Independents.

We have engaged directly with the Department of Employment and its "*Future of Work*" team and its Strategic Committee chaired by Deputy Secretary, Sandra Parker. Further to this, we have participated in industry consultation and round tables with the Productivity Commission on the future of work.

6. We have received evidence of taxi or hire car drivers using their taxi or hire car vehicles to work for ride share operators such as Uber. Who is responsible for workplace safety while the taxi or hire car vehicle is being used as a ride share vehicle? Are you aware of any insurance or other issues that may arise in this situation?



It is important to understand the difference between ridesharing and taxi, and the different options in the Uber app (see image to illustrate the different products).

The Uber app has three different product options in NSW: uberX, UberBLACK and uberTAXI. uberX is the peer-to-peer ridesharing option.

Separate to uberX, there is the uberTAXI option that allows taxi drivers to access additional trip requests through the Uber app. The arrangements are very similar to other taxi booking apps like GoCatch, Ingogo, Silvertop and 13CABS. That is, the app is another means for taxi drivers to receive trip requests, in addition to street rank and hail and pre bookings.

Taxi vehicles may only be used with the uberTAXI option, and cannot be used for ridesharing trips on the Uber platform.

uberBLACK is the option through which hire car plated

cars can be requested by riders. Again, this allows hire car drivers to maximise their income and pick up additional work between pre-booked jobs.

7. What is your opinion of the new rideshare legislation introduced in the Australian Capital Territory?

The ACT legislation is a progressive framework that caters for more choice to affordable, reliable and safe transport for the traveling public, coupled with more choice and economic opportunities for ACT drivers.

8. Could you comment on the clause in the Australian Capital Territory legislation that will extend the ACT workers compensation scheme to rideshare drivers?

The provisions in the ACT workers compensation legislation extend to individuals who have the following types of contracts:

(a) a contract between the individual who is a bookable vehicle driver and the principal that prevents the individual from having an affiliated driver agreement with more than 1 transport booking service;

(b) if the individual is a bookable vehicle driver and does not have a contract mentioned in paragraph (a)—a contract of bailment between the individual and the principal under which the individual has the use of a bookable vehicle.

Use of the Uber platform by drivers is non-exclusive and does not prevent a driver from driving on another rideshare (or other) platform. This is clear in the Driver-Partner Terms. Section 2.4 states: *“You acknowledge and agree that you have complete discretion to provide services or otherwise engage in other business or employment activities. For the sake of clarity, you understand that you retain the complete right to: (i) use other software application services in addition to the Uber Services; and (ii) engage in any other occupation or business.”*

As such, the ACT provisions will not apply to the activities undertaken on the Uber platform by drivers nor their contractual relationship with Uber.

9. The Point to Point Transport Act provides that providers of a booking service must ensure the health and safety of their drivers. How does Uber currently do this?

Uber is committed to ensuring the best possible experience for its driver-partners and riders, and the safety of both groups is of paramount importance.

The Uber platform has many built-in safety features for driver-partners. For example, Uber collects detailed information about riders before they can take their first trip, and driver-partners are made aware of who they are picking up before the trip commences. This does not exist in the anonymised world of street rank and hail. In addition, Uber facilitates cashless payment by riders via credit card or PayPal, eliminating two major

risks that exist for taxi drivers with rank and hail work: cash robberies, and passengers failing to pay for a trip at the end of a ride.

Furthermore, Uber has implemented technology that anonymises phone numbers of both riders and driver-partners, which protects their personal information. Each trip is tracked by GPS which provides extra accountability and encourages good behaviour by both driver-partners and riders. Uber's support teams are also available 24/7 for any issues that a driver-partner may have, and Uber has dedicated incident response teams for any urgent safety issues that a driver-partner (or rider) may experience.

In addition, Uber makes available information and tips for driver-partners so they can be aware of best practices when they sign up and get activated to use the platform, as part of an information session at one of Uber's Partner Support Centres. An invitation has been extended to the Committee to visit the Support Centre in Concord NSW, to allow the Members to see this process in situ.

Other aspects of safety and how technology helps ensure a safer driving environment can be found here: <https://www.uber.com/drive/safety/>.

10. What safety standards do you have in place to manage driver fatigue?

Driver-partners choose their own schedule, are able to take breaks whenever they want and there are no minimum hours or set shifts. Around half of Uber's rideshare partners drive for less than 10 hours per week.

Drivers are ultimately responsible for managing fatigue - as is the case for private drivers - since only drivers understand their total workload. Fatigue is a composite of all activities that occur across the day, and ridesharing driver-partners typically drive for only a few hours in the day.

Uber also monitors rider feedback through its rating system and can this way also actively identify if a driver is receiving feedback about driving behaviour that could be linked to fatigue issues.

11. Could you share your views on what level of safety standards should be formalised in regulation?

Through its reform process, the NSW Government has laid out a way forward for the point to point industry as a whole, acknowledging that there are different risks and regulatory needs associated with the different models - ridesharing, taxi and hire cars. We are supportive of the Government's stipulated framework to date, and continue working closely with Transport for NSW as it is working through the details of the new regulatory framework.

We support the law's requirements that individual drivers undergo driver background checks and driver history checks, coupled with an annual safety based vehicle inspection. This is a common sense approach that ensures certain safeguards are met, without unduly imposing burdensome red tape that could act as a barrier to existing and new participants in the point to point transport space.

We will continue to work with the NSW Government as it continues to develop the detailed regulations that will sit behind the new primary legislation.

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Driver Deactivation Policy - AUSTRALIA & NEW ZEALAND ONLY

Our goal at Uber is transport as reliable as running water everywhere, for everyone. We do that today by connecting passengers who need a ride with drivers who want to provide one. It's about getting a ride and work at the push of a button. This is only possible when riders trust drivers, and vice versa. That's why Uber has [Community Guidelines](#) that set out the behaviour expected from both sides. People who breach these Guidelines or our terms of service may be barred from using Uber, either temporarily or permanently depending on the seriousness of the breach.

When a driver account is deactivated, even if only temporarily, it limits the driver's ability to make money using the Uber app. So it's important to have a clear, published policy that explains: the circumstances in which drivers are denied access to the Uber app; how (if at all) they can use the app again; and how drivers are informed about decisions under this policy. There will always be unforeseen events that may lead to deactivation, so this policy cannot capture every possible scenario, but the general categories for deactivation are: [quality](#); [fraud](#); [safety](#) and [discrimination](#).

In developing this policy, we shared our internal processes with a group of drivers in the region and sought their feedback. This policy may be updated from time to time as needed, and we will notify drivers about significant changes.

Quality

Riders who use the Uber app expect drivers to drive safely, as well as be courteous and professional. The higher the quality of the service, the more riders want to take trips, which in turn means more opportunities for drivers to earn money. Poor service has the opposite effect over time.

There are several indications of driver quality, with the most important being *Star Ratings* and *Cancellation Rate*:

Star Ratings

After every trip, drivers and riders rate each other on a five-star scale and give feedback on how the trip went. This two-way system holds everyone accountable for their own behaviour. Accountability helps create a respectful, safe environment for riders and drivers. **Drivers can see their current rating in the Ratings tab of the Uber Partner app.**

How is my rating as a driver calculated?

Your rating is based on an average of the number of post-trip stars riders gave you (from 1 to 5 stars) from your last 500 rated trips, or from the total number of rated trips you've taken if less than 500.

The easiest way to keep your average rating high is to provide good service on every trip. Most drivers on the Uber platform provide excellent service, so most trips run smoothly. But we know that sometimes a trip doesn't go well — that's why we only look at your *average* rating over your most recent 500 trips (or your total number of rated trips if less than 500). This gives you the chance to improve your rating over time.

What leads to deactivation?

To maintain a high quality rider experience, there is a minimum average rating in your city. We will alert you if your rating is approaching this limit, and we will share

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information about third-party quality improvement courses that may help you improve your rating.

If your average rating is below the city minimum after multiple notifications, your Uber partner account will be deactivated. Your account may be reactivated after you satisfy Uber of the steps you've taken to improve: for example, by taking a third-party quality improvement course. If your account is reactivated, you will need to maintain the minimum average rating for the city or your partner account may again be deactivated.

Cancellation Rate

A driver cancellation is when a driver accepts a trip request and then cancels the trip. Cancellations create a poor rider experience. They also negatively affect other drivers who missed out on the chance to accept that ride request. We understand that there may be times when something comes up that causes a driver to cancel an accepted trip, but minimising cancellations is critical for the reliability of the system.

How is my cancellation rate calculated?

Your cancellation rate is based on the number of trips you cancelled out of the total number of trips you accepted. For example, if you've accepted 100 trips and 4 of them were cancelled by you, your cancellation rate would be 4%.

High-quality drivers typically have a low cancellation rate less than 5%.

What leads to deactivation?

Each city has a maximum cancellation rate. You may receive notifications if your cancellation rate is higher than the city maximum, after which you may not be able to go online with the Uber partner app for a short period of time. If your cancellation rate continues to exceed the maximum limit, your Uber partner account may be deactivated after multiple notifications.

On Acceptance Rates: High acceptance rates are a critical part of reliable, high-quality service, but not accepting trip requests does not lead to deactivation.

Consistently accepting trip requests helps maximise earnings for drivers and keeps the system running smoothly. We know that sometimes things come up that prevent you from accepting every trip request, but not accepting trip requests causes delays and degrades the reliability of the system.

If you are not consistently accepting trip requests while you are logged in to the Uber partner app, you may be logged out for a limited period of time. This helps ensure that drivers who are online are ready to accept trips. That protects the quality of the system as riders are matched with available drivers as efficiently as possible.

Fraud

Fraudulent activity undermines the trust upon which Uber is built. We monitor our systems to detect riders and drivers who may be acting fraudulently or attempting to game our systems.

What leads to deactivation?

We may deactivate any account(s) associated with fraudulent activity, including:

- deliberately increasing the time or distance of a trip;

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- accepting trip requests without the intention to complete, including provoking riders to cancel;
- creating rider or driver accounts with fake details or for fraudulent purposes;
- claiming fees or charges on a false or fraudulent basis; and
- intentionally accepting or completing fraudulent or falsified trips.

Safety

Uber uses technology to keep riders and drivers safe — for instance, by GPS-tracking every ride and allowing riders to share their journeys in real time with families or friends. This is all backed up by a robust system of driver pre-screenings and a dedicated incident response team available 24/7 to investigate safety incidents.

We take safety-related allegations seriously and follow up on all of them using a process aimed at ensuring fairness and that gives drivers an opportunity to share their side of the story.

Our investigation of these safety-related allegations may lead to account deactivation. Because safety is our key priority, we may in some cases temporarily suspend a driver's access to the Uber app when we are investigating a complaint.

Issues that lead to an Uber partner account being deactivated include:

Uber's Community Guidelines

All users of the Uber platform—both riders and drivers—agree to abide by our Community Guidelines while using the app. These Guidelines create a shared standard of respect, accountability and common courtesy for everyone in the vehicle.

What leads to deactivation?

Uber may deactivate any driver who does not follow the Community Guidelines, by engaging in, for example:

- violent or inappropriate behavior;
- inappropriate or abusive language;
- stalking or contacting riders outside of organising a pick up;
- soliciting or engaging in sexual conduct or making sexual gestures;
- any criminal or illegal activity; and
- having illegal substances in the vehicle.

Zero Tolerance for Drugs & Alcohol

Uber does not tolerate the use of drugs or alcohol by drivers while using the platform.

What leads to deactivation?

Anyone that drives on the platform having used drugs or alcohol will have their account deactivated. Uber may also deactivate the account of a driver who receives several unconfirmed complaints of drug or alcohol use.

Compliance with Road Rules

Drivers using the Uber app must comply with all applicable rules of the road at all times.

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What leads to deactivation?

Uber may deactivate a driver's account for activities such as:

- not maintaining valid vehicle registration or driver's licence; and
- serious traffic infringements or several traffic infringements that indicate unsafe driving.

Safe Driving

Riders expect drivers using the Uber app to drive safely at all times.

What leads to deactivation?

Uber may deactivate the account of a driver who receives multiple complaints or a single serious complaint of poor, unsafe or distracted driving while using the Uber app. For example:

- driving at an unsafe speed;
- using a mobile phone without a mount; and
- failure to stop when required, such as at stop signs.

Accurate Personal Information

The Uber app is designed to give riders identifying information about drivers and their vehicles, like their name, profile picture, vehicle model and licence plate number, before the trip begins. Inaccurate or outdated information creates confusion among riders and can diminish their experience with the Uber platform.

What leads to deactivation?

We may deactivate the account of a driver for activities such as:

- providing Uber with inaccurate information;
- allowing someone else to use his or her account; and
- taking a trip using an unapproved vehicle.

In addition, we will take action to prevent any driver whose required documentation becomes invalid — like a driver's licence that expires — from going online until the driver provides Uber with updated and valid information.

Driver Screening

All drivers wanting to use the Uber app are required to undergo a screening process, which may include driving history and criminal record checks, to ensure safety and compliance with our criteria.

What leads to deactivation?

We may deactivate the account of a driver if an updated driving screening check reveals a violation of Uber's safety standards or of other criteria required by local regulators.

Other Unacceptable Activities

To maintain the transparency and safety of the Uber platform for all users, activities conducted outside of the monitored system of the Uber app—like anonymous pickups—are prohibited.

What leads to deactivation?

We may deactivate the account of a driver for activities such as:

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- accepting illegal street hails while using the Uber app;
- harming the Uber business or brand, like unauthorised use of Uber's trademark or other intellectual property, discouraging riders or drivers from using the Uber platform, or otherwise violating the driver's agreement with Uber; and
- soliciting payment outside the Uber system.

Discrimination

Uber's mission is to connect riders to transport as reliable as running water, everywhere for everyone. We do not tolerate discrimination by drivers or riders on our platform.

We want to help increase the transport options for riders with disabilities. That's why we have information available for drivers on this topic. We expect drivers using the Uber app to comply with all applicable laws governing the transport of riders with disabilities, including transporting service animals.

What leads to deactivation?

It is unacceptable to discriminate against a rider or potential rider based on characteristics like a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age or any other characteristic protected under applicable law. Actions like these may result in deactivation of a driver's account.

Getting Back on the Road After Deactivation

If your driver account has been deactivated, you are not permitted to register alternate driver accounts with Uber. If your account has been deactivated for quality reasons like low star ratings, you may have the opportunity to get back on the road if you satisfy Uber that you've taken steps to improve (for example, by successfully completing a third-party quality improvement course). Check with your local Uber team or help.uber.com to find out more.

Driver Terms - Section 2.4 and 12.2

Section 2.4 of the terms describes a driver's option to accept or decline a request for a trip from a rider states that this is subject to Uber's then-current cancellation policies. Section 12.2 concerns termination states that Uber's right to terminate includes where a driver no longer qualifies to provide transportation services under Uber's standards and policies.

Section 2.4.

Your Relationship with Rasier Pacific. You acknowledge and agree that Rasier Pacific's provision to you of the Driver App and the Uber Services creates a legal and direct business relationship between Rasier Pacific and you. Rasier Pacific does not, and shall not be deemed to, direct or control you generally or in your performance under this Agreement specifically, including in connection with your provision of Transportation Services, your acts or omissions, or your operation and maintenance of your Vehicle. You retain the sole right to determine when and for how long you will utilize the Driver App or the Uber Services. You retain the option, via the Driver App, to attempt to accept or to decline or ignore a User's request for Transportation Services via the Uber Services, or to cancel an accepted request for Transportation Services via the Driver App, subject to Rasier Pacific's then-current cancellation policies. You will not: (a) display Rasier Pacific's or any of its Affiliates' names, logos or colors on any Vehicle(s); or (b) wear a uniform or any other clothing displaying Rasier Pacific's or any of its Affiliates' names, logos or colors. The foregoing does not apply if you and Rasier Pacific have agreed otherwise or if so required by law. You acknowledge and agree that you have complete discretion to provide services or otherwise engage in other business or employment activities. For the sake of clarity, you understand that you retain the complete right to: (i) use other software application services in addition to the Uber Services; and (ii) engage in any other occupation or business. Rasier Pacific retains the right to, at any time at Rasier Pacific's sole discretion, deactivate or otherwise restrict you from accessing or using the Driver App or the Uber Services in the event of a violation of this Agreement, your disparagement of Rasier Pacific or any of its Affiliates, your act or omission that causes harm to Rasier Pacific's or its Affiliates' brand, reputation or business as determined by Rasier Pacific in its sole discretion. Rasier Pacific also retains the right to deactivate or otherwise restrict you from accessing or using the Driver App or the Uber Services for any other reason at the sole and reasonable discretion of Rasier Pacific.

Section 12.2

Termination. Either party may terminate this Agreement: (a) without cause at any time upon seven (7) days prior notice to the other party; (b) immediately, without notice, for the other party's material breach of this Agreement; or (c) immediately, without notice, in the event of the insolvency or bankruptcy of the other party, or upon the other party's filing or submission of request for suspension of payment (or similar action or event) against the terminating party. In addition, Rasier Pacific may terminate this Agreement or deactivate your Driver ID immediately, without notice, with respect to you in the event you no longer qualify, under applicable law or the standards and policies of Rasier Pacific and its Affiliates, to provide Transportation Services or to operate the Vehicle, or as otherwise set forth in this Agreement.