

**Submission
No 3**

WORKPLACE ARRANGEMENTS IN THE POINT TO POINT TRANSPORT INDUSTRY

Organisation: Australian Taxi Drivers Association &
NSW Point to Point Transport Association

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Inquiry into the Point to Point Transport Industry

**By the NSW Legislative Assembly
Committee**

**Workplace Arrangements
(and other matters relating to)
Point to Point Transport**

Submission by the :

Australian Taxi Drivers Association

And the

**NSW Point to Point Transport
Association**

July 2016

This Submission is in several parts, with a response from each of the disparate and now desperate stakeholder groups we represent, and with an assessment from our Industry as a whole, looking forward to a sustainable future. In default of the new Commissioner for Taxi and Hire Vehicles strenuously and effectively enforcing the new Act, and fulfilling the published intent of Government to reform the Industry to the benefit of both passengers and participating workers, our Industry will continue to be unsustainable.

The Inquiry's Terms of Reference go beyond simply the traditional "workplace arrangements" of driver remuneration and conditions, and into overall competitiveness, customer service and fares, and the safety of passengers and drivers. We applaud this spread over most of the matters of concern to us.

We, in this matter, are the several groups of Taxi Drivers, Taxi Operators, and Taxi Plate License Holders (Plate Owners). There are also member individuals and corporate entities who can be, and are, all three of these. We also have concerns for those duped individuals who have entered into dubious contracts with so-called "ride sharing" facilitators.

In our representations, there are real conflicts of interest between the groups, and a very wide range of views and opinions. In acknowledging those conflicts, it is our intention to put forward the collective view of each group and, as well, to propose an Industry-wide response.

The starting point is, regrettably, that the traditional model of the Taxi Industry is unsustainable, and that, worse, it is financially insolvent, and morally bankrupt. Simply adding unlimited "hire vehicles" and renaming it the Point to Point Transport Industry does no more than shift the goal posts on an already un-level playing field. Failure to simultaneously address the major and unwarranted costs of Plate Fees, Network Fees and Insurance Charges for Taxis whilst facilitating a zero-cost entry for Hire Vehicles does not ensure the sustainability of commercial passenger transport and economic productivity.

That an industry is incapable of paying its workers at least the Australian Minimum Wage and Entitlements renders the industry unsustainable and its employing, contracting or bailor stakeholders, insolvent and in effect, bankrupt.

Any corporate party which knowingly facilitates such arrangements, be they be outside the general law of contract, or of State or Federal Laws of workplace remuneration and conditions, should not be permitted to operate under the guise of technological innovation, and the pretence of increased employment.

We note, with concern, the absence of any reference to the *NSW Taxi Drivers Contract Determination 1984*, as a relevant, albeit outdated, determinant of remuneration and conditions.

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1. Plate Owners

The impact of “ride sharing”, as initially an illegal activity by Uber, and after its legal recognition as a “Private Hire Vehicle “service on the Taxi Plate License Holder has stabilized in mid 2016 as a reduction in Plate Lease Fees of about 20% (from \$600 inc GST to \$500 on the private market), and a reduction in asset value of about 45 % (from \$380,000 to \$210,000) on the relatively few Plates sold.

Plate Owners have however been hugely affected by the almost total loss in their Plate values as security on financial loans. Where loans were advanced based on the security of the Taxi Plate, now, Banks and other Financial Institutions are either demanding a new security, shortening the loan period, or at worst, calling in the loan.

Whilst the \$20,000 per plate, limit of two, may just compensate for loss of revenue on leases over time, the loss in asset value and loan security is vast and unmanageable. Hardship criteria are yet to be determined, but , from the Victorian example following the Fels Reforms there, it is likely that apart from absolute bankruptcy there will be little compensation payable in NSW.

Notwithstanding the caveat declining all responsibility for the impact of market forces on Plate Values, that disclaimer which has been prominent for several years on the various Transport sites, may well not apply to a market disruption caused solely by the illegal operation of one commercial entity, the failure or inability of Government to stop them, and the subsequent and unilateral disruption of a Governmental action to effect legalisation of that activity.

Our Associations call for fair and just compensation for all Plate Owners affected by the new regime of Point to Point Transport. We see as the best alternative a full pay-out to all License Holders, and the extension of an open entry to Hire Vehicles (and WATS Taxis) to all vehicles, subject only to Regulations on Safety, Service and the forthcoming Duty of Care under the new Act.

2. Taxi Operators

Taxi Operators, whether leasing a plate as a single taxi or as a multi-cab base Operator, have generally obtained the advantage of Plate Lease Fee reductions of \$100 a week, as above, and initially had increased supply of drivers resulting from the new de-regulated driver entry programme. However, Plate fees are going up, and the current Network rate is \$465 per week, and additionally there is an anecdotal shortage of drivers, occasioned probably by the \$7 to \$8 per hour earnings during weekday shifts. The new drivers will not work for peanuts.

Market empowered pay-ins have been stable or have reduced by \$5 to \$10 per shift, thus absorbing most or all, of the Lease Fee reductions

The net effect is that Operators are not filling available shifts, and are therefore less able to cover fixed costs, despite the lower Lease Fees. There are provisions for compensation to parties affected by the new arrangements, but it will be difficult to prove the actual losses, and to attribute those losses solely to the new arrangements.

IPART has long noted a standard of ten shifts per week, and of an average of less than 70% of taxis being on the road; now that situation is worse, and the Operators are in a parlous state of being only marginally able to pay all costs, let alone to meet their obligations to their engaged taxi drivers.

Additionally, but not necessarily a function of the new arrangements, are the other two uncontrollable cost items paid by Operators – the \$8900 CTP Greenslip and the Sydney \$8-9,000 Network Fees.

It is only because a cessation of operations would be more expensive than to continue operating taxi-cabs that there are still taxis on the road. But Operators are slowly coming to the point of absolutely unsustainable operations – most refuse to recognise that they are already beyond that point on account of their long-term failure to meet industrial obligations of Annual Leave and Sick Pay.

Our Associations are of the view that the Safety Standards of Taxis is being, and will continue to be, compromised by the inability of Operators to maintain their vehicles to meet the clear statements of a Duty of Care towards both Passengers and Drivers.

3. Uber X Drivers

Whilst our Associations have no particular interest in the well-being of Uber X drivers, we do have concerns for their rights in our community of Passenger Service Vehicle Drivers.

We note they have no rights.

And our concern is that such a situation may extend towards Authorised Taxi Drivers.

It would appear that consequential amendments to the Industrial Relations Act 1996 will bring engaged Uber X Hire Vehicle Drivers under that Act, but their status as “engaged” is still confused as is their status as Employee or Independent Contractor where no bailment has occurred.

Certainly it is clear that, whilst hired, they may earn the publicised \$30 an hour as a gross income, but it is equally clear that net earnings, after all costs and GST, that their average hourly earnings is the same or less than that of a taxi driver. The nature of the contract signed by the driver with Raisier BV, a Company related to Uber BV and Uber Australia, and under which all disputes are actionable only in the Netherlands, may or may not make that an unfair contract under the Fair Work Act and the Independent Contractors Act.

To the extent that compliance with all the provisions of the Passenger Transport Act 1990, and the new Point to Point Transport Act 2016, as well as compliance with CTP, Business Registration and consequential Insurance coverage are in doubt, we have concerns for those persons who chose to provide Passenger Services other than as Taxi Drivers.

4. Taxi Drivers

As a taxi driver personally, and acting as the representative through our Associations, for taxi drivers, we are affected and suffering more than any other stakeholder from the Amendments in December 2015 to the Passenger Transport Regulations, 2007 and of the new Point to Point Transport (Taxi and Hire Vehicles) Act 2016. The full impact of a massive decrease in taxi services provided is realized as an even greater loss of revenue to the Taxi Driver. Our costs and expenses remain generally unchanged, and in particular, the bailment charges are still very much as surveyed by IPART in 2014.

The loss of revenue is directly applied to Taxi Driver Earnings.

There may well be a loss in lease fee revenue to Plate Owners, or a loss to Operators by way of fewer shifts bailed out, but the substantive loss is to the take-home income of cabbies. IPART, and the Government's acceptance and use of the findings, determined an average hourly net earnings of \$10.60 per hour in 2014, with a range from \$7.50 to \$15.00.

In July 2016 that average is down to \$7.50 an hour. Less than half the Australian Minimum Wage, and without Entitlements, Annual Leave, Sick Pay or Superannuation. And still on a 60 hour working week.

Because of the nature of bailment, a shift is between 8 and 12 hours. Once on the road, the full set / agreed pay-in is payable irrespective of work volume. A Driver cannot readily boost his earnings – he at best can accept every job offered, bailed, or booked. But now a virtually unlimited number of Hire Vehicles are out there taking bookings for less than his Regulated Fare. He can drive more shifts a week – instead of six shifts he can work seven or 70 hours on the road. He can do the immensely fatiguing “semi” or a double back-to-back 24 hour stint.

Or, as in my case, of bailing a taxi for four shifts a week (still 40 hours), I cannot increase the shifts from the same Bailor because he is then exposed to my legal claim to Annual Leave. It remains an anachronism that at 40 hours a week I am still a “casual driver”, with no entitlements. The 1984 Taxi Drivers Contract Determination, disregarded by the Industry is also unknown to this Inquiry.

At odds with the wider community, our earnings have not been assisted by fare rises in recent years. IPART and Government hold to a notion of “Fare Price Inelasticity”, where an increase in fares would result in an equal reduction in fare revenue, thus justifying a no change policy.

Whilst purporting to assist Drivers by reducing red tape and charges, the proposed elimination of north-bound toll fees chargeable over the Harbour Bridge or Tunnel will cost the average taxi driver some \$1500 a year in unrecoverable costs - more than all other “savings” combined. Most of the other red tape regulatory issues have not been eliminated – they have been passed to the new Taxi Services or old Networks to administer as was done before by RMS.

The notion, expressed by the Premier of NSW, and contained in the new Act, that a Taxi Driver or a Hire Vehicle Driver, is a “worker”, and should be entitled to Annual Leave, and, presumably, within a normal working week, appears to be absent from this Inquiry.

Why then is the Industry still functioning ? If the workers, in Point to Point are earning so little, why are they still working ? Why do they not ' get a real job' ? Because they have no choice. !

Once started on this particular treadmill of taxi driving, the new workforce entrant, becomes so accustomed to his 60 hour work week, and his \$500 cash -in-hand earnings that there is no choice.

Likewise the 'exit' worker, as a sixty year old, skilled and experienced person who does not accept retirement, has no other choice. Myself, at seventy, the same.

But now those meagre earnings are compromised by the entry of "ride sharing". For over a decade, IPART has monitored fares and vehicle entry such that the demand for taxis, and in a timely fashion, is matched and balanced for both industry sustainability and consumer service. No longer !

Not only are the Taxi Drivers desperate about their loss in earnings, flowing from an unlimited and unregulated influx of Hire Vehicles, but they are dismayed at the erosion of standards for safety and service. We may have resented the intrusion and coercion of RMS Officers, but now we are confused that the standards enforced are not required any longer on those drivers doing the same job as a Taxi.

5. Collective Response

We are now obliged to respond to the new Act of Parliament, which has been developed by Government as a positive response to new socio-economic conditions. Technology has brought us a notion of a "sharing economy" and a realization of the need to break the limitations of the old, regulated, ways.

Shock and horror was the initial reaction, and a collective demand to go back to the good old days.

Even if it were either possible or desirable, we must go forward. And we must, as Stakeholders, all recognise that the new, and old, imperative, is Customer Service. Technology which serves to reduce costs, and to improve service, needs be adopted, and we must learn from those disruptive entrants who have initiated the changes which we should have brought forward ourselves.

The problem is that the disruption has become destruction.

For thousands of Owners and Operators, and for tens of thousands of Drivers, all of whom have been bound by and who have worked under the past regulatory regimes, it is unfair, unreasonable and simply un-Australian to so greatly change a century-old way of work. This Inquiry must adopt measures such as protect the participants and ease the progress of the Point to Point Transport Act.

The new model must provide fair and just compensation to all Plate Owners, whose assets are now without realizable value. It needs to buy back all plates, and start on an open entry license at a nominal cost.

It needs to massively reduce operating costs to Operators, by way of eliminating those Plate Lease Fees flowing from the existing ownership of licenses, to immediately reduce Insurance Charges, as it has projected to start with the CTP excess costs, and to address Network Fees by encouraging competition, and thereby provide more cost efficient operations.

For the Hire Vehicle Drivers, it needs establish a clear and meaningful workplace relationship for the unprecedented situation now existing between both Taxi and Hire Vehicle Owner Drivers and Booking Service or Services.

Taxi and Hire Vehicle Drivers require a workplace determination which provides for earnings of a base of at least the equivalent of the Minimum Wage, and which permits an Operator to appropriately control the workplace activity, of his effectively employed driver, and rewards his efforts to maximise fares.

With some variance, we note that it is absolutely imperative that the new Commissioner and his officers actively and strenuously enforce all the new Regulations for all parties. Even as the Act passed through Parliament some six months after the December Regulations, RMS officers were still issuing “warnings” to ride share drivers rather than infringements for breaches of the PTR’s.

6. General Comment on Driver Remuneration and Conditions

“the operation and impact on the point to point transport industry of the relevant provisions of Chapter 6 of the Industrial Relations Act 1996, as well as the operation of any other state or federal laws that may affect driver remuneration and conditions, including the Fair Work Act, the Independent Contractors Act 2006 and the general law of contract”

The Point to Point Transport (Taxis and Hire Vehicles) Act, 2016 has created the concept of a single workplace for Passenger Service Vehicles in which workers performing essentially the same service of transporting people, and their goods, for hire and reward, may now have the same conditions of engagement, be they bailees, employees or independent contractors, or under the general common law of contract. The notion of a Duty of Care, and of Safety Standards, has been re-stated to apply for both drivers and passengers as a very clear responsibility on all Service Providers, be they Taxi Services, Booking Services, Owners and Licensees or Drivers. Booking Services include Hire Vehicles, and all booking functions other than a direct booking from passenger to driver must flow between Authorised Booking Services and the Passenger.

Taxis and all Hire Vehicles are contained within the one service and the one workplace. In providing that all parties are subject to essentially the same duties and responsibilities, the Act very reasonably views the Driver and the Licensee Owner as two separate identities.

What is not clear, and this is not the function of this Act to determine, is where the Driver is not “engaged” by the Licensee, but is in fact the Licensee himself.

Equally unclear is the situation where the operative contract exists between the Licensee / Driver and a third party company which claims and requires acknowledgement that it is not a ‘transportation’ service, and that the contract is governed by the laws of the Netherlands (Rasier Pacific V.O.P.)

In the *Sydney Morning Herald* of July 6th the case of an Uber “partner”, headed “ *Uber gives reason for sackings*”, a Mr Mike Oze-Iglehon is in the WA District Court seeking damages for termination without notice of his contract. There is no mention of action under the Fair Work or Independent Contractors Acts.

Chapter 6 of the NSW Industrial Relations Act 1996 (as now to be amended) certainly confirms the power of the NSW Industrial Relations Commission to make a Determination, such as the *Taxi Drivers Contract Determination 1984*, binding on now, all taxi driver and hire vehicle bailee drivers and their bailors. Given however, that in effectively all cases, the driver of a Hire Vehicle is not a bailee, but the owner of the chattel vehicle, there then is no real coverage for Hire Vehicle Drivers. Nor, it would appear, is there coverage under Fair Work or Independent Contractors Acts.

Of much greater substance is that the remuneration and conditions of workers in the Point to Point Transport Industry is served not at all by Chapter 6, nor by the Contract Determination of 1984. So far as taxi drivers, engaged as bailee drivers, are concerned the federal Fair Work and Independent Contractors Act are both irrelevant and inapplicable. The Contract Determination applies only to drivers in the Sydney Transport District and not at all to drivers around the State of NSW.

“Remuneration” is, (other than for about three Sydney taxi drivers on Method I,) provided in the reverse by retention from fares of monies left after payment for bailment, fuel and wash. If the determined maximum pay-in is applied that leaves an average hourly earnings of about \$4.00 an hour. Where an agreed pay-in applies, the net hourly rate was in 2014 the \$10.60 assessed by IPART. Conditions, and Entitlements, on the rare occasion of enforcement are of 1984 standards and make no provision for drivers working less than 60 hours a week.

The anger and anguish of Taxi Drivers is expressed but poorly by us. We are an under-class of workers whose rights, remunerations and conditions of work have been the subject of absolute neglect. The new Act, espousing a Duty of Care and Safety Standards is unlikely to effect changes.

Uber will also keep its workers under, and their contracts are actionable only in Holland.

7. The Effectiveness of existing Arrangements

“the effectiveness of the existing arrangements including the impact on:

- a. driver remuneration and conditions;*
- b. competitiveness across the industry;*
- c. customer service (including fares); and*
- d. safety for passengers and drivers;”*

The current, existing, arrangements fail to provide drivers with appropriate, let alone adequate remuneration or conditions. Where IPART analysed both supply and demand for the then Taxi services, and its recommendations were never for more than a 5% increase on fares or numbers, the new arrangement has neither lower bounds for fares nor upper bounds for numbers. If Market Forces are to be the only determinant, it is surely necessary to then not impose either maximum fares or fixed (minimum) numbers of vehicles on but one of the modes of Point to Point Transport.

Current competitiveness within taxis is limited to an equal fare choice of Prestige or Standard Taxis. Specific needs are catered for – Wagons , Vans, Maxi or WATS variations, with some fare differences. When the Prestige Long Wheel Base Sedans were introduced (Silver Service), the intent was for a \$10 premium booking fee to cover additional costs. That never eventuated.

Now, with the previously illegal Uber X, and with its current lightly and unenforced regulated legalised vehicles, there is a greater and wholly unfair, competitive market. Taxis cannot offer a competitive fare price with current costs.

Passengers do now have the substantial benefit of a 30% cheaper ride, other than when surprised by “surge pricing” at times of purported demand.

Customer service in terms of lower fares for the new Hire Vehicles (at non “surge price” times) has improved, and no doubt a few lollies and a bottle of water, are a great additional service. The waiting time for a “booked” vehicle is a matter of dispute, and an area of doubt when one set of numbers are self-generated and the other are supplied to a regulated standard. We do note that, historically, the primary Standard of 85% of passenger bookings being picked up within 15 minutes of the booking has never been achieved by existing Taxi Networks. What has been achieved is a very reasonable pick-up time of about four minutes from the acceptance by a driver of the booking. About the same as Uber, but not a Standard under the PTR’s.

The issue of safety for Passengers and Drivers is a major issue for the traditional side of the Industry. Whilst our Associations are vocal at the inadequate aspects and inefficiencies of the existing Safety arrangements, even those are absent in the new Hire Vehicles. We consider that the claim of being able to identify a booked passenger, whose credit card details are on file, is manifestly inadequate for the purposes of driver safety, and, further that the, anecdotally, lax screening of drivers puts the passenger at risk. We want a better, and common, system for Passenger Service Vehicles.

The current Camera and Duress systems are now antiquated and inadequate. Certainly they are better than their non-existence in Hire Vehicles, but they are still inadequate in 2016.

8. Uneven Application of Arrangements

“ the uneven application of workplace arrangements across the point to point transport sector and nationally”

The fact of the NSW Taxi Drivers Contract Determination, albeit an outdated and inadequate Award, being relevant only to taxi drivers working at least five shifts of up to twelve hours a week, in the Sydney Transport District, and there being no other industrial workplace arrangements operative to provide rights for the thousands of “casual” drivers in Sydney, or for the thousands across the State, be they taxi or hire car drivers, is sufficient comment.

Merely adding “hire vehicle drivers” to the Industrial Relations Act , as a class of persons for whom a Determination may be made by the IRC, does nothing to advance a reasonable workplace standard.

9. Industry Evolution

“ the evolution of the industry, which includes national and multinational service providers”

Whilst the proud and vacuous boast of the NSW Taxi Council is that our Industry carries 190,000,000 passengers a year in NSW, a figure unchanged in a decade of publications, we used to make about 65 million trips a year with about 45 million in Sydney. No longer. Our Sydney fleet of about 6000 taxis is now overwhelmed by at least another 6000 part or full-time “ride sharing “ vehicle under the new Regulatory and now Legislative changes.

The former professionalism of taxi drivers, reasonably tightly controlled by both RMS and their Networks, is at risk. Some 1500 new drivers were enabled to be authorised by new and, to our mind, insufficient rules and a near total lack of experience or training. It would appear from the current demand for drivers that they have in large measure, departed the Industry already. Surprised, no doubt at earning \$7.50 an hour.

That which was an Industry developed by Returned Servicemen, on Plates issued freely, but with locality restrictions by Government, was a local industry. We now have a multinational conglomerate, which initially claimed it was not a passenger service taxi or even a hire car service, but was “ride sharing” in order to avoid and evade Governmental controls. Uber is now content to be a Hire Vehicle Service, but still absents itself from GST compliance matters by a claim that the transaction takes place in Holland, notwithstanding the service occurring in NSW. The ATO has continuing issues with Uber “partners” on GST payable.

We are ready to take our Industry forward, but , as promised by Minister Constance, on a level playing field. If we are to be bound on market forces, then let us have open access to the market. If Regulations are to be limited to primary concerns of a Duty of Care and Safety Standards, then let those be common to all Passenger Services.

At this point in time, taxis are restricted and constrained and an open market is being given to the new Hire Vehicles. Our Industry has evolved and morphed into a Point to Point Transport Industry, but the component parts are being treated unequally and unfairly. That Taxis retain “rank and hail” exclusivity is a fallacy. The instant electronic booking through an App is a hail by another name. In Sydney, that 60% of total trips is significantly eroded by “instant hails”. In Country towns, taxi bookings were over 80% of the total.

10. Impact of Technology

“the impact of technology and customer demand on how drivers participate in the industry”

We do welcome the opportunity for new Taxi and Booking Services providers to move the Industry forward. The impetus and incentive to do so is a very real benefit of Uber and its Disruptive Innovation. It is up to the stakeholders to seize this as an ideal time to re-invent our Industry. Already there are several Apps to offer new and more effective ways of matching technology with consumer demand. The existing Networks, to their credit, are advancing their systems. “lhail” will pass all bookings to all taxis, for better customer service.

Our issue is that the underlying operating and safety systems are inadequate. Our issue is that the Driver needs be able to communicate with the Passenger, other than by a delayed medium of Booking Service. It is now possible and also possible to maintain passenger privacy by the new technologies. Let’s do it

11. Sustainability of the Industry

“the sustainability of commercial passenger transport and economic productivity”

We take the strong point that an Industry which is incapable of paying Wages to at least the standard of the Australian Minimum Wage and of the regulated Entitlements for Annual Leave, Sick Pay and Superannuation, is from the start, unsustainable. The NSW Government has accepted recommendations from IPART in relation to fares and numbers of licensed taxis that confirm and are based upon taxi drivers earning a gross income of an average \$10.60 an hour.

That was before the unlimited entry of a new class of Hire Vehicles. It’s now about \$7.50 an hour.

The additional burden on the Taxi sector of this new Point to Point Transport entity of Plate Lease Fees, Excessive CTP Greenslip Insurance, and Network Fees simply add about \$35,000 to the cost of operating a taxi. That the Taxi sector operates at all results from a massive subsidy by drivers obtaining far less than a standard community remuneration.

We note that SIRA, the State Insurance Regulatory Authority, has this week advised of a reassessment of the P2P CTP, effective next year, which will rate this class on hours of usage over a common base fee. This will increase costs for Hire Vehicles on the road for proven long hours, and may reduce taxi costs by up to 40% of the current \$8,700 charges. That still leaves six more months of an un-level playing field for Taxis.

Provided that Government and the Community continue remain satisfied to be driven around our State by ‘slave labour’, the Industry is sustainable. In all reasonableness it is not.

It would appear that, for the new sector of Hire Vehicles, the net earnings of (Uber) drivers are the same, or less, as for Taxi Drivers. Sometime discounted fares, a twenty-five percent Commission, and the cost of supplying and maintaining the vehicle produce a similar \$7.00 an hour on-call rate.

From the view of an Eighteen Century Economist the new Point to Point Transport Industry is a model of economic productivity. For socially responsible citizens in a modern community it is an abomination.

12. Intent of the Reforms

“the intent of the Government’s reforms to minimise the regulatory burden on the point to point industry”

Clearly the NSW Government intended to minimise the burdens of regulation upon itself, and Roads & Maritime Services; and the means of doing so was to shift that burden and responsibility back to the old Networks , now Taxi Service Providers, from whence most of the burdens had been transferred in the heyday of the late Mr Reg Kermode. And to add several extra burdens on the way.

One particular regulatory matter – Taxi and Hire Car Driver Authorities - has been cast into limbo by the Act, and this is hugely to the detriment of passengers, who will no longer have the verifiable ID card to check if their driver is the authorised driver of their taxi. This retrograde step is at odds with any notion of transparency and common sense, and while it may reasonably rely on “innovative technology” on the part of Taxi Service Providers, is a step backwards designed to do no more than reduce the workload of RMS. As an Association which has many times fought for Drivers’ rights, and before the NSW Civil and Administrative Tribunal, we are left to wonder at the mechanism for disciplining drivers who may have breached Passenger Transport Regulations or its successor. Is it intended that a private Corporation prosecute breaches of a Government Regulation ??

If at all, this Act increases the Regulatory burden on the participant Taxi and Booking Services.

We do applaud the now clearly mandated Primary Duty of Care and Safety Standards provided by the Act.

13. Conclusions and a New Model

Our Associations welcome change, and particularly changes that advance the interests, well-being and safety of Passengers and Drivers in our re-named Point to Point Transport Industry.

We recognise that we must put Customers First as a service industry.

And we note that the Safety of both Passengers and Drivers must remain a primary constraint and requirement. It is not an objective, it is an imperative. We therefore applaud the, now legislated, Primary Duty of Care imposed on all Passenger Service Providers, be they Taxi Services, Booking Services, Licensee Operators or Drivers. We welcome the next task of, by Regulation, setting Standards of Safety and Service.

We demand that Government, through the Taxi and Hire Vehicle Commissioner, strenuously enforce the new Act, the current Passenger Transport Regulations, and their replacement Regulations under the new Act. Thus far we, as a Taxi Industry, have been misled and misinformed as to the promised level playing field, and as to the enforcement of Regulations now six months old.

The excuses have been manifold, and a prime example of bureaucratic buck-passing. No more please.

It is incumbent on all participants to provide a safe, reliable and cost efficient service to the Public.

That, historically, there are operating costs carried by taxis alone – and arising from historical aspirations (greed), influence ((bribery) and mal-practise (corruption) – should now be matters of the past. We must go forward, and with the assistance of this new Act, on a level playing field for all providers of Passenger Services.

The burden of some \$35,000 a year now handicapping taxis must go. There are no needs for any of the services having a massive “value”, nor for Insurances to be other than risk and history based, nor for Networks to charge, enabled by mandatory membership, fees for services not provided. The Act is potentially if not actually already enabling all these reforms. Unfortunately, most of us cannot see this taking place, and the loudest noises are to revert to the ‘good old days’ which are an illusion and a failure.

There remains a fundamental problem, beyond the sphere or control of Regulation or Legislation.

Even if the taxi sector were to be freed of the \$35,000 cost burden now artificially imposed, on the current levels of taxi activity and occupancy, there is insufficient fare income to pay the Driver a wage, let alone to provide remuneration to Community Standards. The average fare revenue in 2014 was just over \$300 per shift – it’s now less. Community standard remuneration (more commonly known as ‘wages’) would require the Taxi Operator to provide about \$300 a shift, with the inclusion of Annual Leave and Superannuation.

There is nothing left over to operate, maintain, insure, fuel or repair the Taxi. There is no return or benefit available for providing the Taxi. Fares cannot increase – we have a statistical mandate. The only available variants are the number of shifts on the road, and the number of jobs per shift.

These are not the function of Government. These are the responsibilities of the Industry. It’s our turn.

It is our view that we must now thank the Government for doing its part – and to require that they strictly and resolutely enforce the new Regulations and the new Act – and we, as an industry, must take on our obligations to move forward, to accept new innovative standards and methods, and ensure the safety and well-being of all our participant workers. Our Associations accept the challenges, and are ready to act.

Accordingly I personally take great pleasure in announcing initiatives that have the sole purpose of advancing the Taxi and Booking Services and the Taxi Drivers sectors of the Point to Point Transport Industry.

One. A proposed Service Contract between Drivers and Operators of Public Passenger Service Vehicles.

Two. The Application for Authorisation of a new Taxi (and Booking) Service.

Three. The imminent release of a totally new Job Offer, Booking, Despatch and Payment App.

Four. The imminent release of a totally new Job Offer, Booking, Despatch and Payment App, integrated with an on-line Safety system and comprehensive recording, retention and authorised accessibility of all data, on a single device with a built-in taximeter, GPS and direct communications and response to Passengers.

The burden of change falls greatest on the Drivers, and so do the advantages of accepting the challenge.

We, the drivers providing passenger services, are ready to move forward.

Michael Jools 8th July 2016