

**Submission  
No 2**

## **WORKPLACE ARRANGEMENTS IN THE POINT TO POINT TRANSPORT INDUSTRY**

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**Date Received:** 8 July 2016



## Ride Share Drivers' Association of Australia

We enclose our submission to the OPT review committee which covers many of the questions and issues raised below. However in brief, we have noted a few point directly related to the items below.

*1. 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;*

**We have no specific legal expertise in industrial relations laws and their application to ride share drivers, however, operators are heavily reliant on the fact that they engage drivers in a way that circumvent much of the industrial relations legislation in Australia. Operators rely heavily on the contract that they have with drivers which is a take or leave agreement, it is not possible to negotiate with Uber.**

*2. the effectiveness of the existing arrangements including the impact on:*

*a. driver remuneration and conditions;*

**Drivers have no control over the remuneration or conditions of their engagement. Pay and conditions are set by Operators whose sole objective is profit and growth for themselves, drivers are treated as an expendable resource.**

*b. competitiveness across the industry;*

**With fares set solely by operators with the focus solely on their own business growth, pay becomes a race to the bottom. Uber have openly stated that their fare policy is based on charging the minimum that is required to get drivers to work.**

*c. customer service (including fares); and*

**With fares set as low as a critical mass of drivers are prepared to accept, customer service is at an absolute minimum. Drivers can not afford wait time, vehicle condition suffers, and drivers simply do not provide the level of customer service that a well paid service does.**

*d. safety for passengers and drivers;*

**The existing scenario which allows drivers no say in rate setting leads to poor pay and conditions which then lead to excessive working hours and poorly maintained vehicles. The impact of this on safety should be obvious.**

*3. the uneven application of workplace arrangements across the point to point transport sector and nationally;*

**The issue is not the uneven application of arrangements, it is simply that there are NO workplace protections for rideshare drivers. Currently, rideshare operators - namely Uber - have no robust or fair disciplinary procedures, and can simply deactivate drivers arbitrarily with no provision for the driver to give his account of any incident. As recently as last week, Uber released a new Deactivation Policy, yet it contained no details of the process that they follow, no investigative procedures, no commitment to fairness; it simply lists the reasons why they may arbitrarily deactivate a driver.**

*4. the evolution of the industry, which includes national and multinational service providers;*

**As the industry develops we anticipate that initially, competition will further erode pay and conditions for drivers and stronger protections will be needed. However, we hope that as market share becomes more evenly spread, the focus will move to attracting drivers and hence pay and conditions will level out.**

*5. the impact of technology and customer demand on how drivers participate in the industry;*

**Drivers are reliant on demand, and currently due to the 'new' technology, demand is highest amongst younger people. Consequently, the highest demand is during unsociable 'party' hours. There is no penalty rate allowance made for the unsociable hours worked.**

*6. the sustainability of commercial passenger transport and economic productivity;*

**Currently the industry is not sustainable. Fares in most states and cities are below the level that makes economic sense for most drivers. Many drivers are inexperienced and unaware of their true operating costs and are unknowingly working for well below minimum wage, whilst also missing out on Superannuation contributions.**

*7. the intent of the Government's reforms to minimise the regulatory burden on the point to point industry;*

**Less regulation and cost is always preferable, but regulation must exist to ensure the following:**

- **Basic vehicle safety**
- **Driver fatigue management**
- **Basic fair work protections**
- **Prevention of driver exploitation**
- **Adherence to DIBP visa restrictions**

*and*

*8. any other related matter.*

**Please see our submission to the Qld OPT review committee**

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# Ride Share Drivers' Association of Australia

Submission to the Opportunities for Personalised Transport Review Taskforce Green  
Paper

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## Introduction

The Ride Share Drivers' Association of Australia (RSDAA) is an independent peak industry body for the Ride Share Industry in Australia. It represents its members and other supporters that operate independent small business ride share operations and advocates for fair ride sharing legislation.

The RSDAA was formed and incorporated in Queensland in 2016 and provides a voice for ride share business operators. We aim to provide policy makers with a more balanced and reasoned view of operating in the ride sharing industry whilst advocating for better conditions with ride share companies. The RSDAA is not part of any ride share company; quite the contrary. We are fully independent and a non-profit association. Ride share drivers are the coal face of the ride sharing industry. We own the vehicles, maintain their safety, have the knowledge of the towns and cities we operate in and most importantly have direct contact with the community delivering transport services daily. We are best suited to provide policy makers with the information of what customers want, what is fair for drivers and how to best achieve an integrated, safe accessible ride share industry.

The current reform debate across Australia with point to point transport is dominated by powerful voices in the Taxi and Hire Car Industries and its' very public battle with Australia's largest ride share company Uber. Ironically those with the loudest voices do not provide the transport services on a daily basis and rarely have face to face contact with the customers that are being transported. The introduction of ride sharing as an industry has been without refute highly disruptive. The public debate has narrowly focused on licencing access to the point to point industry and a very poorly defined argument about 'industry fairness'. In many aspects some policy makers have been distracted by this battle and the political and public pressure on all sides to reform, resulting in rushed decision making, poor consultation and a lack of evidence based policy recommendations for reform. Media analysis has been myopic in its approach and failed to capture core issues in the debate. Decision making has also been silo driven without proper consideration of the very important role point to point transport has in delivering an integrated, coordinated, sustainable public transport system that contributes to liveable towns and cities, accessibility and jobs.

Queensland is at a crossroads. History has shown that reform of the point to point sector is often slow. Changes implemented need to consider the long term implications and community expectations in a flexible and fair policy framework and it must give due consideration to the people that actually deliver point to point services - be they taxi or

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ride share drivers - not just taxi licence holders and multi-national companies. Drivers on both sides need to be empowered to provide high quality point to point services that are in the public interest. The chain of accountability in the supply of these services must be clear and penalties apply for those in the chain that fail proportionate to their role. Governance systems need to be fair and support those who deliver the services.

It must be made clear to policy makers that the public interest test also applies to what is fair for drivers that have bailment agreements in place with taxi operators or commercial contracts with ride share companies. Basic industrial relation protections cannot be dissolved overnight under the banner of reform or the glamorisation and attraction of the 'sharing economy'. Ride share drivers currently have no ability to set their own transport prices for their businesses, nor are in a position to bargain for fair conditions or treatment. Currently ride share drivers can be disciplined, penalised, denied service or deactivated without fair business processes that any ordinary person would expect in Australia within any performance management system. Future governance systems must include a fair and efficient system of dispute resolution and appeal.

The public interest test for the industry is currently thwarted by some ride sharing companies' business models with duplicitous information on earnings, one-sided take it or leave it contracts, secrecy, exclusive dealing behaviour, lack of transparency on tax and regulatory responsibilities, lack of information sharing of customers, unfair finance arrangements for vehicle leasing, disempowerment and unfair performance systems placed on drivers. In many aspects ride share drivers are facing the same kinds of difficulties that are present for non owner-drivers of the taxi industry that has historically only delivered poor customer service outcomes over the decades. Drivers cannot be held accountable for upholding the public interest without a balanced, sustainable and fair industry. Whilst the public is voting with their feet and switching to ride sharing, the industry is only in its infancy and is far from perfect.

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## Response to the Green Paper

### Technological Change

#### **What are the implications of technological change for the personalised transport industry in Queensland, and for government?**

The rate of technological change in the personalised transport industry is providing a far greater level of choice to passengers. This level of choice has not been seen since the introduction of the motorised taxicab started competing with the traditional hackney carriage in 1901. Throughout the 20th century governments have made significant interventions into the industry with the intent of restricting and ultimately protecting the market and regulating for safety and fraud protection. Further regulations were required around fare price ceilings to prevent this restricted market from price gouging passengers. Technological change in the point to point transport industry is not a new thing; rather today it more the rapid rate in which change takes place.

The taxi industry has benefited from technological change including the introduction of the telephone, the CB radio, computerisation, the GPS satellite, electronic payments and CCTV. All these technological changes have benefited both the consumer and the taxi owners, but have been met with very prescriptive regulations on the types of technology required increasing the regulatory burden to taxi owners and enforcement costs for governments. These costs have been passed onto consumers through a regulated fare system. Due to high costs consumers have had no choice in the type of day to day personalised transport service they wish to use. With the exception of WAT's it has been one-size-fits-all for passengers in a market that is supply driven and unresponsive to the rapidly demand changing nature of point to point transport.

The implications today for Queensland in the 21st century is governments can no longer be prescriptive with the types of technology or vehicles used in point to point transport or attempt to prescribe a one-size-fits-all service standards framework. This only restricts innovation and increases compliance costs and does not allow for market segmentation. Technological change is rapid and consumers move quickly to embrace new ways of doing things in the digital age. Passengers demand more flexibility, more responsiveness, various pricing options, service quality and choice of service provider.

Governments need only to intervene when technological changes impact adversely on the broader operation and objectives of a coordinated and integrated transport system



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or where market powers of large organisations use technological change for anti-competitive behaviour contrary to the public interest.

## **Regulation of the sharing economy**

**How might new business models in the sharing economy impact on the public interest and what form of government intervention is appropriate, if any?**

The sharing economy is where a service provided to consumers by two parties (facilitators and service providers) that have a contractual obligation to connect and deliver a service to consumers via a technology platform. The key attractions for service providers to connect with consumers in the sharing economy are:

- a) choice of working hours
- b) ease of entry into an industry
- c) low administrative overheads, and;
- d) a centralised customer management and communication system provided by the facilitator for a service fee.

Through this business model thousands of consumers in a variety of industries have had access to services that were previously restricted or cost prohibitive and service providers (the workers) have been able to establish their own small business and earn fairly immediate income.

Governments do have a role ensuring the public interest in the transactions between the facilitator and service providers is maintained. Delivery and accountability of the public interest can be unclear or ill-defined due to the dual relationship that is created between the service provider and facilitator. In a traditional business transaction the customer deals direct with a business, but in the case of the sharing economy, the consumer is dealing with two different parties that work together to provide a single service and this creates blurred lines about service standard responsibilities, legal and compliance obligations, the rights of consumers the service provider and facilitators, customer service and dispute resolution. This is evidently clear where a company like Uber oversees and controls massive transport operations in multiple countries via contracts with 'driver partners', to deliver services, but does not own one a driver vehicle, nor has it had an employee provide a single trip. Uber clearly positions itself as a technology company.

In the ride sharing industry governments have to double their efforts to ensure the public interest is maintained by facilitators and that ride sharing business models do not by-pass existing industrial relation standards by accessing labour via non-negotiable

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commercial contracts with drivers. Currently ride share drivers have no ability to set or negotiate rates with facilitators, enter into fair and transparent dispute resolution processes, have access to and share customer information to maintain or improve services. Drivers are particularly vulnerable to labour exploitation and unfair treatment.

The RSDAA has attempted to improve customer service, working conditions of drivers and provide a reasoned dialogue with ride share companies to maintain the public interest. The majority of ride share companies have welcomed the RSDAA in providing a collective voice of drivers to hear issues and problem solve together except for Uber. Uber has stated to the RSDAA “ [Uber] understands [the RSDAA’s] desire to become the “collective voice” of drivers across Australia and to represent their interests with Uber. But we respectfully disagree that is the best way forward...We believe that communications with drivers are best done directly, not least because they are independent contractors with very different needs”.<sup>1</sup> Considering drivers have come together to form the RSDAA to talk to Uber about systemic problems and major customer service issues and the lack of fair treatment that has not been applied to drivers when dealing with Uber ‘directly’ themselves, serious questions need to be asked about Uber’s power and control and intent. If driver partners are not having issues resolved directly with the company or have the ability to have their concerns heard via a delegated representative, how can the community be assured Uber cares for the public interest?

A clear chain of accountability is required in regulations to uphold the public interest and the guiding principles outlined in the Green Paper. As ride sharing is already in operation in Queensland, it is possible to apply the public interest test to the operations of Uber (the facilitator) and drivers (service providers). The purpose of this test is to demonstrate the realities of the Uber’s corporate culture and their disregard for the chain of accountability and maintaining the public interest.

Table One outlines a broad test of the public interest and accountability between ride share company Uber and its third party drivers.

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<sup>1</sup> Email from Uber Director of Public Policy Brad Kitschke to Dan Manchester President RSDAA 19 May 2016.

Table One: Public Interest Test and accountability between Uber and its Partners			
Public Interest	Guiding Principles	Facilitator (Uber)	Service Provider (Drivers)
<b>GENERAL ACCESS</b>	<b>ACCESSIBLE</b>		
The personalised transport industry provides services that help Queenslanders move around the state. This includes tourists, people who are unable to drive, those needing help connecting with public transport, and those living in areas not well serviced by other transport options.	An agile and personalised integrated transport system will supply continuous service (24/7) to meet demand.	Uber is accountable for general access and ensuring it has enough drivers on its platform to meet its own operational service standards for customers. Network reliability is heavily reliant on providing driver incentives, such a surge pricing and hourly minimums in peak times	Drivers are not accountable for maintaining network operations. They have choice on what days or hours they work and can choose to accept or reject a job as part of their contract (although punitive actions can take place if drivers decline too many jobs - such as time baring for being offered jobs or logging drivers out of the system).
<b>MEETING SPECIAL NEEDS</b>	<b>ACCESSIBLE</b>		
The industry currently meets special needs of mobility impaired people via WATs, the Queensland Government funded Taxi Subsidy Scheme (TSS), and through arrangements such as the Department of Veterans' Affairs (DVA).	Everyone will have access to a form of personalised transport, including regional areas.	Uber is accountable for providing training to selected drivers under it's UberAssist program. (This is excludes transporting motorised wheelchairs). Training is a 7 minute video and a 20 question test. Ride sharing does not have access to the TSS.	Drivers provide service delivery based on Uber training. Passengers can rate drivers on each journey. Drivers are never provided with any SPECIFIC information about a particular ride if a complaint or a negative comment is submitted by a passenger via the Uber app. Drivers cannot currently be held accountable for customer service failures or attempt to improve services without specific information about a journey, an investigation into a complaint and the right to reply to any complaint or feedback provided to ensure it is factual correct and just.

**Table One: Public Interest Test and accountability between Uber and its Partners**

Public Interest	Guiding Principles	Facilitator (Uber)	Service Provider (Drivers)
SAFETY	SAFE		
<p>Passenger, driver and broader community safety includes:</p> <ul style="list-style-type: none"> <li>- suitability of drivers</li> <li>- monitoring of in vehicle conduct</li> <li>- vehicle standards and road safety</li> <li>- insurance requirements.</li> </ul>	<p>The personalised transport industry will be dedicated to driver, vehicle, customer and public safety.</p>	<p>Uber is accountable for screening drivers, checking licence validity, driver authorisation and a one off vehicle inspection.</p>	<p>Drivers are accountable for insurance, vehicle maintenance and personal safety. Passengers can provide feedback to Uber on safety issues, including driver behaviour and vehicle hazard via the app. Drivers cannot currently be held accountable for safety or behaviour issues without SPECIFIC information about a journey; an investigation into a complaint and the right to reply to any complaint or feedback provided to ensure it is factual correct and just.</p>
ROAD USE MANAGEMENT (SAFETY)	SAFE		
<p>Road use management issues include the impact of ranks, roadside hailing and immediate and pre-booking responses of drivers, crowding of roads at special events, and specially zoned roadside areas for taxi use only.</p>	<p>The government will be dedicated to driver, customer and public safety.</p>	<p>Uber is accountable for mapping technology that allows passengers to select pick up and drop off location point. Uber has the technical ability to geo-block pick up and drop off zones including taxi ranks, bus stops, clearways, bus lanes and no stopping zones, but in most cases does not do this. Uber provides no driver training or testing on road rules, nor does it provide information to riders on booking a pick up/drop off zones that are legal.</p>	<p>Drivers are accountable for upholding road rules. Drivers can be pressured to make illegal stops (taxi ranks, bus lanes) or break road rules by passengers. Pressure is considerable due to drivers not wanting a bad peer to peer rating.</p>
ACCOUNTABILITY (SAFETY)	ACCOUNTABLE		
<p>Responsible parties (all industry in the supply chain, customers and regulators) are accountable for their behaviours and actions, and for ensuring that an appropriate compliance and enforcement regime is in place.</p>	<p>The personalised transport industry will operate within an effective and responsible regulatory framework. The regulatory burden will be less, and there will be greater value for customers.</p>	<p>Uber is accountable for maintaining all information of riders and drivers. Uber does not share any specific information from rider to driver or driver to rider. Therefore neither the rider or drivers can be held accountable nor can drivers be expected to fix or improve services when specific information is withheld.</p>	<p>Drivers deliver point to point services however upholding accountability for certain matters can not be achieved under Uber’s model. Uber does not provide any SPECIFIC information about complaints or rider feedback. Drivers cannot be held accountable or be expected to improved services based on feedback without information sharing between uber and drivers.</p>

**Table One: Public Interest Test and accountability between Uber and its Partners**

Public Interest	Guiding Principles	Facilitator (Uber)	Service Provider (Drivers)
SERVICE QUALITY (CHOICE)	CUSTOMER FOCUSED		
Minimum acceptable community standards currently include: - driver knowledge and conduct - vehicle cleanliness - permissible vehicles.	Queensland’s personalised transport industry will be shaped by the expectations of customers and the public benefit for Queensland.	Uber does not require drivers to have any specific knowledge of the city they work in, have any English language proficiency or specify vehicle cleanliness standards. Uber can choose to remove drivers from the platform if they choose at any time	Drivers are accountable for knowledge of areas they work in and vehicle cleanliness. Uber does not provide any SPECIFIC information about complaints or rider feedback. Drivers cannot be held accountable or be expected to improved services based on feedback without information sharing between uber and drivers.
INDUSTRY STABILITY (CHOICE)	INNOVATIVE		
Taxis are currently an integral element of community transport, an important adjunct to public transport, and have a role in improving social inclusion and addressing economic disadvantage.	The personalised transport industry will have the freedom and flexibility to take advantage of innovation and opportunities, including benefits from emerging technologies.	Ride sharing is only applicable to the booked market and is not an essential service.	Ride sharing is only applicable to the booked market and is not an essential service.
TRANSITION (CHOICE)	ALL GUIDING PRINCIPLES		
A transition strategy will be considered that balances the needs of the community with the stability of the industry.	The transition strategy to the taskforce’s preferred regulatory framework will comprise fit-for-purpose tools and mechanisms that support the effective and seamless implementation of reforms by government. The strategy will need to uphold each guiding principle, and consider the impacts on industry, customer and government stakeholders.	Ride share facilitators will need to be accountable for ensuring smooth transition to a regulated market and need to educate riders and drivers of changes.	Drivers will need to be accountable for changes in legislation ensuring smooth transition to a regulated market.

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## Peer to Peer Feedback, improving Customer Service and Driver Safety

Table One highlights the deficiencies in Uber's current business model and operations with upholding the public interest. Uber would maintain that its Peer to Peer feedback system is adequate in improving service but it is not.

Whilst Uber does have a Peer to Peer feedback mechanism for riders about drivers and visa versa, including a star rating system with the ability to leave comments or to make a complaint, drivers do not have access to any of this information. Drivers have no understanding of complaints, have no right of reply or ability to learn from any errors. Claims are not checked for accuracy or truth and drivers can be subjected to vexatious claims by customers. Uber makes arbitrary decisions without investigation. Therefore drivers are only accountable to a passenger if they inform a driver directly about any concerns such as behaviour, cleanliness, driving ability safety etc.

The Peer to Peer feedback system is currently flawed. Whilst it does provide an aggregate understanding of driver performance via a 'star rating', it does not assist with complaints or matters or concerns fairly or with due process for drivers to improve service. Uber refuses to share that information which it could easily do with an alteration in its privacy policy. The public would expect their feedback is provided to drivers to assist them and drivers supported to improve services. The real purpose of the peer to peer feedback system is to strictly control Uber's image by flagging driver 'behaviour' and to keep customer service costs low. If too many flags are triggered in the system, Uber will simply deactivate a driver to protect their brand regardless of the facts. It does not improve customer service or assist drivers as it is claimed.

Where Uber does provide feedback to drivers, it is generic and broad. For example a complaint about a driver using an incorrect vehicle Uber states "If your vehicle information is incorrect on the app, it's likely to confuse riders. Additionally it means Uber may not have your correct insurance on file. Be sure to send us updated documents", or driver unprofessional behaviour complaint "When riders give feedback about the unprofessional behaviour, they're letting you know that they felt uncomfortable at some time during that trip...", or vehicle safety "maintaining your car helps keep riders safe and comfortable. It's a good idea to get it checked regularly to ensure everything is working properly<sup>2</sup>. The generic nature of these reports do not give context or assist drivers to know what the issues are. Drivers are not contacted or given any further information specifically. Reports are never validated for accuracy. If drivers inquire to Uber about the meaning of any reports, drivers are always provided with the comments

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<sup>2</sup> Uber driver feedback reports to drivers

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“To respect the privacy of all users, our Privacy Policy restricts me from discussing an Uber account”.<sup>3</sup> Drivers cannot be held to account or improve safety or service when specific information is not provided from Uber. The feedback is distilled and generic to the point of being useless. Serious misconduct or blatant abuse of drivers can be occurring in the system but the company refuses to investigate the matters in any detail.

Furthermore if drivers provide a complaint or feedback on riders behaviour including assault or serious sexual assault, drivers are sent the following message “Thanks for letting us know, and sorry to hear you had such a not-so-good experience. As I'm sure you know, this isn't the regular Uber experience, and partner drivers shouldn't have to put up with this behaviour. In the meantime, we're noted this on your rider's account”, or “We understand that not all trips will have 5-star riders, and we trust and appreciate your professionalism and judgment to handle challenging situations like this one”. Uber makes no investigation or informs the driver of the outcome. It may bar the rider from the driver, but riders can create another account easily. Drivers must report incidents to Police directly and the company does not assist drivers directly, starting privacy prevents them from doing so.

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<sup>3</sup> Email form Uber support March 2016

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## Fairness in the sharing economy

The absence of the traditional employer/employee raises a number of serious questions about the fair treatment of drivers by ride share facilitators. Contractually drivers are not classed as employees or contractors. Drivers operate their own business and pay a fee to access a technology platform that connects them with riders and must maintain certain standards to access the platform. The ability for a person to operate their own business and choose what hours they work has benefits, but this also comes at an enormous cost of worker rights and conditions that have been developed over the last 120 years. Ride share facilitators make decisions, direct drivers and performance manage drivers in a way that an employer would with an employee.

Furthermore some facilitators can maintain, control and restrict all customer information and do or do not provide access to drivers for dispute resolution with fair and transparent processes. The basic principles of fairness and due process that is applied in workplaces are often absent in ride sharing industry.

Drivers do not have:

- minimum wages or conditions
- leave provisions
- superannuation
- work place health and safety protections
- protection from bullying or intimidation
- access to fair dismissal or termination of employment rights
- ability to freely organise as a group of workers or bargain
- access to an independent umpire for conciliation or arbitration

Drivers legal rights are mostly contained in contract law, the *Competition and Consumer Act 2010* and separate discrimination laws. These laws do not provide the same level of protections and fairness that would be expected by the community. Whilst self employed drivers are not able to enter into any form of contract negotiation with ride share facilitators.



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## Reform Options

The Ride Share Drivers Association of Australia generally supports Scenario 3 of the green paper in principle but also recommends a number of additional policy conditions in legislation strengthen the public interest.

The policy justifications for maintaining the existing industry in Scenario 1 does not address the point to point industry is changing and competition is driving improved customer service, value for customers and choice. Thousands of jobs have also been created through ride sharing. Competition has allowed the booked point to point market to move from a supply based service to a demand based service and the public is moving rapidly to the new choice in point to point transport. No clear policy reasons have been specified in the paper for reforming only South East Queensland in scenario 2. The sharing economy is about mobilising assets not being used and regional and remote Queensland would benefit from this, especially in areas with no taxi services or services that have exceptionally long wait times.

Scenario 4 does not recognise that ride sharing and taxi industries operate differently. Ride sharing only operates in the booked market and can therefore be contained as a cashless transactions. Ride sharing is not an essential service, it provides additional supply the taxi industry cannot meet during busy periods.

### Policy recommendations and considerations

The RSDAA makes the following policy recommendations and considerations:

#### Licensing

- Licences for limousines and ride sharing are grouped.
- Taxi licences for the 'rank and hail' market are retained.
- Licence numbers for ride sharing and limousines are uncapped with prescriptive vehicle specifications and 'L' licence plates removed.
- Retain entry restrictions for for rank and hail operations and remove prescriptive and costly vehicle type and in vehicle technology requirements to reduce regulatory burden.
- Permit private owners of Wheel Chair Accessible vehicles to obtain ride share licences and operate in the booked market.
- Licence duration for ride sharing and limousines remain open with a dynamic payment options. This particularly assists customers in regional areas.
- Costs of regulating licensing and industry should as a whole not be a barrier for entering the market where ride share drivers work generally non-full time hours per week.

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## Fares and Pricing

- Reform existing fare regulations for both booked and rank and hail markets.
- Introduce a new 'price floor' mechanism, per kilometre and per minute to prevent labour exploitation by taxi/transport booking companies. With an open market for point to point booked transport, price floor policies protect those that have the least power - the drivers of taxi and ride share vehicles - ensuring they are not exploited by taxi/transport booking companies for their labour.
- Introduce a 'price ceiling' for passengers riding with wheelchairs using wheelchair accessible taxi and ride share vehicles to prevent price gouging.
- Examine a 'price ceiling' for remote and rural areas where taxis are required to maintain universal service obligation and possibility for a subsidy scheme to operate for commercial viability where a universal service obligation exists for taxis.
- Enable an independent body such as the Queensland Competition Authority (with expanded role) to determine pricing matters at the request of a new Taxi Services Commission.
- Introduce fare quote requirements for both booked and rank and hail markets.
- Industry self regulates fare calculations open to audit.
- Eliminate electronic surcharges.
- Prohibit discounts for multi-vehicle hire all services. Each passenger booking must pay equal costs per minute and per kilometre.
- Ride sharing technology enables multiple riders to be connected with a single driver to be driven to the same destination. This technological advance has been marketed as carpooling. Whilst two people are using the one trip, it is not carpooling in the traditional sense; it is multi-vehicle hire as there is an independent driver. Whilst the hype of this kind of service is linked to reduced carbon emissions and getting two people into one car, the claims about environmental sustainability in the long term are dubious and untested. The pricing of these trips are designed to compete directly with public transport. 'First Mile, Last Mile' point to point transport is intended to compliment mass transit, not replace it. Point to point transport maximises efficiency of a cities' transport systems and focusses on moving people, not vehicles. The RSDAA recommends that multi-vehicle hire remain, but taxi/transport booking companies are prohibited from providing fare discounts for riders other than the set price floor per minute and per kilometre on these trips for each rider. This policy would encourage more combined first mile, last mile/mass transit travel behaviour rather than giving a clear pricing signal to commuters to change transport mode yet still give the option of

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maximising transport options where mass transit does not exist or is limited.  
Discounting multi-vehicle hire will only increase congestion and road use in the long term in an open booked point to point transport market.

### Booking Company Affiliation

- Remove requirement to be affiliated with a booking company

### Geographic Service Areas

- Allow licences to operate in all service areas.

### Vehicle Safety

- The industry self regulates, imposing its own vehicle inspection standards and monitors these. There would be no vehicle inspection regulation by government reducing the regulatory burden.
- There is no regulation on the age limit of personalised transport vehicles however they must comply with an recognised safety rating (such as ANCAP) and meet a minimum rating prescribed by the regulator. The safety features of the vehicle must be maintained.
- Taxi/transport booking companies and drivers are both accountable for maintaining records on safety.
- Vehicle safety reports and associated data by taxi/transport booking companies to be published so customers can make informed choices of performance of vehicles operating on networks.

### Driver safety, wellbeing and fairness

- Driver safety and moves to an outcomes focused framework with minimal prescriptive requirements for regulation.
- The outcomes framework must also include provision for driver wellbeing, fairness and ethical treatment.
- Require ride share riders' accounts first and surnames to be validated against the credit card details entered the account as part of the sign up process to any ride share platform. A clear photo of the rider should also be uploaded. Photo of rider to be made available to driver to assist in identification the person on the account before commencement of a trip. After the trip is completed the driver will no longer has access to the photo maintaining rider privacy.
- Validating the primary credit card with name on the rider account significantly reduces fraud (via trip pre-authorisation) but also increases driver safety.
- Accountability for fatigue management sits with all parties in the supply chain for the personalised transport industry and follows the industry's chain of responsibility.
- Professional driver standards for alcohol use (zero BAC) is required for personalised transport drivers.
- Accountability sits with Taxi/Transport booking companies to ensure third party drivers with restricted working rights Australia remain within their visa rules as

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specified by Department of Immigration and Border Protection. Records must be kept by companies to ensure that the rules of visas are being met. 'Working time' to be defined as time on a job.

- All personalised transport drivers are required to wear a seatbelt.
- Driver safety reports and driver wellbeing data by taxi/transport booking companies to be published so customers can make informed choices of performance of drivers on their networks and how ethically and fair companies treat their drivers.
- Driver wellbeing data also allows new and existing bailed taxi drivers or ride share drivers to make informed business decision about the treatment of drivers by taxi operators and ride share companies. It creates incentives for companies to treat drivers ethically and fairly and allows drivers to make informed decisions about a company before entering into any contract.
- Some ride share companies state that ride sharing trips are not anonymous and this significantly improves safety for rider and driver. This is not correct. The accounts from drivers are verified, but not for the riders. Fraudulent rider accounts are created with stolen credit cards and phones on an increasing basis and the RSDAA has had members that have been assaulted, robbed and forced at knife point to drive people around and the trip was booked with a fraudulent account. The system needs more safeguards for drivers, including rider account verification and a photo if prescriptive in vehicle safety requirements are removed.

### Customer Safety

- Driver Screening - Accountability to ensure that all drivers meet authorisation standard is shifted from government to industry.
- Driver Screening - The government sets minimum driver standards by regulations and industry enforces those standards.
- CTP Insurance - CTP insurance is calculated based on business use hours or distance travelled for all taxi and ride share vehicles. This provides greatest level of fairness for both taxi and ride share vehicles that operate different hours and travel a variety of kilometres.
- Identifying vehicles - The policy argument that taxi driver anger and risk taking behaviour adds considerable risk to the broader public does not necessarily mean this behaviour is equal with ride share drivers. The risk profiles are different and assumptions on ride share driver behaviours cannot be made without additional evidence. Personalised transport vehicles such as ride sharing do not require any form signage or branding or special licence plates. The new CTP insurance type to be applied will identify if a vehicle participates in ride sharing industry. Police or compliance officers can identify these vehicles with their IT systems if they attend and accident via the standard licence plate. As ride share vehicles are used for both personal and business use branding of a vehicle does not identify the vehicle being used for personal or ride sharing use at the time of an accident. Disclosure laws can be introduced for drivers and ride share companies to disclose road crash information. Signage on a vehicles increases the regulatory burden to drivers and is a barrier and disincentive for

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people to enter the ride share market and will be no more effective in identifying a vehicle than the current licence plate system.

## Accessibility

### Wheelchair users

- Wheel Chair Accessible Taxis to maintain universal service obligation for full-time operation.
- Wheel Chair Accessible Taxis maintain minimum service standards for vehicles and driver service quality. This includes a customer feedback mechanism for drivers of these services on each trip.
- Government establishes a WAT Vehicle Asset Subsidy Scheme to assist Taxi licence holders to buy and update WAT's in rural and regional Queensland
- Government establishes a tiered WAT Performance Payment Scheme to pay operators and drivers for WAT services that meet or exceed service standards and is paid periodically.
- These two funds provide incentives for WAT licences to be purchased and to be operated to a high level of service. As the chain of accountability extends through the licence holder, operator and driver, so should the Performance Payment Scheme.
- Government establishes a WAT Accessible Rank Fund to assist local governments to pay for upgrades to or create new WAT Taxi Ranks that meet DDA compliance for loading and unloading of passengers in wheelchairs.
- Government sets targets for creation of WAT taxi ranks across Queensland
- WAT Vehicle Asset Subsidy Scheme, WAT Performance Payment Scheme, WAT Accessible Rank Fund and payment fund source obtained via a per trip levy on other standard personalised transport trips in Queensland.
- Performance payments are only made available to WAT operators and the drivers and not private ride share vehicles that are wheel chair accessible. This is due to WAT's universal service obligation for full-time coverage.
- Proving a performance payment scheme for WAT's and their drivers encourages the uptake and purchase of WAT vehicles and more career WAT drivers and places the emphasis on service quality. Income is earned from service quality outcomes and not length of trip. As WAT trips are often short drivers need an incentive to be timely and prioritise WAT trips over standard trips such as airport fares.

### Taxi Subsidy Scheme (TSS)

- Open the TSS to market competition, providing customers choice between any taxi or ride share company.

### Visually and hearing impaired drivers and riders

- Require mobile phone software applications of Taxi/Transport booking companies to meet Australian design guidelines for both driver and rider interfaces.

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## Payment options

- Integrate go card system into taxi payment systems

## Customer Experience and Service

- Remove all prescriptive service quality requirements, except for WAT services.
- Universal service obligations for full-time operations in some TSA's in regional and remote areas may be required. A taxi ride subsidy (similar to the WAT scheme) should be made available for trips where taxis are called upon to operate outside of core their set operating hours ensuring regional and remote areas do have a dedicated taxi that can be commercially viable. Ride sharing can be used to provide extra demand during peak times and provide competition against high prices in an open market.
- Customer service is subjective so the market and competition is best able to determine what those standards are providing the consumer with choice in most instances.

## Data sharing and privacy

- Restrict companies from sharing photos of drivers and first names on receipts and trip history sent to passengers for application booked trips
- Require companies to provide the photo of riders prior to commencement of a trip to improve driver safety for application booked trips
- Require companies to share rider complaints and compliment information to improve customer service and driver professionalism
- Require companies to share trip data with government agencies to monitor, plan and improve the operation of broader public transport system.

## Safe Pick up Drop of Areas

- Ride share drivers require adequate kiss and ride zones. Local planning and road management schemes need amendment to ensure rider safety is not compromised when boarding or alighting from a vehicle. Recommendations need to consider where and how passengers are getting in and out of vehicles in built up urban areas.
- Restrict ride share companies from allowing pick ups from zones that are for other purposes e.g. taxi zones, bus lanes, clearways.

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## **Industry Governance**

The need for a reformed government agency to manage the industry is clear. The RSDAA recommends the creation of a new statutory authority with powers and responsibilities similar to the Taxi Services Commission in Victoria and be adequately resourced to enforce new regulations.

### **Code of conduct and chain of accountability**

A clear code of conduct is required and needs further consultation with industry in its development. The code of conduct must have regulatory vigour and cannot simply be window dressing. It must provide clear guidelines for maintaining the public interest, the chain of accountability and fair treatment of drivers and have penalties apply for failure to meet the code. There must be a mechanism to appeal decisions in serious matters.

### **Advisory council to government**

Queensland needs a point to point transport advisory council that reports directly to the Minister for Transport to provide a balanced view of the rapidly changing industry. The function of the Advisory Council is to provide independent policy advice and plans for improving the industry. Members of the council should include taxi, hire car and ride share industry representatives, businesses, disability advocates and drivers and customers.

The RSDAA supports an open booked point to point transport market and further point to point reforms. The public wants change, but the public also needs protection where the market fails to uphold the public interest and benefits an integrated and coordinated transport market in Queensland.