Comments on Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 under the Point to Point Transport (Taxis and Hire Vehicles) Act 2016 Exposure draft.

In review of the draft, the following comments are respectfully submitted.

This section below seems to imply that a ride share provided such as Uber must be identified as such which make little sense if hires are not collected off the street and the ride is covered electronically. It is undesirable to have people identify for example a vacant identified Uber vehicle in traffic and have them able to jump in.

2.
(2) The driver of a hire vehicle (other than a motor cycle) that is being used to provide a passenger service must ensure that a retroflective sign is displayed on or attached to the vehicle that: (a) makes it apparent that the vehicle is a hire vehicle, and (b) is located on or near the rear of the driver’s side of the vehicle, and (c) is clearly visible from the outside of the vehicle.

The section below might be logical if it were possible to determine when this was. For example a driver takes a wife to the train, then carries out two ride shares, then returns to take children to school, then takes three more ride shares, then goes to do shopping, take groceries home then continue driving with riders.

Division 4 Insurance 24 Vehicle insurance
(5) A policy maintained under this clause is not required to provide cover for any period when a hire vehicle is not being used to provide a passenger service.

The wording below needs improvement since while it is practical to have taxis stand in taxi zones, why should passengers be disadvantaged by being forced to walk to taxi ranks? Also Uber drivers can be sitting anywhere waiting for rides closer to where riders might be while taxis have to wait at ranks. Understood that taxis waiting on a rank don’t want others waiting up the road and pinching their customers but again, why does the passenger need to be disadvantaged? This is where Uber looks to the rider’s needs and why taxis miss out.

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Standing otherwise than in a taxi zone The driver of a taxi must not permit the taxi to stand otherwise than in a taxi zone, except as follows: (a) while hired, (b) while not available for hire, (c) while loading or unloading luggage or goods or taking up or setting down passengers,

The section on Levy following is difficult to understand and even more difficult to implement calculating number of trips. If the vehicle of a ride provider not a taxi is through an incorporated company tax is paid anyway so where exactly does a levy apply? The retrospective nature of this also introduced complications simply creating paperwork which would be a nightmare to police.

Schedule 3 Passenger Service Levy
Part 1 Preliminary 1
4 Reduction or waiver of liability in case of third party collection
(1) The assessor may, on application by a taxpayer or on the assessor’s initiative, waive or reduce the amount of levy payable by a taxpayer, if the assessor is satisfied that: (a) a levy
amount was collected by a driver, affiliated provider or other person on behalf of the
taxpayer, and (b) the amount was not paid by that person to the taxpayer or otherwise as
agreed with the taxpayer, and (c) that person has been affected by a non-payment event,
and (d) the taxpayer took all reasonable steps to recover the amount, or to have the amount
paid in accordance with the Act and this Schedule.

5 Exemption and rebate for certain small providers
(1) A taxpayer who carries out 150 or fewer passenger service transactions in any period of
12 months is exempt from clauses 3, 4, 7 and 12 of Schedule 4 to the Act.
(2) A taxpayer who carries out more than 150 but fewer than 600 passenger service
transactions in any period of 12 months is entitled to a rebate of the levy.
(3) The amount of the rebate is to be the amount of rebate required so that the amount of
levy payable by the taxpayer is as follows: (a) if the number of passenger service
transactions carried out is more than 150 but not more than 400—$150, or (b) if the
number of passenger service transactions carried out is more than 400 but not more than
600—$400.

With thanks,

Sincerely,

Peter Nelson
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