

15th May 2017

(By email: pointtopoint@transport.nsw.gov.au)

UPDATED Response to: Regulatory Impact Statement and Point to Point Transport Regulation 2017

The **Newcastle Taxi Association (NTA)** represents taxi plate owners and operators throughout the Newcastle and associated Hunter regions. Newcastle is NSW's second largest city, and the centre of unprecedented government and business investment relative to integrated transport and tourism industries, as well as a centre of new technologies and substantive population growth.

NTA has strong concerns that the proposed regulations have many gaps and do not address issues of unfinished business for the Point to Point Transport industry, and has generally classed Newcastle as a 'capital city' entity rather than a regional centre which differs considerably from a major suburban area like Sydney.

We have a strong desire to work with regulators to achieve a first class, safe, and customer friendly framework for all consumers and industry participants. We also want to see the Newcastle regions being uniquely seen as a credible "internationally recognised" integrated service destination for NSW. We submit that because of the many gaps identified in both your Regulatory Impact Statement and draft Point to Point Transport regulations, we urgently require further discussion and agreement.

Following discussions with the Commissioner Barbara Wise, Joel, and Peter Gresser A/Principal Manager Stakeholder and Industry Engagement, on Wednesday 10th May 2017, the following additions to our submission are made, (*in italics*):

Significant gaps include:

- **The credibility of the Commissioner's policing role;**
- (*We urgently seek that the Commissioner undertake strong policing work of the entire Point to Point Industry immediately the new regulations have been passed by Parliament. Rideshare operators have received a free kick for at least two years, and this unfair situation which is addressed in the regulations, need a strong response to ensure fairness. Barbara Wise has indicated that the first six months will be spent on educating the market. We strongly recommend that networks, and rideshare operators particularly acknowledge their additional responsibilities from day one, and that the Commissioner act accordingly against any transgressions, to ensure compliance).*)
- **Implications for Superannuation holders on an asset valuation basis;**
- (*We acknowledge that these matters relate to Federal Laws, however implications are obvious at the State level, where taxi plate assets held in DIY Superannuation Funds have been subjected to asset revaluations caused by State Government initiatives)*)

- **Notification of effective Hardship Provisions;**
(The delays with these rollouts are simply unacceptable, and to be told by the Commissioner that these hardship funds [\$142 million] have not as yet been provided in the State Budget is more than alarming. This is particularly so, as the industry has been promised both the determining factors of hardship and the availability of funds on several formal occasions in the past year. Taxi industry participants have been savaged and further delays exacerbate an already critical situation for many. Those who have loyally supported the industry and others who entered the industry of late and then had rug pulled out from under their feet in December 2015, have every right to question the credibility of those given the responsibility of enacting the Government's response to their proposed changes, particularly with the lack of enforcement of those who blatantly acted outside the legislation for so long without action being taken against them).
- **The rollout of the \$1.00 fare collection levy;**
(Enforcement of correct trip calculations will be critical)
- **Level playing field implications including costs and CTP insurances;**
(Whilst we accept that the SIRA CTP recommendations are yet to enacted, we make the point that insurances on all rideshare vehicles is covered in the regulations, and a level playing field with correct commercial insurance of vehicles is a prerequisite for passenger protection).
- **Public Identification of ridesharing service providers;**
(We fully support the safety of Services Division 3 Vehicle Standards sub 22/2 where the location of the reflective sign is to be visible only on the right hand rear of the driver's side of vehicle for all rideshare vehicles, to eliminate rank and hail issues and to allow adequate identification by law enforcement officers)
- **Where the cost of administration and enforcement of passenger transport will be both held and provided for;**
(Thank you for your update on the 3 cent hire charge which will be used to fund these operations).
- **Proposed inclusions for Safety Management Systems;**
(We understand the audit issues which will be required of all networks and their responsibilities here)
- **Clarification of taxi operators ability to apply for being a provider of booked passenger services for private bookings;**
(Thank you for confirming that any driver or operators who accepts bookings by phone will be required to apply for authorisation to provide such booking services).
- **Operational matters such as like deregulated fare calculations;**
(Rank and Hail regulation of maximum fares is clearly understood, together with network responsibilities in regard to the setting of booked charges).
- **Taxation liabilities to ridesharing providers;**
(ATO requirements have been clearly relayed here)

3.

- **Taxation liabilities for ridesharing drivers;**
- *(ATO requirements have also been clearly relayed here)*
- **Assessments of competitive neutrality;**
- *(This will be a major focus for discussion between the taxi industry and the regulator as the laws are enacted); and*
- **Publication of all public submissions to these changes.**
- *(We appreciate that you have advised that all submissions will be made public).*

As you are aware there are still serious aspects confronting the industry, its future, and the impact not only to individuals but to the nation. We submit that there are considerable tax collection losses incorporated in these new regulations, and a present inability to proactively track and police ridesharing operators.

We make ourselves available to discuss in details any of these issues from an industry participant perspective as we feel that a forward strategy to the benefit of all consumers and operators has not been established.

Your sincerely

For and on behalf of the entire Newcastle Taxi Association