

Regulatory Impact Statement

Point to Point Implementation

Regarding Transport for NSW Regulatory Impact Statement, the following addresses the issues raised in the format presented.

1 Executive Summary – raised the following issues

The Impact of Technological Change.

Despite the hype, all Uber X introduced was an invoicing method, plus apparent carte blanche allowance to break the law, evade taxation, & induce the gullible to provide them with a free motor vehicle to ply UberX “service”

The UberX invoicing method could have been emulated almost overnight but was denied to the regulated industry by the ACCC on the grounds that (to quote Rod Sims) would “have significant impact on competition” and “produce significant public detriments” – Fair competition was denied in the circumstance.

The sustainability of commercial transport.

How can this be achieved while there are:

Strict rules for the regulated industry, virtually none for “rideshare”.

Fare restrictions for the regulated industry, virtually none for “rideshare”.

Disproportionate Insurance costs between services.

Workers rights for the regulated industry, virtually none for “rideshare”.

The effective and efficient administration and enforcement of passenger transport.

Demonstrated to date to be virtually non existent when applied to “rideshare”

Example (reported in Meter)

In July 2016, RMS pulled over and inspected 942 taxis, 226 hire cars, but only 33 ridesharing vehicles.

The Taskforce “recommendations”.

The report in its entirety arrears to have been demonstrably “pre ordained” and prepared for the purpose of denigrating the regulated industry to pave the way for the acceptance of “rideshare”.

The entire report should have been independently examined for bias, exaggeration and in many instances demonstrable untruths. Yet to date, it remains uncontested.

Ensuring Safety Standards.

Unfortunate that most of the safety standards built up by the regulated industry have now been significantly downgraded or abolished to accommodate the “rideshare” industry.

The Point to Point Transport Commissioner (appointed October 2016)

The role of the Commissioner was announced to instigate and implement the following:

To administer the new regulations. –	To date – nothing forthcoming.
To maintain the preserve of “rank & hail”-	To date – nothing forthcoming.
To administer the new safety regime. -	To date – nothing forthcoming
To establish duty of care compliance. -	To date – nothing forthcoming
To oversee the setting of fares. -	To date – nothing forthcoming
To establish the criterion & a time schedule for the release of the industry “hardship package”	To date – nothing forthcoming
To establish new “enforcement inspectors” -	To date – nothing forthcoming.
(are these to be the same RMS inspectors with different hats?)	

The Act maintains Rank & Hail Services.

Except for a few token gestures, the regulation remains essentially unenforced. UberX are laughing at the Government & its inability to enforce the law.

Consumers protected with stricter rules concerning fare estimates.

“Estimates” are not firm quotes and as such are subject to unconscionable imposts by rideshare (surge pricing) whereas the regulated industry adheres to the rules.

An example from Meter magazine.

New Years Eve Trip - Pyrmont to Manly – Distance 17 kms

Taxi price - \$46.77 Ubers “surge” price - \$368.63

To quote a statement from the Sturgess report:

(If applicable to plate prices then it may be applied to rideshare fares)

For those concerned with efficient and effective point to point services, there is no basis for retaining these inflated values.

The Industries Assistance Packages

The “Immediate Assistance” announced with the legalising of “rideshare” took over a year to instigate & distribute with preposterous reasons for delays to payment being rife.

To add insult to injury, the money was then declared Taxable Income for tax returns.

The “Hardship Package” announced to have a panel formed and applications opened by November 2016 with a closing date of July 2017 has to date provided :

No advice confirming the make up of the panel

No advice regarding applicant eligibility & procedures.

No advice regarding criteria for payment of funds.

No advice when applications will actually open. (now over 6 months late)

No advice when the actual commencing date will be.

No advice when the proposed closing date for July will actually be.

Apparently, an undisclosed amount of funds from the \$250 million package allocated to assist those deleteriously affected by the regulation are to be used to finance the setting up and running of the Commission. This would appear contrary to the intent of the fund allocation.

Apparently Transport for NSW (TfNSW) is to be the arbiter for rulings.

An independent arbitrator from the legal profession should be included.

The levy to fund the package.

The impost of \$1 levy per fare on the regulated industry even though the only beneficiary of the regulations has been the “rideshare” industry is demonstrably unfair. Collection from “rank & hail” will be cumbersome, probably cost the government as much as it collects. It will also be a particular impost on drivers & taxable.

Note: The Levy and payment are deemed to be “Taxation Law” (stated in the BILL)

Quote: **To avoid doubt, amounts payable for the passenger service levy under that Act are taxes for the purposes of this Act (other than Division 2 of Part 7).**

The “Assistance Package” is essentially only a personal loan to the industry in the circumstance, & a particularly time expensive one for “rank & hail”

The levy if instigated, should only be applied to booking services where it can be electronically tabulated.

To be morally fair, the levy should only be applied to rideshare services.

Insurance

The disproportionate rate between “rideshare” and the regulated industry for CTP insurance is well documented. (CTP for Taxis have been quoted for over \$10,000)

Even with the proposed amendments, the regulated industry will get no relief until next year and still be several multiples more expensive than rideshare.

Taxi licences

As many are being handed back as new ones being taken out.

Experienced drivers are leaving the industry only to be replaced by inexperienced ones.

Full time jobs are being replaced with part time jobs.

How can this benefit the public?

2 Public Consultation.

2.2 All submissions received will be published.

Where will they be published & when?

Will Ubers usual myriad of submissions count as one or several thousand as was the case previously when “public” submissions were invited for the Point to Point Report?

3. Background

The “independent” review.

A study of the review will demonstrate that it was not independent.

Removing Point to Point transport from the Passenger Transport Act simply “legalised” illegal activity that had been ensconced in law built up over many decades.

4. Options

4.2 Option 2 is already planned and one wonders why option 1 is even mentioned.

QUOTE: Proposed regulation supports the aim of **opening up the market to greater competition**, it does so in a way that **ensures competitive neutrality for all authorised providers** providing the same service.

What a pathetic and inaccurate statement.

Note: report from Reuters

Uber's latest regulatory roadblock happens to be the entire country of Italy.

*In a court ruling issued, all of Uber's services were banned in the European country after a Rome judge ruled in favour of Italy's major taxi associations that the ride-hailing service amounted to **unfair competition**.*

That means ALL Uber's services are blocked from operating in Italy and Uber cannot advertise at all in the country.

Perhaps one day this nation will gain the intelligence to follow suit.

5. Discussion

In addition to the issues previously mentioned, the impact statement fails to address many serious aspects confronting the industry, its future and the impact not only to individuals but to the nation.

Issues of great concern to the Industry are:

The repercussions of the Act.

The obvious decimation of the livelihood, stable employment opportunity, savings, superannuation and potential to be self funded retirees for a hard working defenceless section of the community.

Delay in progress.

The inordinate time being taken to establish and administer the promises made with the "legalising" of ride-share.

RMS hounding cabs & turning a blind eye to ride-share activities. (for Sydney alone)

Taxi "inspections" being carried out at a ratio of over 30 to 1 compared to Uber even though Uber boast to having over 6000 "partners" working.

A number that exceeds the entire regulated industry Sydney fleet.

"Rank & Hail" regulation being generally ignored by Uber with only a few token fines administered.

Unfair Trade Practices.

Ubers operating methods are contrary to the principles of Fair Trading, OH&S requirements,

Classification of workers (contractors or employees?) Workers rights, Unfair dismissal, Superannuation, Vehicle & Passenger safety, no bona fide driver ID., Enticement of the gullible & needy to provide them with a free vehicle with all running costs, Conning the social media, neglecting the disabled, Evading Taxation obligations and skimming huge sums of money to "Tax havens."

The inability of the Government to administer & enforce its own regulations.

Obvious and self explanatory.

The growth of "copy cat" enterprises

The list of those "invited" to make a submission to the Impact Statement is testament to the absurdity of what is developing in addition to Uber

"Mums Taxi" even gets a go!

There is documented evidence of teens using Facebook to pick up customers from popular venues.

Of serious concern to the government should be State Revenue loss

Prior to Uber, the regulated Industry generated \$1.2 billion to the States economy, (Deloitte Access Economics figures) and created full or part time employment for over 30,000 people in direct or associated industries.

The money stayed in the State & benefited the State.

Now

Uber are now skimming millions of dollars off the States economy to be sent to their overseas Tax haven.

All for the benefit of an avaricious American Corporation that is rapidly losing credibility throughout the world.

Supplementary Notification

Please note that **NSWTODA** are currently seeking affiliation with the following Associations.

NTA –Newcastle Taxi Association Inc

ACTTPOA –ACT Plate Owners

Wagga Wagga - Radio Cabs Wagga Co-Op Society

Coffs Harbour Taxis