



Treat us **fairly** !

Welcome to 2017!
I hope you have all, at least, had a break and are feeling rejuvenated.

At the time of writing, legislation has still not been presented to Parliament some four months after the Andrews Government declared they were going to 'open the flood-gate' for ride-sharing (ie UberX) to operate legally.

The government failed to mention that their intention in opening these flood gates was calculated to be at the expense of the existing hire car and taxi industries.

Notwithstanding, perhaps a two week break for Christmas holidays, four months is an outrageous length of time for our political masters to leave pivotal stakeholders (or in our case, political victims) in a state of heightened anxiety and uncertainty, not to mention increasing financial vulnerability.

Who would have thought that in February 2017, the Ride Share debate would **STILL NOT** be resolved: **YEARS** after Uber started to offer illegal UberX ride-sharing services in Victoria?

Let's reflect:

- The Andrews Government gave us the Taxi and Hire Car Ministerial Forum - because they wanted to 'get it right' and

claimed they understood "the importance of a level playing field", and "fairness".

- During this forum, the Victorian Hire Car Association (VHCA) contributed to the Ride Share Working Group. The Government chose to ignore what was presented. Indeed, even Uber would have not expected industry de-regulation of the scale and breadth the Government is proposing.
- The then, Graeme Samuel led, Taxi Services Commission (TSC) issued a 'cease and desist' order against Uber and then summarily and blithely failed to enforce it.
- The very disappointing 'Brenner Case'. A case that the government should have won but for a technicality. The TSC chose not to appeal the decision which sent a clear message of encouragement to those wishing to operate illegally, to continue to do so, without fear of enforcement of the law or penalties for breaking the law. And, this emanated from those whose direct responsibility it is to uphold and enforce the law.

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- The TSC, chose not to meet its statutory obligations at major Victorian events in 2016, effectively condoning illegal behaviour. But, from the VCHA's point of view the TSC rubbed salt into our wounds by handing out information to UberX operators on how they can get their Driver's Certificate.

The TSC attending venues not to exercise their statutory obligations to uphold the law, but instead were passing out information at Melbourne Airport to make it easier for law breakers to continue to break the law.

- But yet on other occasions the TSC rigorously enforced regulations on accredited and licensed operators, chasing one operator, in particular, allegedly for a very minor breach, pursuing him mercilessly until he amassed legal fees in excess of \$50,000!!
- In December 2016 the TSC invited stakeholders to a 'special' meeting. The VHCA was represented by Vice-President Andre Baruch. Andre's view, as was the view of others attending, was that it was a meeting, either by design or default, which raised more questions than it answered.

After all this time, it is simply staggering; no substantive progress has been made.

UberX continues to operate illegally and continues to gain an ever-increasing foothold within

the wider transport mix, unencumbered by any regulation.

We are now also seeing numerous advertisements on Gumtree and Facebook offering (illegal) ride-sharing and transport services.

The fine empty words of the government, "fairness", and creating a "level playing field", showed promise and have delivered nothing but pain and grief.

The bureaucrats responsible for presenting their recommendations the TSC, The Department of Economic Development and Department of Public Transport, the taxi industry, Minister Allan, the Andrews Government and the people of Victoria a grave disservice.

Or, is it a case of sheer ineptitude?

Tens of millions of dollars and emotional hardship have been borne by thousands of people in

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the industry. Deeply distressing and disturbing are the reports of two taxi drivers who have taken their own lives as a result of stress and financial loss.

To be clear, the VHCA does not oppose the introduction of ride-sharing!

We only want to be treated fairly.

We want to be adequately compensated for the compulsory government acquisition of privately owned assets, which the government itself pegged at a high level, and from which the government garnered huge financial rewards,

and now, has decided unilaterally, are to be deemed worth only a fraction of the cost.

We must be allowed to compete with ride-share on a level playing field.

The TSC has serious questions to answer.

The TSC turned a blind eye to illegal ride-share providers during the 2016 Spring Racing Carnival.

Mann Lawyers, on behalf of VHCA members, wrote to TSC CEO, Aaron de Rozario raising this matter well in advance of the Racing Carnival.

Mann Lawyers did not receive the courtesy of a prompt response to a

serious issue. The TSC response arrived after Melbourne Cup week.

It is worthy of note that it is still the view of the VHCA that the Taxi Services Commission has a statutory and moral duty to enforce the existing regulations as they currently stand.

On the basis of the TSC's reply of 29/11/16, from Mr. Steven Brnovic (Acting Director Legal Services, General Counsel, TSC), we have instructed Mann Lawyers to make a formal complaint to the Victorian Ombudsman.

We will keep you informed of developments as they come to hand.

Rod Barton
President VHCA 

If you wish to become a member of the VHCA and join them in fighting for your rights as a Victorian Hire Car Licence holder, send the following via email to treasurer@vhca.com.au

1. Membership details
 - Your Name | Email Address | Mobile Phone number
 - # MH Licences | # Special Vehicle Licences
2. A remittance notice of your applicable payment advising your bank reference and value of payment made. (A receipt will be sent to you)

**\$250
MH Licence**
**\$100
SV Licence**

Please pay direct into our bank account
Account Name: VHCA #2 Account
BSB: 083337
Account no: 408246370