



Our Ref: MP:NP:1610008  
Our Contact: Nadav Praver  
Email: Nadav@mannlawyers.com.au

27 October 2016  
Aaron de Rozario  
Chief Executive Officer  
Taxi Services Commission  
Lower Ground Floor  
1 Spring Street  
Melbourne VIC 3000

By Email Only: [Aaron.derozario@taxi.vic.gov.au](mailto:Aaron.derozario@taxi.vic.gov.au)

CC:  
Steven Brnovic  
Acting Director Legal Services  
Taxi Services Commission  
[Steven.Brnovic@taxi.vic.gov.au](mailto:Steven.Brnovic@taxi.vic.gov.au)

**RE: Enforcement of *Transport (Compliance And Miscellaneous) Act 1983* and Related Regulations- Flemington Racecourse**

Dear Mr De Rozario,

We act on behalf of the Victorian Hire Car Association (“VHCA”). As you are aware, the VHCA represents the interests of the members of the Victorian Hire Car industry and advocates on their behalf with government and related parties.

I refer to recent reports in the media that Uber will be provided with operating facilities at Flemington Racecourse on the following dates:

Saturday 29th October- Derby Day

Tuesday 1st November - Melbourne Cup Day

Thursday 3rd November - Oaks Day

Saturday 5th November - Emirates Stakes

Facilities being provided by the Victorian Racing Club at the venue include dedicated drop-off zones, concierge facilities and parking arrangements. Accordingly, it appears very likely that a large number of Uber drivers will seek to operate at Flemington.

The VHCA does not oppose the future introduction of legalized ridesharing in Victoria. As part of the Victorian Government’s Rideshare Working Group, the VHCA has contributed, and will continue to contribute, to the shaping of our industry in the future. The VHCA remains of the view that, subject to appropriate future regulation, security screening, vehicle checks, compensation to current license-holders and a *level playing field* for all operators, ride-sharing services represent an important part of Victoria’s future transport economy.

Mann Lawyers

However, as you are aware, ridesharing remains illegal in the State of Victoria. Drivers are not subject to the careful regulation and oversight of the Taxi Services Commission, compulsory insurance or vehicle inspections. This creates a situation in which operators obeying the law face a commercial disadvantage, one which is exacerbated by a failure of enforcement. Given the potential vulnerability of race-going patrons, the need to ensure that only properly licensed operators are on the roads is of particular importance on occasions such as Cup Day.

In recent weeks, the Commission has summoned drivers, even of vehicles less than six months old, to inspections pursuant to Regulation 26 of the *Transport (Buses, Taxi-Cabs and Other Commercial Passenger Vehicles) Regulations 2016*. It has continued to demand evidence of drivers having prebooked fares only to combat the law on touting pursuant to Regulation 14, and vigorously enforces requirements that drivers of VHA/B/C-plated vehicles hold the appropriate accreditation. It would accordingly be a travesty should the Taxi Service Commission fail to take reasonable steps to prevent the flagrant disregard for the law to be allowed to occur in having potentially thousands of unlicensed operators at one of Victoria's premier sporting and tourist events.

The Commission is now on notice that very large numbers of intended offenders will be congregated in ranks at Flemington, and should take the appropriate steps to enforce the law, issue penalty notices as appropriate and maintain the confidence of the general public in the Commission's actions.

Accordingly, the VHCA expect that the Taxi Services Commission will have a suitable presence at Flemington Racecourse on 1 November and will be taking appropriate enforcement actions to ensure that Victoria's laws are enforced as the currently stand. Kindly provide us with confirmation of the Commission's receipt of this correspondence, and confirm your intention to ensure that sufficient Commission staff will be on-hand to respond to this situation.

Yours Faithfully

Nadav Praver

**Mann Lawyers**

Liability limited by a scheme approved under Professional Standards Legislation