

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2015 - 2016

Department/Agency: ACCC

Question: SBT 50

Topic: Taxi industry's complaint

Reference: Hansard page no. 118 - 21 October 2015

Senator: Williams, John

Question:

Senator WILLIAMS: Have you responded to the taxi industry's complaint of 9 September about Uber breaching section 37(2) of the Competition and Consumer Act?

Mr Sims: I am not aware of that one.

Senator WILLIAMS: The taxi industry complained on 9 September. I believe they lodged a complaint with you on 9 September about Uber's breaching of section 37(2).

Mr Sims: We will look into it, but we are not aware.

Senator WILLIAMS: If you take it on notice, that would be good. Thank you for your good work on the fuel industry at Armadale and the other place—those three sites you are looking at. It is good to keep them honest, and I appreciate a lot of the good work you do.

Answer:

- Yes. In response to the letter received from the Australian Taxi Industry Association (ATIA) and dated 9 September **2014**, the ACCC reviewed the information enclosed with the letter.
- The ACCC made a number of enquiries of Uber requesting information relevant to the issues identified by the ATIA.
- Following a review of the information provided by Uber and a consideration of the material against sections 18 and 37(2) of the *Competition and Consumer Act 2010*, the ACCC decided not to progress the ATIA's complaint to a formal investigation. The ACCC considered that it was unlikely that the representations would breach the Australian Consumer Law (ACL). In addition the ACCC considered that it was more appropriate that the issues raised be considered by the various state taxi regulators which were actively investigating Uber.
- The ACCC communicated with the ATIA on a number of occasions and verbally notified the ATIA that it would not progress the complaint, most recently in a telephone call on or about 28 July 2015 between an ACCC officer and the CEO of the ATIA.
- The ACCC also informed the ATIA that if it was concerned about the alleged representations, it had the option of pursuing its own private action.
- More recently, the ACCC has also considered further concerns raised by the ATIA about ride-sharing related insurance issues and responded by letter on 25 August 2015 date referring those specific issues to ASIC.
- The ACCC continues monitor Uber and has not observed any systemic conduct that raises concerns under the ACL.