

TAXI DRIVERS LICENSING BILL 2013

Second Reading

Resumed from 19 September.

MS R. SAFFIOTI (West Swan) [4.17 pm]: I rise to speak on the Taxi Drivers Licensing Bill 2013. Members will be happy to hear that I will not make a long speech, although I am sure many members have started with those comments in this place a number of times. I will leave that to Hon Ken Travers, the shadow Minister for Transport in the upper house, who will go into far more detail with our views on the bill.

This bill will receive opposition support. We may move some amendments in both this house and the upper house to, we believe, improve some provisions of the bill. We generally support the bill and I understand the Taxi Council of Western Australia supports the framework of the bill. However, with these types of legislation—I know this is a much-used term—the devil is in the detail. Today we have in front of us a framework for improvements across the taxi industry, but a lot of detail is not in the bill nor is it in subsidiary legislation or the code of conduct. We support the thrust of the bill but a lot of detail is still to be provided, so we do not have it in front of us today for this debate.

Mr T.R. Buswell: Following the opposition's briefing, I was advised there were some issues around Parliament's capacity to oversight the transition to the code of conduct. I have an amendment; it is supposed to be on the notice paper.

Ms R. SAFFIOTI: Is that to remove clause 24?

Mr T.R. Buswell: I cannot remember off the top of my head, but I will talk to the member about it afterwards. I think you raise a fair point. We can go through that in consideration in detail.

Ms R. SAFFIOTI: As I said, I missed the briefing as I was tied up in a committee hearing on Monday in which the director general of the Department of Education went through her department's budget. The member for Girrawheen attended the briefing. I am sure she will be able to refer to the comments made in that briefing and will follow up some of the issues that are outstanding.

The code of conduct relating to safety in our taxis has gained more public attention in recent years, possibly because of the wider usage of taxis by the community. I believe that people's attitudes to drink-driving have changed over time. People are far more aware of their obligations as drivers and that they should not get into a car and drive if they are anywhere near or over the blood alcohol limit. Upon reflection, the wider usage of taxis also relates to trips to the airport in particular. Parking fees have increased in the metropolitan area to not only the airport but also the CBD and suburbs of Perth. It has become an economic decision to catch a taxi, whereas previously we would take our cars. We used to see mainly business travellers catching taxis to and from Perth Airport, but now more people in the community are using taxis, especially because of the significant cost of parking. The minister stated that more young people, particularly young females, are catching taxis, whereas in previous years there was not a high level of trust—if that is the right word—in the industry. Across the spectrum, more people are using taxis as it is more common to catch taxis in society now than it was 30 or 40 years ago. When we get into a taxi, we enter into a contract with our taxidriver: passengers want a safe trip to their destination and for taxidrivers to conduct themselves in what we believe to be a professional manner; and taxidrivers expect us to behave properly and to pay the right amount of money at the destination point. In a sense, it is a contract, and both sides show a level of trust. I suspect it is a bit like doorknocking to a member of Parliament; we are never sure what to expect at each house!

Mr T.R. Buswell: What is doorknocking?

Ms R. SAFFIOTI: Is the minister kidding? Is the minister making a joke? I am sure the Minister for Transport has doorknocked! I did not get the joke initially. I thought he had misinterpreted what I said.

The taxi experience is bit like doorknocking, but probably more serious frankly, in that neither side knows what they are going to get. When a politician knocks on someone's door, they are never quite sure what reaction they will get. For 99 per cent of the time, it is a positive experience—but sometimes it is not. I suspect it is the same relationship we have with a taxidriver when we get into a taxi. We each show a significant element of trust. In recent years, the issue of driver and passenger safety has increased in the public's awareness. Taxidrivers are put in a position of not knowing what to expect, as they often deal with very drunk customers. It is an interesting issue. I read the comments of one taxidriver who said the industry should not be complaining about drunk customers, because they represent a big portion of its clientele. Drunk people will catch taxis because we do not want them driving cars and taxidrivers are often put in a difficult position, especially when they have to transport a large and unruly group. On the other side of the fence, there are bad apples. We do not want to portray the industry in this manner as a whole, and some parts of the industry have called for better regulation and standards

across the sector to ensure the entire taxi industry does not get a bad name. Little things can always be improved in a taxi ride, but I have never experienced a bad outcome in any taxi ride—except in Calabria, but that is a story for another day! That was an interesting experience. If I have time, and people are still awake, I will talk about my Calabrian taxi ride that could have come straight out of a Fellini movie. It was quite a unique experience in downtown Melicucca.

I return to my point about bad apples in the taxi industry, which have been raised recently. On 14 July 2013, *The Sunday Times* reported on a push to improve the conduct and standards across the industry. The article reads —

In a document outlining the new training regime, the Government conceded that public confidence in the taxi industry “has been eroded”.

Official data shows there were 838 complaints in 2012—a 34 per cent rise from the 625 complaints recorded in 2010.

Among the worst complaints levelled at cabbies were: inappropriate touching and conversations; verbal abuse; smoking in vehicles; eating while driving; poor dress standards; dirty vehicles; over-charging, and refusing passengers with guide dogs.

That is a pretty poor outcome. To continue —

There were also concerns about driver confrontations, unlicensed vehicles, late arrivals and even a taxi driver injuring a customer with a car.

Again, this is not what we would expect of the industry —

PD training has been a prerequisite for cabbies since 2000 and is overhauled every three years, based on a review of the latest complaints.

...

Taxi Council of WA chief executive Olwyn Williams welcomed the training model.

Ms Williams is quoted as saying —

“The vast majority of our service delivery is absolutely fine, we do have some public-image issues that need to be dealt with and this (the new PD training) will be part of that,” Ms Williams said

“We want the customers to have a better experience.”

This issue has been gaining media attention. As I said, I believe a wider cross-section of the community uses taxis on a more regular base. In 2010 there had been a significant increase in the number of complaints. *The West Australian* “Opinion” on 31 December 2010 states—

By November, there had been 484 complaints lodged with the Department of Transport against taxi drivers, compared with 419 for all of last year. Then transport minister Simon O’Brien ordered an urgent review of the industry, with complaints ranging from inappropriate sexual behaviour and verbal abuse to fair gouging and meter tampering. Mr O’Brien asked the Taxi Industry Board to review driver training and his department to investigate the introduction of a probationary system for new drivers.

The conduct of taxidrivers has been a significant issue. As I said, the majority of taxidrivers do a good job. It would not be a job I would necessarily want, as it would be a bit tough dealing with some customers. It is a tough job and a number of concerns have been raised. In the last week, *Today Tonight* reported on some undercover work it did on a taxidriver in the eastern states. A number of bad apples have damaged the industry as a whole.

Before I go into some of the elements of the bill, I want to raise some general issues about the taxi industry as a whole. One issue is the need for the rollout of security cameras in taxis in regional areas. The member for Mandurah raised this issue in this place in May, I think it was —

Mr D.A. Templeman: In April.

Ms R. SAFFIOTI: — after the death of Mandurah taxidriver Lindsay Ferguson after his taxi had swerved and crashed into a truck. That was an absolutely awful situation. I understand that both the taxi industry in Mandurah and his family are very keen to ensure that the rollout of security cameras in taxis is advanced as quickly as possible. The member for Mandurah will go into a lot more detail on the issue of cameras in taxis.

Another issue is the availability of taxis. We need to strike a balance between the investment decisions made by individuals and the need of the public to have taxis available when required. This is an ongoing concern for people in my electorate, particularly in the Swan Valley. Some improvements have been made, but there is still some way to go in ensuring taxi availability in our growing and sprawling suburbs. As our city continues to grow

northwards and north east, and southwards through Armadale and into Byford, we need to continually monitor the situation to ensure that enough taxis are available to feed the growing and significant demand from families who have moved into those areas.

An article in *The West Australian* of 28 December 2012 states —

Transport Minister Troy Buswell said more than a year ago he wanted to see another 300 taxi plates issued to ease the shortage. But the industry rejects the need for more full-time plates, saying any shortage could be filled by more peak-period or restricted-area operators. It says adding more taxi plates to fill a shortfall that exists only at peak times will mean a surplus of idle drivers for most of the week and most of the year.

However, the availability of taxis is a matter that needs to be continually looked at.

Another issue is the commitment by the government to put more multipurpose taxis on the roads. The Minister for Transport is quoted in *Hansard* of 21 June 2012 as stating —

Our target is to increase that number from 100 to about 145 in the first instance. But that costs money. Every multipurpose taxi gets a capital grant from the government of \$15 000 to assist in putting in the lifter at the back of the taxi. So it will cost money to put another 50 on the road.

I therefore ask the minister whether he could give the house, possibly as part of his second reading response, an update of what is happening with multipurpose taxis.

The last general issue I want to raise is the proposal that came out in early January—I have to say I have not kept on top of what has happened with this issue since that time—to charge people a \$9 fee to guarantee that their taxi will arrive on time. I am interested to know whether that has been progressed or whether that is still being negotiated with the taxi industry and taxi operators.

Mr T.R. Buswell: We have allowed them to charge that amount. I have no idea whether they are doing that. I have never used it. My taxis generally turn up on time.

Ms M.M. Quirk: That is because you live in the western suburbs.

Mr T.R. Buswell: I live on the eastern fringe of the western suburbs—that is, when I am in Perth.

Ms R. SAFFIOTI: Okay, so perhaps the minister would follow that up with taxi industry.

Many of the provisions of this bill are taken from the existing legislation and have been consolidated into this one bill. Although the framework of the bill appears to be positive, a lot of the detail is missing, so we do not have that detail in front of us today to debate.

I will now flag some of the issues that we will be raising during consideration in detail. The first is the requirement that taxidrivers display their licence document. Clause 24 of the bill states, in part —

- (1) A licensee must, at all times when driving a vehicle as a taxi, display in the vehicle, in a prominent position and in the approved manner —
 - (a) the licensee’s licence document; and

One issue that I do not think is addressed in this bill is what constitutes a “prominent position”. Another issue is the size of the document. I have pretty good eyesight with my glasses on. However, I cannot always easily see the licence document of the taxidriver, particularly if there are other documents on the front windscreen. Passengers who are elderly and are sitting in the back seat may also find it difficult to see the licence document. Perhaps there should also be a copy of the licence document on the side or back window of the taxi so that no matter where the passenger is seated, the licence document is clearly visible. It is all very well to ensure the certification and licensing of taxidrivers, but that needs to be backed up by ensuring that the licence document is visible to everyone who enters the taxi.

Taxidrivers are required to undertake a two-week training course and pass the department’s on-road registration test. This bill looks to the future by providing for the introduction of further training for both new applicants and current drivers. The second reading speech states, in part —

For example, clause 30(2) permits the CEO to require a suspended driver to undertake remedial training. Similarly, clause 56(3)(b) specifically empowers the CEO to approve different training courses or tests to drivers who have previously been disqualified, giving consideration to the circumstances of their disqualification. We shall consult with the key industry stakeholders on the content of such training.

I ask the minister to provide more clarity about the training courses that are provided for under this bill. Training is a key issue in the taxi industry. The United Kingdom has a training test called “The Knowledge”.

Mr T.R. Buswell: That is in London.

Mr P. Abetz: They need to know all the streets.

Ms R. SAFFIOTI: Yes. That is an interesting test. People often talk about it here. With the advent of GPS, it is probably not as necessary here, because GPS does help a number of taxidriviers in a number of instances. I would not mind getting more information on the training issue from the minister in his second reading wrap-up, in particular what other areas the government will focus on in training existing drivers and also new drivers.

When referring to penalty points, the explanatory memorandum states —

Under the Bill, conduct offences applying to taxi drivers will be created. For example, it will be an offence to:

- refuse to carry a passenger’s guide dog;

That is a very good thing. It would be ridiculous to not allow someone who needs the assistance of a guide dog to travel with that guide dog. It will be interesting to see whether this provision will also extend to other dogs that help other people with disabilities.

Mr P. Abetz: Assistance dogs.

Ms R. SAFFIOTI: Yes. Maybe there should be a wider application of that provision. It will also be an offence to refuse a fare except in the case of particular circumstances. This is an interesting provision. I think there is an exemption when there is a perceived threat to the safety of the driver. One of the key issues is when taxidriviers sometimes refuse a fare because it is either too short or too far.

Mr T.R. Buswell: Or it’s not near home when it’s knock off.

Ms R. SAFFIOTI: Yes. I understand that it is already the case that taxidriviers are not allowed to refuse a fare but I suspect that is now written into the legislation.

Mr T.R. Buswell: Correct. One of the problems with all of these little things is that if a driver was repeatedly doing some of these little things, nothing ever happened; they just kept doing them. Again, it is not all drivers; it is just a small subsection. The idea of the demerit points is that if you keep doing the little things, you will eventually go over the limit of your demerit points and you will get a suspension of your licence for a period of time for retraining. That is the whole issue. When you look at the complaints, sometimes a lot of regular complaints are about similar things from the same drivers—not all of them, though.

Ms R. SAFFIOTI: There is a particular issue with the growing suburbs as there will probably be more and more demands for drivers to drop people off a greater distance from where they want to go or where they live. An interesting provision for me is that it will be an offence to fail to take a passenger to his or her destination via the most economical route. I think this will probably be the hardest to administer. I have often found myself in a taxi thinking that I would have gone another way. I think we all have. This will be the hardest provision to administer because it is very hard to judge what a parallel or another route would have taken in both time and dollars. For instance, there might be significant roadworks happening on an alternative route that the taxidriver knows about but the passenger does not. Those roadworks or an accident might have happened at the time the taxidriver went to pick up the passenger but was then cleared. Maybe the taxidriver was making the right decision but the passenger might make a complaint and say, “Hang on, you could have gone the other route.” This will be the hardest to administer.

Mr T.R. Buswell: Member, the complaint doesn’t instantly result in penalty. There will have to be an investigation process, which happens now anyway.

Ms R. SAFFIOTI: An hour previously there may have been a breakdown in a tunnel and then the shunter came along and cleared things up.

Mr T.R. Buswell: There would be records of all that stuff. We record that shunter activity in some detail.

Ms R. SAFFIOTI: I learned that the shunter is a Captiva with a big roo bar.

Mr T.R. Buswell: No, it is a Prado or something.

Ms R. SAFFIOTI: No, it is either a Territory or a Captiva with a padded roo bar.

Mr T.R. Buswell: No, it has something like a high jump mattress strapped on the front.

Ms R. SAFFIOTI: I might put a little roo bar on my Bambino and call it a mini shunter.

Mr T.R. Buswell: It works.

Ms R. SAFFIOTI: Pushing a car out of the way does work!

Mr T.R. Buswell: The old shunter; I tell you what, don't mock the shunter!

Ms R. SAFFIOTI: When the minister described the shunter, I was expecting something quite unique.

Mr T.R. Buswell: Size isn't everything when it comes to shunting.

Ms R. SAFFIOTI: When I went past, I thought, "Is that the shunter or is it a Captiva dressed up for the day?" Let us get back to the Captiva that has crashed into a Bedshed truck.

Mr T.R. Buswell: It is like a high jump mat.

The ACTING SPEAKER (Mr I.M. Britza): I think we need to come back to the bill, member.

Ms R. SAFFIOTI: There is some shunting activity happening in the tunnel.

Mr T.R. Buswell: You will be very happy about it if you break down in the tunnel and he comes and gives you a little shunt.

Ms R. SAFFIOTI: The shunter comes from behind.

Mr T.R. Buswell: I think we might get back to the bill, Mr Acting Speaker. I can sense we are straying into difficult terrain.

Ms R. SAFFIOTI: What I do not understand about this whole vehicle issue and the tunnel is that if there is an accident and all the cars are banked up behind, how does the shunter get to the car?

Mr T.R. Buswell: It goes around the other way.

Ms R. SAFFIOTI: How do they shunt?

Mr T.R. Buswell: It is a delicate art, shunting.

The ACTING SPEAKER: We are losing a bit of relevance here.

Mr T.R. Buswell: We have highly trained shunter operators.

Ms R. SAFFIOTI: A couple of guys who know how to drive Captivas with a mattress on them!

Mr T.R. Buswell: They have a soft touch, though.

Ms R. SAFFIOTI: Let us get back to the taxi industry. I think this whole issue about the most economical route will be difficult to administer. I believe parts of this bill, although well intended, will be difficult to administer, particularly, the most economical route. Married couples who have been driving different ways home for years will still have fights over which way is the quickest. I think this will be a difficult provision to administer. The explanatory memorandum also states that other appropriate offences will also be created. Again, I ask the minister to provide some more detail on those offences.

The next key point relates to the code of conduct. I will not spend too much time on this if the minister is going to be talking about this. My colleagues the member for Girrawheen and Hon Ken Travers have an issue with clause 29(2), which states —

A code of conduct approved under subsection (1) is not subsidiary legislation for the purposes of the *Interpretation Act 1984*.

It removes the Parliament's ongoing role —

Mr T.R. Buswell: I've circulated the amendment.

Ms R. SAFFIOTI: I take the member for Girrawheen's word that that deals with it.

Ms M.M. Quirk: Yes, it certainly does.

Ms R. SAFFIOTI: We will not need to move that amendment. We will discuss that issue in consideration in detail.

Another issue that I would like the minister to discuss in his second reading response and also in consideration in detail is whether working with children checks will be a prerequisite for drivers as part of their code of conduct or some other prerequisites. As has been put to me, it is a key issue because taxidrivers often drive people aged under 18 years. Will they be required under this legislation or any of the other obligations this legislation creates to have a working with children card and working with children check? Again, I seek the minister's response to that.

I turn to clause 42, “Powers of authorised officers”. I think the member for Girrawheen will talk about the power to access or acquire information by both the driver of the vehicle and the passenger of the vehicle. Clause 42(2)(d) states that an authorised officer has the power to —

direct the person driving the vehicle, or any passenger, to —

- (i) give such information as is required; or
- (ii) answer a question put to the person; or
- (iii) state the person’s name and address; or
- (iv) produce a document or record that is in the person’s possession or under the person’s control;

It has been put to me that that is quite a strong and onerous provision that basically means that a passenger may at any time be forced to give information to an authorised officer. The member for Girrawheen will go into that in a bit more detail, but, again, it seems to be an over-the-top provision and I would like a better understanding of why it is in this bill.

I turn to costs. The second reading speech states —

All members will be aware of Treasury’s policy that, whenever appropriate, government departments should charge for their services on a cost-recovery basis. This bill allows the department to charge for a range of services that it will provide. The precise amount of each fee or charge will be determined with the use of a cost model, which is currently in the final stages of development, and a schedule of these will be published in the regulations.

It looks like there will be a series of new charges for the taxi industry, which will have implications on fares around the metropolitan area. I am not sure what services the government is referring to, but I envisage that the administration of the new code of conduct and penalty points will place additional costs on the Department of Transport. I would like clarity around the new fees and charges.

The complaints mechanism and the application of penalty points has been raised with me. We are still unsure how a complaint will be handled. Although the majority of complaints will likely attract penalty points, most will be made directly to the taxi dispatch service. During the briefing my colleagues were advised that taxi dispatch services will be required to inform complainants that the complaint will be referred to the Department of Transport. But if a complaint is resolved and not referred to the Department of Transport, it will not result in penalty points being issued. So, if someone has done something that would ordinarily incur penalty points, if the issue is sorted out between the taxi service and the complainant, then it will not go to the Department of Transport for the imposition of penalty points. That is the understanding of my colleagues who attended the briefing. I would like clarification of that before we go into consideration in detail. If complaints are dealt with in-house, some of the issues the minister raised, such as a serial offender who does not accept fares to particular areas, will not be picked up, which will be contrary to the intention of this bill. That concludes my brief comments.

MS M.M. QUIRK (Girrawheen) [4.54 pm]: Western Australian taxidivers provide a valuable community service, and most do so professionally, with goodwill and due care and attention. As we have already heard, it can be a stressful, dangerous and thankless job. It is not well paid, and the hours are long and unsociable. Taxidivers may deal with drunk, abusive or racist passengers, as well as passengers who evade payment. The Taxi Drivers Licensing Bill 2013 is about giving the public confidence that certain standards will apply to all drivers.

Its rationale is to provide a single, comprehensive act that will cover the occupational licensing of all taxidivers in Western Australia, yet we are debating this legislation without specifically knowing neither the details of the central underpinning of it—namely, the code of conduct—nor the full range of criminal conduct that will invariably lead the chief executive officer of the Department of Transport to regard a driver as no longer a fit and proper person to hold a licence. I understand that the code of conduct is yet to be drafted.

Clause 29 of the bill provides that the code of conduct is not to be regarded as subsidiary legislation. As a consequence, it is therefore not able to be scrutinised by Parliament. The opposition was unhappy that it would not have the code of conduct before it today, and also that it was exempt from parliamentary scrutiny by, for example, the Joint Standing Committee on Delegated Legislation; I was, therefore, very pleased that the minister will today move an amendment that will make the code a disallowable instrument, and that the code will be subsidiary legislation.

In the last decade or so codes of conduct have become quite popular and have assumed a greater significance in a range of laws, including consumer laws to regulate particular industries. In those cases, they tend to be annexed as a schedule to the substantive legislation itself, and breaches of a code in those kinds of situations are treated as

offences under the act; in others, they form part of the regulations gazetted pursuant to an act. The third kind of code of conduct tends to be window-dressing usually conceived by an industry body to market the area of activity as being subject to some kind of general standards or probity. Such a code tends neither to create offences nor be enforceable by the courts; it may, however, form the basis of some inquiry by the industry's peak body or professional conduct oversight. The sanctions in the third category tend to be limited.

As to this bill, even if the provisions of the so-far-unseen code of conduct are breached, there is no certainty that sanctions will be imposed. I think the amendment, which will enable scrutiny, is important because the Joint Standing Committee on Delegated Legislation has certain terms of reference, paragraph 6.6 of which reads —

- 6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument —
- (a) is within power;

Also, the instrument should have no unintended effect on any person's existing rights or interests, and not create an unfair situation by being onerous or breaching natural justice. When I was on the committee we recommended the disallowance of a code of conduct for City of Perth councillors, and through the delegated legislation committee the Parliament will now be able to review the taxidriver code of conduct if and when it is drafted. I will return to the code shortly to discuss the sorts of behaviours that are being contemplated to be included as inappropriate conduct that will attract the so-called demerit points or penalty points.

At this stage it is relevant to note that clause 33, which deals with criminal offences that lead to automatic disqualification, sets out three instances when disqualification will automatically occur, and they all relate to the unlicensed driving of a taxi. The clause provides that disqualification-type offences can be prescribed in either this bill or another written law, but we do not yet know what they are. During the briefing we sought details of what the government anticipates those offences might include. We expect and anticipate that conviction for the most serious offences in the criminal calendar would activate disqualification. It was asserted that all such disqualifications were ultimately at the discretion of the CEO of the Department of Transport. In other words, this is an occasion when the government thinks that discretion is a good thing and there will be no mandatory disqualification for someone who has been convicted of a serious offence. Tangentially, I make the point that this is a case in which there seems to be some justification for maintaining some kind of discretionary arbiter, when in normal circumstances this government asserts that mandatory sentencing is the way to go.

The opposition raised the issue of sexual assault in the briefing, and was told that it would not necessarily amount to the disqualification of a licence because there may be extenuating circumstances. We were told that it should be at the CEO's discretion to decide whether a driver is fit and proper to continue as a taxidriver, bearing in mind any extenuating circumstances. That is not the full story; I think the minister clarified the issue in his second reading speech, in which he said —

In particular, this part of the bill provides both the power and the processes whereby the CEO may cancel a taxidriver's licence. There are also provisions covering the immediate cancellation of a taxidriver's licence in the event that the licensee is convicted of a disqualification offence. An offence of driving a vehicle as a taxi while not authorised to do so will be a disqualification offence. Other offences may be prescribed as disqualification offences. For example, a sexual assault committed against a passenger may be prescribed as a disqualification offence.

I think it is important to note that the commission of a quite serious offence may not be sufficient to justify disqualification, and people should not be under the illusion that this will necessarily be the case. However, I think the minister's reference to sexual assault in his second reading speech gives some comfort that it will —

Mr T.R. Buswell: Can you read that back to me? I do not have it here.

Ms M.M. QUIRK: The minister said —

For example, a sexual assault committed against a passenger may be prescribed ...

The minister has not actually said that it will be prescribed. The second step is when it is up to the CEO to exercise discretion. We were advised that that discretion may well be in favour of the person convicted of the offence and who will still retain their licence. I think the mention of sexual assault in the second reading speech gives some confidence that the government's intention is that the most serious offences will be so prescribed, but to me it is a little disturbing that a conviction for an offence of such magnitude will not necessarily automatically trigger disqualification. It is concerning. For that reason, the opposition considers it might be appropriate that drivers applying for a taxidriver's licence have to meet the same standards for eligibility as, for example, a working with children check. We know that if someone is convicted of a sexual offence, their licence will not necessarily be disqualified. I think that it is better to be safer and to exercise a level of caution and circumspection before granting a licence and, as I said, it might be appropriate to have a process that is analogous to a working with children check.

Under clause 5, drivers applying for a licence must submit themselves for a medical examination. I am advised that this is the same regime in the Road Traffic Act 1974 to assess fitness to drive. The assessment is based on nationally agreed fitness-to-drive guidelines when a general practitioner has treated a person for some time, or, if not, relies upon a level of self-reporting by the driver. Obvious conditions that might affect the capacity to drive include diabetes, very high blood pressure and eyesight problems. The assessment also includes mental health conditions. I am concerned that this examination is somewhat cursory, given that the criteria for assessing a driver's capacity is really about the ability to perform the physical act of driving and does not extend to potential impediments to dealing appropriately with members of the public. Obviously, we do not want to set the bar too high because from time to time it is difficult to attract drivers, but it does seem to me that this is a people-centred profession and there should be some level of robustness in the mental health clearance of drivers.

The member for West Swan mentioned the power to require passengers to give information or answer questions put to them, and that there is a penalty of up to \$2 500 for not complying with the direction. In the briefing we were told that this is an existing power. In fact, it is a broader power than the existing power. Under the existing power a passenger, as opposed to a driver, is required only to give their name and address. Under this legislation, they can be asked to supply other information. The opposition would be grateful if in his reply the minister could outline why a breach of a passenger's privacy is warranted and why this section needs expanding. Could he outline any problems the narrow power has caused when investigating possible offences?

The member for West Swan also raised the important issue of how complaints are handled. The majority of complaints are likely to be handled through the taxi dispatch services. In our briefing, the officers advised that the taxi dispatch services will be required to inform complainants that they can have their complaint referred to the Department of Transport, but if the complaint is resolved and not referred to the department, it will not result in penalty points being issued. The obvious example is when a taxidriver overcharges and someone rings up the dispatch to complain and the taxidriver is notified and repays the overcharged fare and the matter goes no further. It seems to me that that could happen a number of times without the Department of Transport realising that the driver was a serial offender. That seems rather unsatisfactory and I think it undermines the intent of the bill. Frankly, I think people want to go to a one-stop shop and get their complaint handled. If a person rings up the dispatch and is told to contact the Department of Transport, it is likely to deter a lot of people from pursuing a complaint; or they cool down, rack it up to experience and resolve to be more careful in the future. This is something the opposition is concerned about.

The member for West Swan raised the issue of the taxidriver's licence needing to be in a prominent position. In places that I have travelled overseas, when sitting in the back seat of a taxi there is a security screen with quite a large notice with the driver's picture and name on it. We are talking about having a notice that is essentially the same size as a driver's licence that could be in the front seat. My eyesight is not as good as some members in this chamber, and I would certainly have a lot of trouble reading print the size of a driver's licence from a metre and a half away. I think that in the interests of an ageing population and those with disabilities or literacy issues some consideration could be given to making that notice larger.

I will talk briefly about what is contemplated to be included in the code of conduct. An issue that arises from time to time is the refusal of a taxidriver to pick up a ride because of racist assumptions about the prospective passenger. We all know of the infamous case of David Wirrpanda being refused a ride by two consecutive drivers and after being asked to pay his fare upfront. I refer to a story by Kate Emery in *The West Australian* on 3 April 2013 headed "Wirra Fumes Over Taxi Row". This matter was also reported online in an article in the *Stringer Independent News*, which states —

Aboriginal Legal Services WA (ALSWA) CEO Dennis Eggington has backed up racist claims by David Wirrpanda that were cast by taxi drivers. Mr Eggington said that he and his colleagues from the ALSWA have on occasion been subjected to racial discrimination from taxi drivers.

Mr Wirrpanda, the former West Coast Eagles star, was refused transport by two taxi drivers, consecutively, when he was asked for an upfront payment. He objected to having being asked for an upfront payment.

[Member's time extended.]

Ms M.M. QUIRK: The article continues —

"I am well aware of complaints made to our organisation regarding all of that behaviour," said Mr Eggington.

Mr Eggington said some of his colleagues had been subjected to "racist tirades" by some taxi drivers. He said that he and his colleagues were tired of taxi drivers who would slow down when they were trying to flag a taxi and "look at us, see we're Aboriginal and then drive off."

“Most Aboriginal people have experienced it. I certainly have,” said Mr Eggington.

Mr Wirrpanda said he had objected to being asked for the upfront payment despite taxi drivers having the right to ask for it from anyone. He said the one taxi driver threatened to take Mr Wirrpanda to the police while saying, “I’m sick of you people.”

Unfortunately, as we have heard from Mr Eggington, that is not an isolated incident. I wonder whether when such racist incidents occur, the driver should not only incur a code of conduct penalty points, but also be required to take some form of appropriate cultural training. Having said that, I am also aware that many taxidriver from culturally and linguistic diverse backgrounds are victims of aggressive racial vilification from passengers. There should be some mechanism explored to protect drivers from this odious practice, such as those passengers being red-flagged or whatever. This is certainly one problem that may deter people from staying in the industry, when they are constantly subjected to racist jibes from passengers.

Finally in this context, Mr Acting Speaker, I was somewhat amused by the minister’s second reading speech. I found it to be a question of do as I say, not do as I do. The minister noted in that speech that the government needed to take steps to deal with some bad apples in the industry. According to the minister, those bad apples give the industry a bad name through dodgy practices, poor service or offensive personal conduct. He observed that a few drivers giving poor service can bring the entire sector into disrepute, and undermine the good work done by the vast majority, and that it is high time that we all stopped defining the whole industry by the actions of a few rogue drivers. There are some obvious parallels that I will not labour. The minister’s examples of breaches of code of conduct include taxidriver refusing to carry a passenger’s guide dog, refusing a fare unless in particular circumstances there is a perceived threat to the safety of a taxidriver and failing to take a passenger via the most economical route. Other appropriate offences, we are told, will be provided for in the regulations.

One of my first prosecutions as an articled clerk in Adelaide was to prosecute a taxidriver who wore a Hawaiian shirt. The wording of the charge was that the driver had “failed to wear attire of a sombre hue”. I would not have thought that worried anyone in Adelaide of all places and that a bit of colour and movement would be encouraged.

Mr T.R. Buswell: Was it presented as evidence?

Ms M.M. QUIRK: Yes. In any event, I would have thought that without having a code of conduct in front of us, I wonder whether silly provisions like that might be there? I have to say that I was not terribly happy with bringing this prosecution because I think it resulted from a personality clash between a rather officious inspector and a driver who had a fair bit of attitude. However, it has led me to reflect on what other infractions could be in the taxidriver code of conduct. Could there be, for example, claiming money to which a person was not entitled? Could it be excessive use of alcohol at work? Could it be larrikin high jinks? Could it be smart-arse comments? Could it be bra snapping, groping and seat sniffing? Would they all be regarded as being similarly unprofessional? It is the height of high farce to have to sit in this chamber and be lectured by the embodiment of a bad apple on professional conduct. The many hard-working and conscientious members of Parliament have been tarred with the same brush as the very person who is now a born-again defender of professional conduct and proper standards.

MR P. ABETZ (Southern River) [5.16 pm]: I rise to support the Taxi Drivers Licensing Bill 2013. My interest in the taxi industry arises in part from being a bit of a car buff. Whenever I travel overseas, I love talking to taxidriver about the brand of car they drive, what sort of engines they have and what sort of economy and lifetime they get out of their vehicles. I am also interested in how their industry works. I remember asking a taxidriver in London what they have to do to be allowed to drive a taxi. He said all he had to do was buy a taxi and pass the knowledge test. There is not a big licence fee that has to be bought or get a government lease plate, like a driver needs to do here. Every country has its own ways of running its taxi industry.

I took a particular interest in the local taxi industry some years before I entered Parliament. It resulted from my youngest son, who was still living at home and working as an engineer with Rio Tinto, occasionally catching taxis to the airport to fly to the Pilbara. At the time we were living in Kingsley, and he would have to catch a flight at roughly six o’clock in the morning. He would book a taxi the night before and be at the front door at 4.30 ready for the taxi to pick him up. On two occasions he knocked on the bedroom door, and said, “Dad, I have rung the taxi people again and they have said booking a taxi does not guarantee they will be there.” So at a little after five, I would jump into the car, after pulling on a pair of trousers and jumper over the top of my bedclothes, and race to the airport so he could catch his flight in the nick of time.

One of the things I have communicated to taxi people subsequent to that is: why not allow taxidriver to lock in a job the night before? I have been told that even though a job is pre-booked, they put that job up for grabs only 15 minutes before the taxi is needed. If I were a taxidriver, say, living in Kingsley, I would love to know that I am going to bed and can sleep until 4.30 in the morning, and just around the corner I will pick up a \$50 or \$70

job all the way to the airport to start the day. That is something that ought to be looked at so that drivers can lock in that job. Of course, a penalty is needed if a driver sleeps in or does something like that, but it certainly gives drivers an opportunity to start the day with a good-sized job.

During the 2008 election, when I ran for the seat of Southern River, many drivers approached me at meet-and-greets at shopping centres. I do not know the statistics, but I suspect that a disproportionate number of taxidriver live in my electorate of Southern River. When I letterbox my newsletters very early in the morning, I see many taxis in driveways. There is a large Sikh community in my electorate, and a number of them are taxidriver, and have been so for many years.

In 2008, many of the drivers talked to me about wanting to be able to buy their taxi plates because they felt that if they could purchase their plates, when they got to retirement age they could sell their plates like a form of superannuation. But other drivers were saying no; they reckoned it was better for the government to lease them so that whenever there was a downturn in the industry, the government could pull out some plates to match the number of taxis to the actual demand. I am not sure what the right answer is to that question, but during the global financial crisis taxidriver told me that demand for taxi services had dropped off dramatically and it was really affecting their income. At that time, many of them were quite keen for the government to have the flexibility of being able to pull plates out when there was less demand, and to release more when there was an increase in demand, because there are always people wanting to enter or leave the industry. That was certainly an interesting observation, I guess, by the drivers. Certainly, most taxidriver are very hardworking and tend to work very long hours. I have met numerous taxidriver in my electorate and chatted with them, taking an interest in the taxi industry. A couple of years ago my wife was coming back from Europe on a flight that was due in about 1.00 am, so I thought I would go to the airport at about 10.30 in the evening and talk to the taxidriver. It was a pretty cold night so I rugged up in a coat and went to the international airport, where all the taxis are lined up, and chatted with different drivers for a couple of hours. It was interesting to note that some of the Sikh and some of the Aussie drivers were really crook about what they called Indian student driver—young people who apparently were coming to Australia from India on student visas, really not doing much study, and driving taxis for 48 or 50 hours a week, which is not quite what is allowed. I had heard about that, and it was interesting that when I went along the cabs, talking to drivers, quite a few of the younger Indian guys would not open their windows to talk to me because they had heard that I had said that I was a member of Parliament who was interested in the taxi industry. I thought, “Hmm. There’s obviously some truth in this particular issue.”

Mr T.R. Buswell: Maybe you just scared them!

Mr P. ABETZ: Perhaps I did!

Mr T.R. Buswell: A lot of taxis don’t stop for me, either. A lot speed up!

Mr P. ABETZ: They were stationary; it was the stationary queue that I went to, out the back before they get called out to the rank. Most of them were more than happy to have a chat to pass the time of day at that time, because the flights had not yet come in and most of them had been sitting there for 40 minutes or more, so they were quite keen to have a chat.

Mr T.R. Buswell: One New Year’s Eve I got a taxi home before New Year’s Eve because I thought it was better to be safe and tucked away in bed. I was talking to the taxidriver, who was a married Indian chap. In the end, his house was on my way home, and I ended up stopping in at his house to see in the new year with him and his wife; we had a cup of tea! Very interesting. A helluva nice guy!

Mr P. ABETZ: Service with a smile!

Mr T.R. Buswell: It was really good.

Mr P. ABETZ: Excellent! Because I have a lot of taxidriver in my electorate, I actually arranged to have a meeting with some of the drivers who come to see me about issues in the industry. We set a date and they were going to come and meet with me. I printed out some invitations and said, “Feel free to pass these out to a few other taxidriver”, and at the bottom of the invitation I had printed, “If you’re planning to come, please RSVP”, with a phone number. We had about 12 RSVPs, but on the night, about 50 taxidriver turned up to my office, which was a very interesting meeting! Most of them were very enthusiastic; at times there were three or four taxidriver all talking at once, trying to tell me what was best for the industry, but it was a very interesting and productive meeting in some ways because I certainly learnt about some of the issues that they were concerned about.

One of the big issues was cameras; that is being addressed by the government. Basically, the problem is that most of the older-style cameras were pretty useless in that they did not work; I will relate a story about a particular taxidriver in a moment. There is a need for security and the protection of not only drivers, but also passengers, because it is a two-way thing. Some drivers said that when a driver is alone and has three passengers, if they do a runner and do not pay, they can easily accuse the driver of having done this or that and the driver

will have no way of disproving it. I will tell the story of a particular taxidriver in my electorate who came to seek my help. I went to a lot of trouble to try to help him; of course, one can never be 100 per cent sure about someone's innocence. He was an owner-driver who worked long hours. He was a refugee from Afghanistan who had been here for seven years. His family had integrated into the local community; they were really a lovely family, and he was paying off his mortgage and so on. One night he took a job in Thornlie and picked up three drunk teenagers; I think it was about two o'clock in the morning, and they wanted to go into the city. He took them into the city and they did a runner on him. To cut a very long story short, the next day he was arrested by the police and taken to the police station because one of the passengers, a girl who had been sitting in the front seat of the taxi, made a complaint to the police that he had put his hand on her crotch. Her boyfriend had been sitting behind her, and there was another chap or girl—I cannot remember—so there were three of them in the taxi. One would think that if the cameras had been working, there would be some evidence of that. The driver was a very short Afghan guy, but the evidence the passenger gave in her statement was that he had had his right hand in that place. When he came to me for help, I thought that there was no way that I would in any way defend a taxidriver who interferes with a female passenger; he should not be driving a taxi, so I sort of fobbed him off. But then a lady who teaches him English contacted me and said, "Look, I just don't believe that this guy has done this", and so on. I wondered how I could picture what had happened, so I asked him to come out in his taxi on a Sunday night to re-enact that route with his English teacher in the front seat. It became very evident that, had he reached across to her, he would not have been able to look over the dashboard; but according to the passenger, he did that all the way from Thornlie through to Vic Park, which is quite a strange kind of thing. Anyway, the matter went to court and it was a case of three against one; the camera had not been working and there were a lot of blank photos, but the driver ended up losing his taxi licence and because the girl was a few months short of 18 years, he was put on the sex offenders' register and is now finding it incredibly difficult to find a job because of that. I cannot prove that he is innocent but, given the circumstances —

Mr W.J. Johnston: Member, are you saying he was convicted?

Mr P. ABETZ: Yes, he was convicted.

Mr W.J. Johnston: By a court of law?

Mr P. ABETZ: That is correct, yes.

Mr W.J. Johnston: In Western Australia?

Mr P. ABETZ: Correct.

Mr W.J. Johnston: That means he's guilty.

Mr P. ABETZ: I am saying that when I read the transcript and I consider the circumstances, and the court —

Mr W.J. Johnston: Was it a jury trial or was it just a magistrate?

Mr P. ABETZ: Just a magistrate.

Mr W.J. Johnston: Okay, so a magistrate convicted him?

Mr P. ABETZ: The magistrate convicted him, yes.

Mr W.J. Johnston: Right.

Mr P. ABETZ: He was found guilty; that is what I am saying. It was three against one, and on the basis of that, a magistrate probably would not have a lot of choice —

Dr A.D. Buti: I really think you should be careful as to what you're saying, you know. This was a decision of the court; are you saying that the court was wrong?

Mr P. ABETZ: I am saying that had the cameras been working and that man had been innocent, it would have been easier either for him to prove his innocence or for the cameras to show that he was guilty. The cameras are for protecting not only passengers generally, but also drivers from false accusations.

Mr T.R. Buswell: Until we started putting the cameras in, 50 per cent of the time that police requested footage, it was not available because either the camera was not working or the data had been written over. The data stayed on the camera for a day. I think it now stays there for seven days; the frames are much higher per second; it is much more secure; they include audio; and they have external cameras.

Mr P. ABETZ: I think it is excellent and I commend the government for taking that initiative. The taxidrivers in my area are delighted. Although I think they contributed partly to the cost of the cameras, the fact that the government contributed made them very happy.

Mr T.R. Buswell: When I first got the portfolio in early 2011, we met with any taxidriver who wanted to come to Ascot or Belmont Racecourse and there were hundreds. It was really good. There was a moderator and break-out tables. A lot of what we are doing came as a result of that meeting. It must be nearly time for another one.

Mr P. ABETZ: That is good. After the first meeting I had with the taxidrivers in my office where many turned up, I invited Barry MacKinnon, the chairman of the Taxi Industry Board to meet with them, and he was willing to do that. We had a great turnout, and they really appreciated being able to voice their concerns to him and for him to explain to them the board's position. It was a really productive meeting in that it gave taxidrivers the opportunity to be heard and feel that someone was taking an interest in their industry.

That the bill addresses taxidriver behaviour in relation to licensing, demerit points et cetera is excellent. Taxidrivers sometimes get a bit of a bad rap, but I would like to mention one taxidriver, who was in my electorate, but because the boundaries were changed, he is just outside my electorate now. He is a lovely Indian taxidriver, who speaks excellent English and drives a multipurpose HiAce van, with a wheelchair hoist. When he started out as a taxidriver he hated going to Northbridge on a Friday night. People who drove taxis had to be in Northbridge at peak times. He said that the number of times he had to clean up vomit in his van was sickening. He was a caring sort of guy, who now probably gets one or two jobs from the call centre; instead, people ring him directly on his mobile and he carries only customers in wheelchairs. He loves doing that and his customers love him. They really appreciate him; he is gentle and caring. He has many regular customers; for example, every morning he takes a person into the city to work and every Sunday he takes a person to church. He has developed his own microbusiness that does not depend on the call centre in any way, shape or form. Occasionally, when he has an afternoon with not much on, he takes a job from the call centre. It indicates that a taxidriver who cares can, in a sense, develop their own clientele and provide an excellent service to the disabled community, which really appreciates someone who understands them, takes time for them and gives them that bit of extra care. I want to put on record that there are many excellent taxidrivers out there.

In July 2011 I had the opportunity to meet Kevin Foley and Barry MacKinnon at Kevin Foley's office to talk about issues some of my taxidrivers were concerned about. Again, I think it was very helpful and useful. I think the issue of safety for taxidrivers is very much at the forefront of most taxidrivers' minds, particularly when they do night shift. I have come across a number of taxidrivers in my electorate who refuse to work night shift and work only day shift because they have been bashed or robbed at some point and they find that they do not cope well with it. I believe that we need to make every effort to make it as safe as possible for taxidrivers to go about their tasks. In some countries a partition made from reinforced perspex separates the driver from passengers, and that provides extra protection, but it is a little difficult for passengers to communicate with the taxidriver, so it has a downside.

We need to keep in mind that the issue of safety applies to both drivers and passengers because, as has been said, there are bad apples driving taxis and who do the wrong thing and they need to be appropriately dealt with.

MR D.A. TEMPLEMAN (Mandurah) [5.36 pm]: I would like to make a contribution to the second reading debate of the Taxi Drivers Licensing Bill 2013 and raise a few matters. Obviously, the lead speaker in this house, the member for West Swan, highlighted a range of issues in her contribution earlier this afternoon about the various aspects of this bill.

When we read the bill and the second reading speech, which the minister presented clearly, we can see that the thrust of this bill is understandable and we support it. It certainly provides greater clarity around who can be authorised to drive a taxi. It is important to outline the requirements for a taxidriver to fulfil his or her role. We support the appropriate penalties included in this bill, which cover, of course, aspects of conduct et cetera. As indicated in the minister's second reading speech, various clauses of the bill more clearly define the process that can ultimately lead to disqualification of a taxidriver's licence. I do not have any major concern with those aspects.

I share the concern raised by the member for West Swan about the newly created conduct offence provisions in the bill that will apply to taxidrivers. Included in the list of offences is the refusal to carry a passenger's guide dog. I assume that now includes the expanded definition of guide dog to include companion dogs, which I think is a new term for dogs that are not guide dogs for people who are sight impaired, but are dogs that some people with disabilities have to assist them in their day-to-day lives. I would like some clarity on that, but I will give an example. Peter Darch is a young man from Mandurah, who is a former nominee for the Young Australian of the Year award and who has received awards, particularly in the disability sector, for some of the work he has done representing and advocating for people with disabilities. Peter Darch is not sight-impaired, but he is confined to a wheelchair and has restricted mobility. His companion dog assists him in a range of activities, including in his work.

Mr T.R. Buswell: I will get some more advice, and I know the PTA has had to work through that issue. There is some mechanism by which guide dogs as a subset and, more broadly, companion dogs are accredited, if I can put it that way. I am aware of one case in which there was difficulty with accreditation, but clearly that relates to access to public transport.

Mr D.A. TEMPLEMAN: I am interested in that and would appreciate the minister clarifying that in the lead-up to consideration in detail or in his second reading response. Other issues include refusing a fare and not taking the most economical route. I agree with the member for West Swan that that would be difficult to prove.

The second reading speech referred to the penalty points system, and the opposition has no major issue with that. I spoke to the proprietors of Mandurah Taxis, Greg and Julie Murray, who are broadly supportive of the bill. They also appreciate the consultation that has taken place with the sector. From speaking to Greg Murray late this afternoon, I know he thought that that consultation was a very positive part of massaging of this bill to its current state before the house. I want to put on record my strong support for Greg and Julie Murray of Mandurah Taxis. They took over from Max Wimbridge, a gentleman who was involved in taxis in Mandurah for probably 30 years—I stand to be corrected, but it was a couple of decades at least. Greg and Julie had an interesting transition. Max's involvement in taxis started when Mandurah's population was much smaller. In my time of living in Mandurah for just over two and a half decades, I can remember three places where the taxi depot was located. At one stage, it was right in the middle of town—from memory on the corner of Forward and Forrest Streets—operating out of a residential house, before moving to a couple of other places. The depot was also located in Davies Street—again right in the centre of town—until it moved to its current premises and location in the industrial area just north of Gordon Road. In Max's day, anyone who wanted a taxi in Mandurah would ring the Mandurah Taxis phone number and their call would go straight through to a dispatcher who was employed locally. That continued until early in the 2000s when the dispatching role was transferred to a central location in Perth.

Mr T.R. Buswell: That happened in Busselton about a year ago—mayhem!

Mr D.A. TEMPLEMAN: That centrally-based system caused some problems. By the very nature of the people who had used and continue to use taxis in Mandurah, they were comfortable with the system that had operated there for many years. There were big teething problems with the new system. I used to get complaints, and I am sure that both the current and former member for Dawesville would have received complaints over the confusion caused by the Perth dispatcher.

Mr T.R. Buswell: They did not know where Mabel lived!

Mr D.A. TEMPLEMAN: The minister is right! That has all changed, and when Greg and Julie took over from Max, they worked very quickly to lift the service delivery of taxis. They invested heavily in the provision of disability services; in fact, they have won awards for their innovative training programs for drivers and also their commitment to people with disability.

Dr K.D. Hames: The minister is not here so I can ask you to put pressure on him about CCTV cameras in those taxis!

Mr D.A. TEMPLEMAN: I am about to talk about that. A considerable number of people in Mandurah rely on taxis as a primary source of transportation for a variety of reasons, including not having ready access to the public transport system. They may have a disability that does not allow them to use the bus service throughout the city of Mandurah or, quite honestly, they have struck up a great relationship with their taxidriver. There are many taxidrivers in Mandurah, particularly those who have been with Mandurah Taxis for many years, who are sought out by particular patrons because of the relationship that has been built up over many years. One of those taxidrivers was Mr Lindsay Ferguson. I raised a grievance about this gentleman with the Minister for Transport back in May. In that grievance, I highlighted the tragic death of Mr Lindsay Ferguson, a local taxidriver who had driven taxis in Mandurah for 20 years. This gentleman was very much loved and was a favourite driver for many people, particularly elderly people and people with disabilities. In March this year, he tragically died in his taxi. I understand this case is still before the courts, so I will not comment on it specifically; however, a series of charges have been laid relating to Lindsay's death. I grieved to the minister in this place about the rollout of CCTV cameras in regional areas. As the minister is well aware, they have been rolled out in the metropolitan area; however, they are yet to be rolled out into regional areas in WA. In 2009, a trial that was conducted in Geraldton highlighted some impediments that needed to be overcome to deliver the rollout into regional areas. I wrote to the minister again in March 2011, asking for the installation of surveillance cameras in our taxis in Mandurah, because at that time there had been two serious assaults of taxidrivers, which had again highlighted the issue.

The minister said in response to my grievance that there is a range of issues associated with cost. I appreciated the minister's response, and I appreciated that the minister took the time to meet with the family members who were in the chamber on that day —

Mr T.R. Buswell: The daughter, I think.

Mr D.A. TEMPLEMAN: — and also with Julie Murray, the proprietor of Mandurah Taxis. However, the taxidriviers are asking me when they will see some action on this matter, given that it is now five months since the original grievance was raised. This is a serious matter for all regional taxidriviers, particularly in the large centres of Mandurah, Kalgoorlie, Albany and Bunbury, and the minister's area of Busselton. Bunbury taxidriviers supported my call in May because of some issues associated with the bashing of Bunbury taxidriver Ricky Johnson by his passengers earlier this year. An article in the *Bunbury Herald* of 14 May 2013 quotes Ricky Johnson as saying that cameras would be a deterrent to bad passenger behaviour. He is further quoted as saying —

“If Perth drivers have them, there is no reason we shouldn't have them as well,” he said. “We are facing the same issues and the job carries the same risks.”

I agree with that totally.

Another issue is compliance. Mandurah Taxis is in the country zone. At this stage, Mandurah Taxis prefers to operate under that model. However, Mandurah Taxis is still required to report to the taxi board and industry in Perth—Julie is a member of the taxi board, from memory—on a range of issues relating to compliance. However, compliance, particularly when it relates to police, is a grey area. Julie has given me a number of examples of how the police will pull up a taxidriver in Mandurah for something to do with the car, and because of the compliance issue, rather than the driver being dealt with immediately, the car is taken off the road for hours, if not days. This has been an ongoing issue for Mandurah Taxis because Mandurah Taxis is in a grey area with regard to compliance.

[Member's time extended.]

Mr D.A. TEMPLEMAN: Another problem is that the police are not able to follow up on fare evasion. I believe that is a crime. If a person purchases a service and then does not pay for it —

Mr T.R. Buswell: It is stealing.

Mr D.A. TEMPLEMAN: Yes, it is stealing. There are many examples in Mandurah, and I am sure in other areas, of the police not placing a high priority on fare evasion and not pursuing a prosecution. Therefore, it is a case of the old broken window, where people learn very quickly that they can get away with it. That increases the incidence of the behaviour. It also increases the concerns about safety, not only for taxidriviers but also ultimately for taxi patrons. So it is a double-edged sword.

Mr P. Abetz: When the taxidriviers go to the police for fare evasion, they are told it is a civil matter and do not bother us with it. I think that needs to change.

Mr D.A. TEMPLEMAN: I hope that during the current police operation in Mandurah—operation Esteem—there will be a follow-up of these things, because some of the people who fare evade are also wanted or under suspicion for other criminal acts or alleged criminal acts. What Lindsay Ferguson's wife and family want to know, and what the taxidriviers in Mandurah, and the taxidriviers in Bunbury, Kalgoorlie, Geraldton and Broome, and the other big regional centres that have sizeable populations, want to know, is when the minister will act to roll out CCTV cameras into regional centres. We believe we have been very patient. But we have waited long enough. I acknowledge that the minister has grabbed me in the corridor a number of times and assured me that he is doing work on this—I am not saying he is not. But we now want to see the proof of the pudding.

As I said to the minister on 9 May when I raised my grievance, this is the sort of project for which royalties for regions should be the automatic funding pool. This will involve a cost for regional taxi operators of between \$4 000 and \$5 000 per taxi. A number of the taxi companies in regional centres are willing to contribute to the cost. Mandurah Taxis is also happy to contribute to the cost. However, they will require additional funding. It is also very important that the system is properly monitored so that it will be effective.

I will finish with this. In Mandurah in March, on the Sunday afternoon of the Crab Fest, we had the murder of a gentleman on Pinjarra Road. Some young people—unfortunately—have been charged with that murder. The first thing the police did on that afternoon was contact Mandurah Taxis asking for surveillance data from the taxi cameras. The police were not even aware that our taxis in Mandurah do not have cameras in them. Taxis are another eye on the street, because most of the cameras in taxis also point outwards.

Extract from Hansard

[ASSEMBLY — Tuesday, 15 October 2013]

p4836a-4849a

Ms Rita Saffioti; Ms Margaret Quirk; Mr Peter Abetz; Mr David Templeman; Mrs Glenys Godfrey

Mr T.R. Buswell: The new ones have externally mounted cameras.

Mr D.A. TEMPLEMAN: Yes, so they are another eye on the street. They are also a deterrent. We know that CCTV cameras are a deterrent. I therefore plead with the minister once again to give me some indication that not only is he working on this issue but also he will deliver on it.

MRS G.J. GODFREY (Belmont) [5.59 pm]: I rise to support the Taxi Drivers Licensing Bill 2013. Living in Belmont, I have a lot to do with taxis. Many of the fly in, fly out community in my area take taxis to the airport. The purpose of this bill is to provide a single, comprehensive act to cover the occupational licensing of all taxidrivers in Western Australia. I therefore support the bill, because it will simplify the taxi legislation.

I have had good and bad experiences with taxis. My husband and I live close to the airport in Redcliffe. We once put our luggage into the boot, and when we told the driver where we were going, he said he was having a heart attack and we should get the luggage out of the boot because he was knocking off. After that, of course every time we caught a taxi we would say we were going to Belmont, which is a bit further away, and we would always endeavour to give the driver a good tip.

Mr T.R. Buswell: Was that from the airport?

Mrs G.J. GODFREY: Yes. That was very disappointing. I had thought at one stage that we would be introducing a different system whereby a person who wanted to take a taxi to an area close by could catch a taxi that had dropped someone off, because I guess the other taxidrivers would want to pick up a person who was going a long way, such as to Mandurah, so that they would get a good fare. However, generally speaking I have had good experiences with taxis.

Sitting suspended from 6.00 to 7.00 pm

[Leave granted for the member's speech to be continued at a later sitting.]

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.