

Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire;
Mr Stephen Price; Mr Donald Punch; Ms Janine Freeman; Ms Margaret Quirk; Ms Rita Saffioti

TRANSPORT (ROAD PASSENGER SERVICES) BILL 2018
TRANSPORT (ROAD PASSENGER SERVICES) AMENDMENT BILL 2018

Second Reading — Cognate Debate

Resumed from 13 September.

MR T.J. HEALY (Southern River) [4.14 pm]: I very proudly rise to speak on behalf of many taxidrivers, owners, and Uber drivers in my community. I very much look forward to speaking on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. I would like members to know that these bills are about fairness and respect for small business owners and their families. It is about creating a modern framework with a focus on safety and flexibility.

I am very proud to use taxis; my family uses taxis and I want to thank the many taxidrivers—plate owners and drivers—in my community. I think I am one of the very few people in this house who has an F-class endorsement on my licence, which I obtained as a teacher to drive public school buses. An F-class licence is something I share in common with many taxidrivers. It is an endorsement that the Minister for Transport may seek to remove from me at some point —

Mr M. McGowan interjected.

Mr T.J. HEALY: I am a bus driver, Premier, but I also share the F-class endorsement. I note that the F class requires me to be of good character and mentally fit; the minister may disagree at any stage and withdraw my F-class endorsement!

On a serious note, I have met with many taxidrivers and many taxi plate owners across my community and all our electorates, over the last 18 months and prior to the election. Many, many families were absolutely destroyed by what the previous government did or did not do when Uber entered the market. I want to thank the many taxidrivers and owners and their families for the good work they have done. I mentioned fairness and families; these bills are about creating an equal and level playing field. They will reduce fees and charges to create an equal playing field. The bills preserve what a taxi is. Taxis have been serving our community for more than a century. They are a fantastic institution. As I said, my family relies on them when we need them to get to hospital and come home. They are a key part of our community.

I would like to acknowledge that Uber is here to stay; the egg is scrambled. I also have many Uber drivers in my electorate who are very responsible people, of good character and fine reputation, who also drive members of my community. I am not anti-Uber, but I acknowledge that things happened in the industry that hurt many honest and hardworking members of my community who drive taxis.

It is my understanding that just over 1 000 taxi plates are owned, and just under 900 plates are leased. This bill affects a portion of these plates, an element, because this is a revolutionary and impressive reform. Of course, I would like to thank the Minister for Transport and the member for Armadale for their great work in bringing together a very difficult and emotive issue. The plates that are owned and the plates that are leased will be affected by one aspect of these reforms. Again, I will speak about each section of the reforms.

This is an industry-funded plate buyback. That broadly means that we seek to introduce a 10 per cent levy on fares—Uber and taxi transport—to fund a very important fund to buy back the plates and deregulate and change the industry. For those playing at home, this means that families will get something. I will discuss the history of the bills and of taxi reform in a minute, but there were so many families in all our communities who trusted the government when the government controlled this industry. It was appropriate at that time for the government to sell taxi plates. However, times have changed. The government created a legal system within which taxis could operate. Therefore, it was quite appropriate for a taxi plate owner to spend \$100 000-plus to invest in that asset for their family. That was equivalent to investing in a house that they could leave for their family and children. They invested in that asset knowing that if a challenger ever came into the market, the government of Western Australia would enforce its contract and legal position. However, we know that did not occur.

This bill provides that taxi plate owners will be given at least \$100 000 for a conventional multipurpose plate, at least \$40 000 for an area-restricted plate, and at least \$28 000 for a peak-period plate, minus, of course, any payments that have already been made. Some owners will be given upwards of that amount, based on when they purchased their taxi plates, the length of time they have been operating in the industry, and things like that.

I have been meeting with taxi plate owners in my office, at our local Sikh temple, here in Parliament, in my electorate, and around the community. Government members have sat down with and listened to taxi plate owners. I do not want to pretend that every single plate owner is happy with this buyback scheme. No—they would like more. However, I acknowledge the taxi plate owners for meeting with us and for the respectful way in which they have discussed their needs and points of view. Kudos to the member for Armadale and the Minister for Transport

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

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for trying to find the right balance between the competing needs and for proposing an industry buyback scheme that will not impose too large a levy on consumers, while also protecting the taxi economy.

The bill will preserve the very important institution of taxis. It will introduce changes to the regulation of fares. That will not only make taxis, Uber and Shofer more affordable, but also provide for the next iteration and evolution of road transport to compete and work with those services. The bill deals with taxidriver entry requirements, dispatch services, and many other important aspects of the on-demand transport industry.

I want to mention how this developed. People might know that I am a part-time marriage celebrant. I was never a full-time marriage celebrant. I mention that because we were also in a protected industry. I never wanted Perth to have too many marriage celebrants, because the more marriage celebrants there were, the less work I would get. That is similar to the situation with taxis. In the past, there was a petite and secure market for taxis in Perth. The way in which taxis operated and the way in which consumers in the Perth metropolitan area acted over the years was unique. If the taxi industry had been open to everyone, there would have been too many taxidrivers to make the industry viable. Therefore, the government of the day decided to create a system under which only people who purchased a taxi plate, paid the relevant charges and registration fees, and passed the identity and character checks, could operate a taxi. One of the great principles of the Labor Party is that we support small businesses. That meant that the taxi industry was a restricted market and a person who purchased a taxi plate knew that only a certain number of taxis would be operating on a particular night and, therefore, a certain amount of work would be available.

When Uber or ridesharing first appeared in the market, it operated illegally. The government of the day did not mount a legal challenge. Rules and regulations were in place. We all knew them. We had all agreed on them. However, all of a sudden there was a challenge in the market. I do not want to draw inappropriate parallels. My understanding is that at some point, the then leader of the Liberal Party policy committee was a significant stakeholder in Uber in Western Australia. I know that the then government met with Tom White. I met him when Uber gave me a tour. He is a very nice gentleman. I do not draw any parallels, other than to say that the Western Australian government allowed that to take place. I do not ever seek to draw that parallel.

Mr I.C. Blayney: How could they stop it?

Mr T.J. HEALY: I am saying I did not draw that parallel.

Uber was operating worldwide. It was global. It was not unique to Western Australia. When Uber started to operate illegally in Western Australia, the then government did not stop it. My wife and I are very lucky to own our house. It is worth a certain amount of money. We live in the Gosnells area. The price of our house is set. If the government did something that drastically affected where people in my area want to live, the money that we have invested in our house would plummet significantly. That is what happened to taxi plate owners. My understanding is that a number of taxi plate owners made that investment for their family, as they would make an investment by buying a house, knowing they could sell those plates at some stage and ensure their family had safety and security, provide an inheritance for their children, or fund their retirement. When the government of the day did not enforce the legislative requirements but sat by and said, “Hmm; Uber, that’s interesting”, the market value of those taxi plates plummeted and the 1 000-plus people who owned those plates lost the value of their investment. Families had invested in those taxi plates, and the Barnett government allowed the devaluation of their asset by not honouring the agreement it had made.

I want to thank the thousands of people in the taxi industry. They are very passionate, proud and loyal people. They have continued to provide a great service to their community, even when these things were happening to them and their families. This bill will help correct the mistakes of the past. Taxis are a fantastic institution. I love them. I use taxis. I will never stop using them. However, they can be a bit better. I say on behalf of my family and my community that I have heard wonderful stories about the many great taxidrivers who are providing this service. However, I would like to offer some guidance and suggestions to the taxi industry. It is interesting that Uber is providing some different services in the market. It provides an online booking system. I say to those in the taxi industry who are watching this debate at home that it would be fantastic if we could book a taxi online the day before and know that it will come every single time. Please do not take it for granted. I want to know that if my wife had to go to hospital at 7.00 am the next day, the taxi would be there for her. I know it would get there eventually, but if I book it the day before, it should be locked in.

I want to pass on some nice comments to Uber. Uber is doing some things very well. I have always had a good customer service experience from taxis. However, when Uber entered the Western Australian market, it seemed to be better at customer service, whether that was providing a bottle of water, or a clean car. I am not saying that taxis are not clean. However, the expectation with Uber is that it will be a brand-new car. Other positives are that the online booking app works well, and the technology enables people to know when their vehicle will arrive.

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Uber has added some positive things to the market, and that has led to improvements in taxi services, so the system has become better for everyone. I want to say thank you to Uber. I was invited on a tour of Uber's facilities in Subiaco. I have to say I was very impressed with how Uber regulates its drivers, shares data, and makes sure everything is safe. It is all done through the driver's phone. Uber knows whether the driver has their phone in a cradle or on their lap, and whether they are texting while they are driving. Uber tells me it can work out whether the driver is stopping too quickly—putting their brakes on—based on all the data. It captures that quite well. It is a very interesting system.

Again, my speech is not anti-Uber. My contribution is about the fact that Uber is here to stay and that we, as a state government, should ensure that we work with it. What I found very interesting in Uber's presentation is that it can also predict who is driving south of the river and north of the river to a region, their average demographic, where they are going and what they are driving for. Because we now have a Labor government, a public transport system will be built and interconnected. That is fantastic. In places like Sydney and Melbourne, and in other states that have had good Labor governments that have built train and bus systems, Uber has replaced buses and some of that connection. Uber's data shows that people still catch the train to and from work, but Uber sometimes replaces that bus journey. Normally, someone might go from home to the bus stop, from the bus stop to the train station, from the train station to another train station and then to work. I found from the data that Uber—I acknowledge the shadow minister for Uber; thank you for entering the debate —

Mr Z.R.F. Kirkup interjected.

Mr T.J. HEALY: I certainly acknowledge that what Uber does well, member, is that it seems to replace the journeys from home to the train station and from the train station to work. They are short \$5 or \$10 journeys. It is an interesting way that that has evolved. I commend Uber for that. I say to the minister and to the department that if we are not collecting the data that Uber collects, it would be interesting for us to work into an arrangement to access it.

[Member's time extended.]

Mr T.J. HEALY: This bill will change the regulations. I have said before that the egg is scrambled. Damage has been done and we now need to fix it. I would like to draw members' attention to the double-faced nature of some within the Liberal Party who were in government at the time and are now part of the opposition. I listened to the contributions made last week. The member for Scarborough said that the opposition will not oppose this bill. I believe that is correct. I commend that. If what the member for Scarborough said is the case, the opposition will not oppose this bill in this house and in the other place. I say hoorah—congratulations. I will refute one of the comments that was made last week in the member for Scarborough's contribution. She said that by writing to taxi plate owners and informing them of how important this bill is, we put them —

Mr D.C. Nalder: You threatened them.

Mr T.J. HEALY: The member for Bateman thinks we threatened them. We did not put them under stress; his members did that. His government created an industry —

Mr D.C. Nalder: You need to read the letter.

Mr T.J. HEALY: No. When the member was the Minister for Transport, he promised to deal with this issue; is that correct?

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine, he is not taking interjections.

Mr T.J. HEALY: I am happy to take interjections.

Several members interjected.

The ACTING SPEAKER: Member for Carine, just be careful.

Mr T.J. HEALY: Madam Acting Speaker, I am happy to continue.

The ACTING SPEAKER: Thank you. The member for Southern River has the floor.

Mr T.J. HEALY: I am happy to take interjections from my learned colleague. I will certainly be followed up by the member for Armadale.

Did the member for Bateman not tell this chamber that he would deal with the Uber situation and protect taxi plates?

Mr D.C. Nalder: There are a number of conversations I had in this chamber regarding taxi plates. I was not aware that Uber was entering the market when it did. It did not inform me that it was coming in. It came in.

Mr T.J. HEALY: When did it enter the market?

Mr D.C. Nalder: I can't remember the actual date.

Mr T.J. HEALY: The member says that he was not aware when it did.

Extract from *Hansard*

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Mr D.C. Nalder: I wasn't aware when it actually entered.

Mr T.J. HEALY: The member was not aware that Uber was going to enter the market.

Mr D.C. Nalder: It was entering every jurisdiction around the world and around Australia.

Mr T.J. HEALY: Yes.

Mr D.C. Nalder: When it came in, initially we looked at what we could do to stop it.

Mr T.J. HEALY: First of all, the member is saying that he was not aware that Uber was going to enter the market when it did.

Mr D.C. Nalder: It did not advise us; it just did it.

Mr T.J. HEALY: It did not advise the member. It is interesting that earlier we had a matter of public interest debate on parliamentary questions. On 24 March 2015, the current Premier asked the then minister a question on notice —

Could the Minister advise if the Minister ... has had any contact or meetings with representatives of registered lobbyist Barton Deakin Government Relations ...

The answer to part (a) was —

10 April 2014 ...

The answer to part (b) was —

Uber ...

The answer to part (c), which asked what was the nature or subject of the discussion, was —

Uber's intended entry into on demand transport industry in WA ...

Mr D.C. Nalder: We knew it wanted to come in, and I had two or three meetings with it. I was trying to get it to work with government to look at reform of the industry. We had conversations to that effect and then all of a sudden it launched. We were not aware of it launching. We did not know the date that it was going to do it. We always knew its intent.

Mr T.J. HEALY: Is the member saying that in April 2014, when he met with Uber and discussed its intended entry into the on-demand transport industry in Western Australia, he did not realise what it was doing?

Mr D.C. Nalder: I am saying that it did not talk about a launch date. We were talking to it about reform of the industry. It had expressed a desire to enter the market in Western Australia and I had requested that it work with government to try to find a better means.

Mr T.J. HEALY: Earlier I said that I did not believe there were links between Uber and the Liberal Party. Is that the case?

Mr D.C. Nalder: There weren't with me.

Mr T.J. HEALY: I believe Tom White was the head of Uber at one stage.

Mr D.C. Nalder: Tom White was involved in the Liberal Party and he ended up working with Uber, yes.

Mr T.J. HEALY: Yes, I think he was the principal person in charge. The member also mentioned that he had made several statements in Parliament. I have an extract from *Hansard* of 14 October 2015. The current Minister for Transport asked whether the then minister had an approximate time frame for introducing a situation. In October 2015, he said —

I would like to be in a position by Christmas to be able to provide something to cabinet ...

Did that take place?

Mr D.C. Nalder: I put through the first changes.

Mr T.J. HEALY: Member, I have only eight minutes. I will allow the member to answer in 10 seconds, if that is okay, because I have some other things to get to.

Mr D.C. Nalder: I can't give you the exact dates. There were two lots of changes. One was the change where we said that we'll take 20 per cent of the taxis out of the marketplace and make a payment of 20 grand.

Mr T.J. HEALY: But in terms of saying to Uber, "You're operating illegally —

Mr D.C. Nalder: I talked about this in my contribution to the second reading.

Mr T.J. HEALY: So when you said to Uber, "You're not operating legally; what are we going to do about it?" —

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Mr D.C. Nalder: What we initially did was try to get the staff to stop it. What happened was that all Department of Transport staff were blacklisted by Uber and we ended up employing contractors to try to get rides on Uber who were not at that point blacklisted.

Mr T.J. HEALY: I wish I was in this place in opposition so that I could have asked the member a question while he was in government.

The theme of this chapter of my speech is —

Several members interjected.

Mr T.J. HEALY: But members are not.

Several members interjected.

The ACTING SPEAKER: Members!

Mr T.J. HEALY: This comes to the fact that there are double-faced Liberals. They said one thing in this place —
Several members interjected.

Mr T.J. HEALY: Not necessarily the member. I have asked him to explain parts of this. Previous members of this place would say one thing in this chamber. They would talk about how they loved the taxi industry and how much they appreciated taxi owners —

Mr Z.R.F. Kirkup interjected.

The ACTING SPEAKER: Member for Dawesville!

Mr T.J. HEALY: Members in this place—the member for Riverton was one of the worst and the former member for Southern River was pretty bad—talked about how much they cared about taxi plate owners but then they would vote the opposite way. On 19 November 2016, the former member for Southern River, Mr Peter Abetz, made a personal statement and said —

I know that most of them are currently doing it tough.

Later, in the vote on this issue, he would not support any of the motions the then Labor opposition put forward.

Dr A.D. Buti: Will you take an interjection?

Mr T.J. HEALY: I will take an interjection, but very quickly, member; I am running out of time.

Dr A.D. Buti: He also said that he knocked on the door of a taxi owner and he thought they were doing really great—all taxi owners were doing fantastic.

Mr T.J. HEALY: Indeed, the quote I have before me, member for Armadale, is from 8 September 2016, when the former member for Southern River came into this place and said —

I believe that \$20 000 for every plate owner will be a very welcome relief for plate owners and drivers ...

It is just disappointing. Members, we, on this side of the chamber in the Labor government, and when we were in opposition as well, have stood by and ensured that taxi plate owners had a chance to have a contribution —

Mr D.C. Nalder interjected.

The ACTING SPEAKER (Ms S.E. Winton): Member for Bateman, you have had a really good crack.

Mr T.J. HEALY: The Liberal members of the former Barnett government stood in this place and voted one way, but they said they would go the other way. They would go into the community and decry how horrible it was that this was happening to taxi plate owners and say, “I’ll never use Uber.” They would say all these horrible things and try to make all these things, but they actually destroyed an industry and people’s families. They shat the bed and we are trying to fix it!

Ms J.J. Shaw: Did you say “shat the bed”?

Mr T.J. HEALY: Yes, I did. They shat the bed and we, on this side of the chamber, are the only ones who are available to fix it.

Mr D.C. Nalder: Remove Uber!

Mr T.J. HEALY: We are not seeking to remove Uber, member. The former government said that it would look after taxi plate owners, but it did not; it bugged the industry. The former government bugged the industry and allowed them to simply run wild in the industry and destroy what members in this place are trying to fix. I will draw my comments to a close. I would like to quote the current Minister for Transport, who referred to a statement in this place from the former member for Jandakot, Joe Francis. Joe Francis—the man who possibly

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could have been our Leader of the Opposition, but is not—said on 14 March 2017 in regard to the taxi industry and the election loss —

“Mums and dads who borrowed against their mortgages to buy taxi plates from the Government in a regulated industry. Regardless of what you might think about the taxi industry or Uber, it was a regulated industry when they borrowed money. We should apologise for how we treated them.”

The Minister for Transport then made another statement to which the Leader of the Opposition interjected that sums up everything. When the opposition was asked what it had done for taxi drivers, the Leader of the Opposition said, “We promised them nothing.”

MS L. METTAM (Vasse) [4.42 pm]: I would also like to contribute to this debate on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. From the outset, I would like to highlight the fact that this legislation represents another broken promise by the McGowan government because it is another tax being delivered to hardworking Western Australians. In the lead-up to the election, on 7 March, the now Premier stated —

“West Australians have had enough tax increases over the years,”... “Three land tax increases, stamp duty increases. We can’t afford any more tax increases on West Australians. I’m not going to do it because I know it will cost us jobs and there have been too many tax increases on West Australians already.”

What do we have there? Some members have called it a levy, but effectively it is a new Uber tax that will increase the cost for mums and dads for the next four years or so.

As part of my contribution to this debate, I want to focus in particular on regional Western Australia and the regional taxi industry. I have been in many discussions with, in particular, Busselton Taxis, the local community and representatives from the Western Australian Country Taxi Operators Association, who, I must say, have raised significant concern about the fact that they feel that they have not been consulted regarding this reform. Julie Murray, the secretary of WACTOA, stated in an email to me —

Minister for Transport and Dept Transport underhandedly blindsided regional owners telling them they don’t own their taxi plates in February this year at a meeting held by On the Demand Transport.

The Minister did not attend nor Dr Buti.

This has caused financial and mental stress and is legally incorrect as we have received comprehensive legal advice contradicting this.

Regional Operators have never received any transitional adjustment assistance and Uber is out in the regions as we all know as well as many other illegal operators.

The ... costs of cameras, dispatchers, on booking demand service licenses as well as increasing costs ...

That is given that inspections have gone up from \$97 to \$235. That concern was raised by WACTOA, amongst many others. The important point that they are making here is that they feel that they have not been heard and they wanted to meet with the minister on this issue as key representatives from the taxi industry representing regional WA. Their concerns with regional taxis have been that when this bill was first proposed it proposed a levy, or an Uber tax, across the regions that would contribute to a compensation package that they would not receive a cent from. I will go into further detail about that in a moment.

Although the government has talked about the fact that this legislation will not contribute to additional red tape, we are seeing new obligations for the purchase of dispatch systems and cameras for regional operators as well. I know that the member for North West Central in his speech floated a figure of about \$250, but I understand that it is between \$2 500 and \$3 000. That is a new obligation for the taxi industry that new competitors in the market do not have to meet. It is a new obligation on them in addition to the new licence fees, and they have very little detail about how much these licence fees amount to. The other point is that the taxi industry will not be receiving compensation. Although many of these plates were either allocated by the shire or state government to start with, in the absence of a sophisticated public transport system, these plates have a value. WACTOA comments that the very fact that the state government collects stamp duty on these plates illustrates the fact that they can be on-sold and they do have a value. The very fact that there is a different approach to regional Western Australia outlines some of the concerns from the regional taxi industry as well and again underlines why it is so important that the WA Country Taxi Operators Association has the opportunity to meet with the minister on this legislation.

To go through a bit of the background, as we are all well aware, the state Labor government introduced this taxi compensation package to fulfil an election commitment. The package was first announced in November 2017. There were serious concerns about the package when it was first publicised. Again, I go back to the impact it will have across the regions. Once again, regional WA was overlooked by the government on this issue. It defied belief that

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taxidivers, Uber drivers and other ridesharing drivers in regional areas would have to pay a tax when no buyback scheme was available to them. They would be contributing towards a tax, or a levy, that they would not benefit from.

Despite the comments made earlier in this debate about raising this issue, I wrote to the Minister for Transport about this issue on 17 January 2018, which was well before April. I will quote from my letter —

There is also concern that ... regional operators are not provided with any compensation, despite the fact that they are expected to contribute to the metropolitan compensation package through the 10% increase in fares.

...

I understand that you have been involved in consulting with sections of the industry and so I ask you to consider a meet with my constituents to discuss what the impact of proposed changes would have on regional areas ...

It also states —

They are also particularly concerned ... about the removal of the licensed area to operate and the removing of the restriction on taxi plates, ...

The media office sent out media statements on 22 January and 26 February, so I dispute the statements made by the member for North West Central and underline the fact that these issues have been raised with the Minister for Transport on behalf of the industry. We sought a meeting as well.

I want to focus on the regional support package. I refer to an article in the *Kalgoorlie Miner*, which is titled “Plate concerns of cabbies soothed”, and reads —

Ms Saffioti said the State Government was planning to consult with regional taxi operators before presenting the final legislation to Parliament.

I have underlined the fact that that did not happen. I also refer to an article in the *Busselton Dunsborough Times*, which states —

Although a last-minute “regional support package” was mentioned by Transport Minister Rita Saffioti after outcry from the industry in January, business owners said they remained apprehensive because no further details had yet been given.

The charter industry also raised issues in the same article. It states —

Ray Gannaway, of Gannaways Charters & Tours, said he was “very appreciative of the support to stop the levy coming in across the whole transport industry”.

“We’re not against taxis being compensated but there needs to be further consideration of a levy being put on an industry with no correlation to taxi operators in the first place,” he said. “The wider rural sector is also being unfairly treated in these proposed reforms.”

I am very interested to hear what has happened to the regional support package that was mooted by the Minister for Transport in January after concerns about this issue were raised by the opposition. The regional taxi industry is keen to understand what it will amount to because, as it raised with me, it has not heard anything. Quotes have been made in some of the regional papers but there is very little detail and it feels that it has been kept in the dark on this issue.

Another issue I want to raise is the concern about the cooperative taxi model. Bunbury Taxis Co-operative Ltd contacted me after the debate that was had in this place last Thursday. Bunbury Taxis Co-operative is made up of 14 members who hold a taxi plate licence in their own name. I will quote from its email, because this is something that it specifically wanted to raise with the minister and get some answers on, given that it has been unable to engage with her on this matter. The email reads —

The Co-operative is the holder of 12 taxi plate licenses (4 of which are wheelchair access plates)

7 of the 14 members lease there licenses to others to operate and the Co-op leases out all 12 of its licenses. The leasing of licenses has always been permitted by the Department of transport. The lessees own the vehicle and they lease the license from the member.

If this bill is passed the co-op and the 7 members leasing their licenses will NOT be given a new “vehicle authorization” because the rights to the new vehicle authorization will be given to the owner of the vehicle operating not the person or entity that holds the current license.

I have in my name purchased a taxi license which is classed as dutiable property. I have paid the stamp duty applicable on the value of the license and I have operated that license in accordance with the Department of Transport regulations for over 12 years. I have a loan attached to this license. At the passing of this bill

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I have nothing but the loan. I will not even be permitted to stay as a member of Bunbury Taxis Co-op because the rules state to be a member you must have a taxi license and shares in the Co-op.

I hope the minister will clarify the situation for operators such as Bunbury Taxis Co-operative in her second reading response and perhaps in the consideration in detail that will follow.

I turn now to some other impacts of this legislation as it relates specifically to broader issues in regional WA. The first is the cost of business in the regional taxi industry. As I stated before, this legislation will create new obligations and costs for regional taxi operators. Under the current legislation, there is no requirement for country operators to have cameras or a dispatch system. There will be new obligations for the sector. I understand that this will cost anything up to \$3 000. In light of this, they are seeking to at least maintain exclusive access to the taxi user subsidy scheme and rank and hail in regional WA. They also raised concern about the comments made by the minister on 22 August in the second reading speech that the new licensing arrangements for getting a vehicle on the road will reduce costs in the taxi sector in particular and that large dispatches and other booking services will absorb the costs to passengers of the passenger fare levy in the business models rather than fully passing it on to their customers. They raise concern about how they will be able to do that, given that this legislation will add a regulatory burden on and costs for those operators.

From the tourism industry perspective, the acknowledgment that these reforms are intended not to impact the tourism sector is welcomed, but how this is defined has raised concerns. A fair point has been made about the administrative burden of proving what constitutes an on-demand service that is not part of the tourism industry. A fair argument has been made that it will arguably create more costs than overall benefits in trying to do this administratively. In some regional areas, the only mode of transport for some seniors, the disabled, tourists and others is taxis. There is concern about the impact of this legislation, particularly given the absence of public transport in some regional areas. There is a major concern about the impact on the vulnerable—seniors and disabled people—given that there will no longer be an obligation for taxis or Uber to provide a service to town. The Labor government has already defunded the South West Wheels program, which supported access for disabled persons. This service provided in excess 1 100 trips a year, a figure that was predicted to grow even further after it was introduced. Cuts to the South West Wheels program have raised concerns about the impact on the vulnerable, given that there is no longer an obligation to provide the service.

[Member's time extended.]

Ms L. METTAM: As an example, Busselton Taxis has 12 taxis and employs 30 drivers. An average of three cars are on the road at any one time. On Christmas Day it did 44 trips for the disabled and those who would not ordinarily be able to drive. Members will understand the concern about who will take up that space if there is no longer an obligation to provide the service. As a result of some of these changes, the additional costs on the industry may mean that Busselton Taxis will step out of the market. The company currently provides about 20 jobs a week to persons in wheelchairs. It also provides a top-of-the-clock service for fly in, fly out workers. An article in the local *Busselton Dunsborough Times* states —

“If the community of Busselton do not support the local taxi business who have supported them for a long time, then there is a chance that one day this service will not be around,”

...

“Share-riders will only be around at peak times, so if we cannot sustain doing what we are doing, which is providing a 24/7 service, I am sure the City of Busselton, police, medical services, publicans, shopping centres and the general public will not be happy without a taxi service.”

That concern is real, and is only underlined by the cuts to the South West Wheels program. Concern is felt amongst the vulnerable and seniors will be impacted as well.

Charter and tour operators will also be subject to additional costs for new obligations and the dispatch system. BusWA wonders why it has been captured by the new reforms and, fairly, questions the administrative costs of being included in a scheme that targets an industry that sits alongside it. This sector has expressed concern that buses have now become booking agents and are obligated to up-front and ongoing costs for the dispatch system. The administrative costs mean that it is not worth being part of a piece of legislation directed at the taxi industry. I understand that the coach management program costs about \$25 000, with an ongoing annual cost of \$3 000. I have heard those issues from people in regional Western Australia, in particular, in the seat of Vasse.

Understandably, people in the industry are stressed out about what the impact will be. That is underlined by the fact that they were seeking some engagement with the minister about this. Outstanding issues have been raised by our shadow Minister for Transport about how the levy will work between the regions and Perth. Another outstanding issue is what assurances regional communities will have that support for the vulnerable will continue when the market in the regions is deregulated.

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What has happened to the regional support package? Following media responses to questions about the unfair Uber tax in regional Western Australia by me and others in the opposition, the media commentary was that a regional support package would be delivered, but we have heard very little detail about what that would be. If that plan does not still exist, what was the government thinking at the time? Why include the charter industry at all, given the administration and cost of the dispatch system and the issue of what constitutes “on demand” and what constitutes genuine tourism? At the end of the day, transport around the regions of this great state is of great value to everyone. It is a shame it has come to this, but I encourage the minister and the government to engage with the industry. Regional Western Australia and those who will be most affected by this legislation feel that the taxi industry that has existed and so many people have relied on until now has been treated as an afterthought. I will leave my comments there.

MR Z.R.F. KIRKUP (Dawesville) [5.06 pm]: Following that exceptional contribution from the member for Vasse, I stand to contribute to the cognate second reading debate on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. These bills try, to the best of the government’s ability, to address a very complex issue. I totally recognise that. Members opposite know that there are a number of differences of opinion and perspective. Indeed, the Liberal Party is a very broad church, with a diversity of views. In a bid to dissect some of that complexity and to ultimately put my own perspective on this, I will go through a number of points in my contribution this afternoon. I will talk about why I think ridesharing has flourished in Western Australia and in other jurisdictions, the impact that technology has had on transport systems in Western Australia and the disproportionate impact these bills will have on the district of Dawesville and, more generally, the City of Mandurah.

Something needs to be put at the very top of my contribution. It is a point I would like to make more forcefully than anything else. I totally appreciate, as do all members on this side, that the regulation of taxis, the arrival of ridesharing, and the levy and voluntary buyback scheme proposed in these bills can be divisive issues. As with many pieces of legislation that we deal with in this place, I understand that we are dealing with the lives and livelihoods of many Western Australians. With the arrival of this legislation today, I also recognise that many people outside this place will have competing views on what we are dealing with. However, I suspect no-one on this side of the house, indeed, in this house in general, can accept the dark shadow that has been cast over this chamber, particularly over members on the government benches, in the form of the threats of violence levelled at the member for Armadale and the Minister for Transport. A despicable and disgraceful act has been perpetrated against those two members of this place. There will be times that I do not agree with the minister or the member for Armadale and there will be times that the house will resolve itself against my positions. There can be dissenting views from any one of us in this place. As parliamentarians, we know that although we will not always be liked for our stances on particular issues, the path we take to reach the best outcome should not see these kinds of threats being levelled at anybody. It is outrageous and distressing to me, I cannot imagine how the members felt when they got those threats of violence to their families and loved ones. It is right to put on record in this place that members of the opposition stand united in our condemnation of violence threatened against any member of this place doing their job. It is not right and it is a poor reflection of a small number, I expect, of our society to ever seek to try to influence outcomes of the operations of this place through those suggested acts of violence.

The impact of technology right across Western Australia and the western world has been complex for governments to deal with at any point in time. The rise of ridesharing platforms such as Uber, the one most often referenced in Western Australia, but also GoCatch and Lyft in other jurisdictions across the world, have presented an issue for regulated markets of taxidrivers in particular. In my inaugural speech in this place I made note of the fact that we had to make sure that a flexible legislative environment was in place to deal with the rise of these emerging and, some call them, disruptive technologies. It is important that governments look to proactively respond to the emergence of new technologies. I have spoken a number of times in this place about the rise already of autonomous vehicles. That will present a complexity for governments, both state and federal, in Australia, and I hope that we have the capacity to deal with autonomous vehicles in an open manner that embraces the prospect of a very advantageous technology that we should hopefully see taken up in the next decade or so.

At the start of my speech I recognised that the issue we are dealing with is a very complex one. In a perfect world I would argue that this legislation probably should not exist. In a perfect world, the market would act to even everything out and a levy would not be required. But we do not operate in a perfect world and we have to be politically pragmatic and realistic about the issues that we face as a Parliament. I recognise that governments of both sides have allowed for a high level of regulation of taxi plates in Western Australia and that has created what I could describe only as an adulterated marketplace. From the get-go we are not dealing with a free market; we are dealing with something that is very highly regulated. As we have seen in examples right around the world, those regulations are not just in Western Australia but in major cities across the country and the globe. These regulations have meant in many cases that taxi plates were artificially supplied and regulated, and supply constraints were imposed. Some aspects have meant that plate owners could profitably operate without exposure to real or genuine

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competition because they were guaranteed that a certain number of taxi plates would operate in their market. I look at taxi medallions in the state of New York and New York City in particular. Taxi medallions are worth millions because I think only 15 000 of them were ever allowed to be released, regardless of the population size of New York City. That is an amazing regulation. It basically insulated operators of taxis there. In my expectation, it would be similarly difficult for a situation in Western Australia, where there is a similarly regulated marketplace, to see a new entrant come in and operate outside existing taxi regulations and disrupt that marketplace. As members know, and I suspect will be in the contributions from the members for West Swan, Armadale and perhaps some members who have already spoken, such as the member for Southern River, I am absolutely in favour of ridesharing. I think it is very much in the future of the transport mix, perhaps even a public transport mix at some point, if we look at the trial of on-demand public transport that has been rolled out in Sydney and perhaps other places across Australia.

I appreciate what we have in front of us. I have some concerns about the levy and the like; it is trying to bridge that gap between the imperfect world that we have to operate in and what the perfect world would look like if the market was allowed to operate without the existing regulations inherited by this government and by previous Liberal and Labor governments. That being said, the legislation in front of us is flawed. I think it has been rushed. I look forward to fleshing out a number of things at the consideration in detail stage that, in my mind, were perhaps quickly legislated. I do not doubt that there has been a consultation phase that has taken some time under the stewardship of the member for Armadale together with the minister, her office and the department. There are some interesting parts of the legislation that I look forward to going through during consideration in detail and perhaps seeing whether it cannot be tightened up in some areas. To get to the substantive nature of my concerns, I do not think that customers of ridesharing platforms such as Ola, Uber, Lyft, if it ever comes here, or whatever, should be levied to fund a voluntary buyback scheme. It is a conscious decision of this government. I obviously do not think it is a wise decision at this point. We have seen an act of political manipulation through the correspondence that has been read out by the member for Scarborough and referenced by a number of others, and the government is now in the habit of making funding for one aspect contingent on another outcome. We have heard the government suggest that if the Legislative Council does not pass a piece of legislation, funding for another mechanism that is completely unrelated will not be available. This web that has been developed by this government is a concerning one, especially if there are some flaws that should rightly be identified and discussed in this chamber and in the debate in society more broadly. When we talk about the levy that will be applied and the rise in these ridesharing platforms, I do not think we can talk about that in isolation from what I think is a failure of adaptation from the taxi market, generally speaking.

In Western Australia, Australia and globally, we have seen the rise of ridesharing platforms develop way ahead of time. I will use the example of Uber in Australia. It arrived, I think, in Sydney in 2012. It arrived in a small, relatively constrained part of the city, maybe the middle of the city, before it spread out in 2014. That was two years after its arrival in Australia. It first started off in 2009 in some major cities in the United States. If I was in the industry and recognised that a developing technology was popular in other jurisdictions across the globe—popular in places such as Sydney and the Australian market clearly had an appetite for it—maybe as a collective we would think what could be done to make sure that we adapted accordingly.

Mr P. Papalia: You think as a government you might respond in 2009?

Mr Z.R.F. KIRKUP: As I said at the start of my speech, I recognise the complexities that governments have had to deal with in this issue. I look at the survival of the black cabs in London, where they have a high level of service and awareness, and well-maintained vehicles. They are still very popular. From everything that I can see, they have been resilient to the emergence of Uber.

Dr A.D. Buti: They are banning them.

Mr Z.R.F. KIRKUP: I know that they have banned them in London now, but even before that they were surviving in that marketplace.

Mr P. Papalia: Surviving so well they banned them.

Mr Z.R.F. KIRKUP: My point is that the black cabs were going well. I think the member for Armadale is nodding, and he is the subject matter expert on this. That is clearly an example of a highly regulated industry responding with a superior service to what was on offer through ridesharing platforms and as a result it was dominating. It was still surviving and in some cases it was in more demand than the ridesharing platforms that are on offer now. We have seen the rise of those North American examples, and of the examples in the eastern states. When I think about my taxi experiences, they have not always been pleasant, here or in other places. Often we were left with a vehicle which was not necessarily well maintained and had hundreds of thousands of kilometres on the clock; it was an AU series Ford Falcon wagon in most cases. The dispatch services would not guarantee them and people could not track them.

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Mr J.E. McGrath: When was this?

Mr Z.R.F. KIRKUP: This was when I was living at my parents' home during my high school years. This is Swan Taxis in my experience, but I can remember the dispatch service telling me that I would get the first available taxi, whenever that might be. There was no guarantee of their arrival or it might be half an hour later. In contrast with that, it does not surprise me that there is a service that perhaps offers late-model vehicles that can be tracked. On Thursday, the member for South Perth in his contribution spoke about the surety of the driver because the placard was in the taxi. A not dissimilar identification process exists on most apps. I have not used Ola, so I do not know what that is like, but I think it is relatively similar. People can go through an identification process to identify their driver on their phone and people can track rides as they occur. Those are also very positive things when it comes to security, and those are the types of things that we see. More importantly, people are certain that the vehicle that they have requested will arrive at a certain time because they can see it on a map.

Ms J.M. Freeman: You can do that with taxis now.

Mr Z.R.F. KIRKUP: The member for Mirrabooka is absolutely right; we can do that with taxis now. But when ridesharing platforms entered the market, that was not available. It did not exist. It was still telephone-based, and people would ring on landline phones and mobile phones to order a taxi.

Ms J.M. Freeman: People were employed to answer the telephones. My mum was employed on the —

Mr Z.R.F. KIRKUP: I am certain, member for Mirrabooka, that she did an outstanding job. The reality for your mum, as she worked in taxi dispatch operations, was that she was part of a highly regulated market; there was an undersupply of taxis. When I was a young bloke, I remember hearing on the radio a former transport minister, Hon Alannah MacTiernan, having to deal with a flood of new taxi plates into the market, because the market in Western Australia had become so constrained that people were waiting a long time for a taxi and the service was not ideal at all. Given all that, it can be no surprise that a market entrant into that space has perhaps become a more popular alternative. The natural response of any business to that should be better service, with better quality. London black cabs are a good example. London has a regulated market, but still black cabs flourish. The operation of ridesharing platforms will not automatically mean the displacement of taxis, even when they operate in a manner for which they would be banned in the United Kingdom—they have run riot at some points in the United Kingdom. Even with all that, when there was perhaps a more unadulterated market response from some ridesharing companies, taxis that provided a good service still flourished. From my perspective, that is the most important way in which I tried to look at this. When considering my contribution to the second reading debate on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018, it did not surprise me that we now have, I think, 9 000-odd Uber drivers and nearly half a million constant users of the service. That shows that it is clearly a —

Mr J.E. McGrath: Clogging up Hay Street.

Mr Z.R.F. KIRKUP: Clogging up Hay Street, member for South Perth. Sure. I think it also has something to do with the traffic changes that happened with the lanes. But, anyway, the member for South Perth says that Ubers clog up —

Mr J.E. McGrath: Can I ask you a question?

Mr Z.R.F. KIRKUP: Sure.

Mr J.E. McGrath: No, I am very interested in what you are saying.

Mr Z.R.F. KIRKUP: Sure.

Mr J.E. McGrath: How would you like to be a cabbie when you get a fare—you're called to do a job—and the people who have called the cab are waiting outside the restaurant, and then those people see a cab coming, so they flag one? When you arrive, they've gone. I mean, it's a terrific industry to be in, isn't it?

Mr Z.R.F. KIRKUP: Sure.

Mr J.E. McGrath: These are the things these drivers have had to put up with.

Mr Z.R.F. KIRKUP: I appreciate that the member for South Perth should join the government benches with that question, but it is a complex marketplace. I appreciate that. It is a crowded marketplace at times.

Ms R. Saffioti: A broad church.

Mr Z.R.F. KIRKUP: A broad church; that is right.

Several members interjected.

Mr Z.R.F. KIRKUP: A broad church. I appreciate the member for South Perth's comments.

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

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Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire;
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It is a contested marketplace. Indeed, we can look at any competition. My father was a plumber by trade. I have not spoken to him about it, but I imagine if he was late to a job, he would be displaced by another plumber who might get there when they said they would get there. I do not know.

Several members interjected.

Mr Z.R.F. KIRKUP: I imagine so. I do not know. This is going —

Several members interjected.

The ACTING SPEAKER: Members!

Point of Order

Dr A.D. BUTI: This is an outstanding contribution from the member for Dawesville. Can you please tell his own side to stop interrupting, because I want to listen to it.

The ACTING SPEAKER (Mr R.S. Love): Yes, I would like to hear it too.

Debate Resumed

Mr Z.R.F. KIRKUP: Thank you, Mr Acting Speaker and member for Armadale.

I do not think it is right for all users of all services to be levied with a tax to try to compensate taxi plate owners. Perhaps a compensation package should be funded from a different source. This levy could harm a market mechanism that arrived to respond to a community need. People will now be charged more because they like that service.

[Member's time extended.]

Mr Z.R.F. KIRKUP: I think I have gone through the context in which I have approached this issue in Western Australia as a whole, but I will zoom in a bit more on what it means for Mandurah more generally. The member for Vasse rightly pointed out that there are country taxi operators in her community of Busselton; the same is the case in the City of Mandurah. Residents of Mandurah are being asked to pay a levy in Mandurah for catching a cab or Uber to pay for the buyback of taxi plates in Perth. It is absurd to see that, particularly in Mandurah—obviously the member for Vasse spoke on this during her contribution —

Ms L. Mettam: They changed their position on Vasse. The rest of regional WA no longer has it.

Mr Z.R.F. KIRKUP: In that case, my apologies. It is only in Mandurah in that case. I appreciate that, member for Vasse.

People who catch a taxi or Uber in Mandurah will be expected to pay 10 per cent more to fund the buyback of taxi plates in Perth. I find that absurd. I do not think it is right to levy people in Mandurah for that purpose. This is another example of a government that does not care about Mandurah at all. I do not understand why this government hates Mandurah. We have seen it time and again with vital assets right across Mandurah, such as Peel Health Campus, the schools in my community that have had hundreds of thousands of dollars ripped out of their local budgets, the police funding being reallocated, funding for a much-needed bridge not forthcoming, and the cost-of-living increases that have disproportionately affected Mandurah because of the number of pensioners in my community, and now we will see a 10 per cent levy on people who catch taxis or Ubers in Mandurah to pay for the buyback of taxi plates in Perth. It has nothing at all to do with our community.

Pat Thomas House is a vital service in my electorate. It is a shelter that operates a domestic violence refuge for women and children in my community. Its taxi bill for the last financial year was \$3 169. Due to this proposed levy, women and children who need to access vital government services in that important hostel in Mandurah because they are fleeing domestic violence will now have to pay 10 per cent more for the same service to fund the buyback of plates in Perth! It is absolutely absurd that this government seeks to penalise those vulnerable women and children in our community of Mandurah to make sure it can buy back plates to fund an election commitment to people who own taxi plates in Joondalup! I cannot imagine that a single member on the government benches would agree with that. If I were to ask the members for Kingsley, Joondalup, Bicton or Baldivis whether they wanted to see the taxi bills of those vital shelters in their communities increase by 10 per cent while they are just trying to provide vital services to the people who need them, there is no way that those government bench members would stand for that. Yet we once again see this government attacking the people of Mandurah. It is absolutely not good enough. That is the real impact these bills will have. Beyond the election commitment of this government to fund a taxi plate buyback scheme—much more than that—this will absolutely hurt the vulnerable members of the community of Mandurah. It is absolutely not good enough.

That is in addition to all the budget cuts that we have seen, including the cuts to police and education, the increases in fees and charges and the dire situation at Peel Health Campus. This once again shows that this government has

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absolutely no care or concern for the people of my community when it comes to those vulnerable community members and the people who operate shelters like Pat Thomas House. Other vital services will be affected. Indeed, because of the situation at Peel Health Campus, I am aware that a number of people take taxis to access services provided at Rockingham General Hospital or Fiona Stanley Hospital. They, too, being in a vulnerable situation and trying to seek medical treatment, will have to pay 10 per cent more for their fare to fund a taxi plate buyback scheme that has nothing to do with, and has no impact on, my community. That is absurd. That flaw in this government's legislation will have a very negative impact on my community in Mandurah, and I will not stand for it.

MR P.A. KATSAMBANIS (Hillarys) [5.28 pm]: I rise to speak on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. At the outset I want to point out, for reasons that I will explain during my contribution, that I do not support the bills in their current form; I oppose them. I make clear that that is my personal position, and I will explain why. At the heart of these bills is a perfect public example of the sly, sneaky and duplicitous nature of this government that is currently being inflicted upon the people of Western Australia. The Labor Party promised so much when it was in opposition, but as soon as it came to government, it immediately started doing U-turns because it realised it was no longer in the game of making big, unfunded promises; it was in the game of delivering, and it could not deliver.

Let us go back to the pre-election period when the Labor Party in opposition claimed there would be no new taxes if it were to be elected, and that there would not be any increases in existing taxes. We have seen that promise jettisoned. No wonder the public uses "politician's promise" as a sort of joke phrase. They do not accept that politicians are telling the truth when they make promises, if such barefaced claims can be jettisoned immediately after getting elected—none more so than this 10 per cent tax on Uber and on-demand transport that the government is imposing on Western Australians.

Also in the pre-election period, going back to 2014 when Uber first entered the market, the taxi industry was heavily disrupted. It was a very regulated industry at the time. Entry into the industry was heavily regulated and protected by government, particularly by participants in the industry who wanted to extract monopoly profits from that industry, and good luck to them. It was heavily protected and heavily regulated. Somehow or other, over decades the right to operate in a closed market developed into a financial asset that could only be described as a pyramid scheme; it is as simple as that. The taxi plate owner leases the plate to an operator, who then finds someone to provide a car—sometimes a driver, and sometimes a driver subcontracting further. That is what was created. The right to drive and earn an income became a financial asset. I do not think that was good, and I think the consequences of that are playing out right now.

That is not an error of this government and it is not an error of the previous government that tried to grapple with the problem; it is an error going back decades. Unfortunately, there was a group of people who made investment decisions based on those flawed regulations and that flawed closed market. There was a broad acceptance in the community that those people had made those investment decisions to participate in a market that was, at the end of the day, government created, and government regulated and re-regulated. Every time there was an issue, the industry would come back to government and the government would, in some cases, pass even more restrictive laws to protect the industry. Government as a whole had taken on a fair amount of moral hazard in this industry, and there was an acceptance of that.

The previous government made an initial \$20 000 payment and also put together a comprehensive package to take to the last election. That perhaps did not meet all the expectations of the taxi plate owners, but it was going to be funded, and not by a levy; it was going to be funded by the proposed sale of Western Power. Noticing an opportunity for political advantage, the then opposition—now government—ran heavy interference and made a series of promises that today, through this legislation, it is walking away from. It ought to be held to account for those promises.

As other members have pointed out, in the course of debate here in the Legislative Assembly in 2016, when dealing with the Taxi Amendment Bill 2016, members of the then opposition who are now in government suggested that the compensation should have been around \$162 500. That was the then opposition's initial floor-level payment, supposedly. Then there were a series of meetings, such as the meeting that took place later in 2016 at the Italian Club, where the current Minister for Transport—I think assisted by the member for Armadale, but I am not sure whether he was there; he is indicating that he was not at that meeting, so I will accept that—made a series of promises. I have had taxi plate owner after taxi plate owner indicate to me that the commitment made was north of \$200 000. I understand that the figures vary from person to person, but every single one of those people made the point that the pre-election offer had a "2" in front of it, and was a six-figure sum. That is very, very clear. On that basis, some people were hoodwinked into creating a political party to act as a funnel to the Labor Party for preferences.

Dr A.D. Buti interjected.

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Mr P.A. KATSAMBANIS: They met with the member on a regular basis, and they have told us this. These guys told us this then, and they tell us now—the Micro Business Party. It was totally focused on removing the previous government.

Mr P. Papalia: They weren't alone there, mate!

Mr P.A. KATSAMBANIS: If the member would let me finish, I do not think they were responsible for that, but they assisted. Perhaps they jumped on the bandwagon rather than assisted. I accept that they were not the ones who brought down the previous government!

Nonetheless, not only was there a commitment made but also those people actually jumped on board, jumped on the bandwagon, based on that commitment. That is what taxi plate owner after taxi plate owner is telling us today. However, when it comes to delivery, does this package deliver a minimum floor for a buyback of taxi plates of \$162 000? No. Does it deliver that perhaps aspirational \$200 000-plus commitment that the current Minister for Transport is said to have made to the taxi industry? They repeat it, and there are people who —

Mr P. Papalia: Lie and lie and lie.

Mr P.A. KATSAMBANIS: So is the Minister for Tourism; Small Business saying that those taxi plate owners who claimed they were made a commitment of more than \$200 000 are lying? Okay, let that sit on the record. I am happy to take these people at face value. I am no friend of theirs, and they are no friends of mine, I can guarantee you.

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale!

Ms R. Saffioti interjected.

The ACTING SPEAKER: Minister!

Mr P.A. KATSAMBANIS: I can guarantee you, I am no friend of theirs.

Ms R. Saffioti interjected.

The ACTING SPEAKER: Minister for Transport!

Ms R. Saffioti: I will stand up and outline what they said you said at the meeting, and the member for Carine.

Mr P.A. KATSAMBANIS: You can say that.

Ms R. Saffioti: I will stand up and go verbatim what they said about the Liberal Party.

Mr P.A. KATSAMBANIS: Not me.

Ms R. Saffioti: Yes.

Mr P.A. KATSAMBANIS: I met with them and they did not like what I said.

Ms R. Saffioti: They said you made some commitments, and you, member for Carine. I know what they told me.

The ACTING SPEAKER: Minister, enough! Get back to the point, member for Hillarys.

Ms R. Saffioti: I took notes of what they said you said about the member for Bateman. I know what you said about the member for Bateman.

Mr P.A. KATSAMBANIS: Mr Acting Speaker, I am actually trying to make a speech whilst members are debating across me.

Ms R. Saffioti: And the member for Riverton and the member for Hillarys—what commitments you gave.

The ACTING SPEAKER: Minister for Transport!

Mr P.A. KATSAMBANIS: I know what commitments I made. That is why they are not my friends.

Ms R. Saffioti: That is what I heard. I heard something different.

The ACTING SPEAKER: Minister, I will call you if you keep going.

Mr P.A. KATSAMBANIS: There is a general acceptance that there was moral hazard on the part of the government, but it is this government that needs to be held to account for its commitments and its promises. It made a series of promises to taxi plate owners, and it has not kept them. Therefore, the legislation is flawed in that regard.

We then come to the levy. I make it very clear that I have supported Uber from the first day it entered the on-demand transport market in Western Australia. Uber showed quite clearly that the market for on-demand transport services for ordinary working Western Australians in our community was not being met. If the taxi

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industry had been doing such a good job, no-one would have bothered to patronise an unknown company that had invaded from overseas, if you like. They would have said, “We’re happy with what we’ve got. Why do we need to change?” However, the people of Western Australia took up the service in droves; and, the more they took it up, the more they liked it and the more they used it. As other members in this chamber have pointed out, it has led to significant improvements in the taxi industry. A bit of competition never hurts. That is what competition does—it makes people hungrier for business and more focused.

Dr A.D. Buti: Do you know where the idea for Uber came from? It came about in the 2009 Obama inauguration. The founder of Uber was there with some friends, and he couldn’t get a taxi, so he thought he might set up something when he went back to California, and he set it up.

Mr P.A. KATSAMBANIS: That is right. The success of Uber demonstrates that the public was ready for that sort of idea, whether it was in Washington in 2009 during President Obama’s inauguration, whether it was in Western Australia in 2014, or whether it is today or going forward. People are comfortable and happy with that service. Many people—not all; maybe not even a majority for all I know—prefer to use Uber for those reasons. In a competitive market, allowing choice is great. Ola and Shofer, and a lot of other operators, are coming into the system. I dare say that I hope that in the future, there are some local players in the market as well to add further competition and to drive prices down. I also hope, most importantly, that that will improve services for consumers. The consumers of this state are being completely and utterly duded by this legislation. The reason they are being duded is that the Labor government promised when in opposition that there would be no new taxes and no increases in taxes. A 10 per cent so-called levy on every on-demand passenger fare in metropolitan Perth is a tax. The government can call it a levy. It can call it anything it likes. It is a tax on the users of on-demand transport services to compensate a small group for which the government has accepted moral hazard but has not been prepared to fund from its own budget. The consumers of this state will be hurt by this levy. The member for Dawesville outlined how the 10 per cent levy that service providers will have to pay this government in order to provide funds for the buyback will reduce their ability to deliver services. Many services across this state, such as those that enable women and children to access refuges, will suffer from the impact of this levy, because it will increase the cost of transport. It will also impact on individuals. People will not go out as often. That will hurt the restaurant industry.

Paradoxically, the levy will make taxis even less competitive with other cheaper alternatives. A 10 per cent levy on a \$60 taxi fare from Hillarys to the centre of Perth is \$6. If we multiply that by the return trip, that is an extra \$12. The cost of taking an Uber from Hillarys to the city varies between \$35 and \$40. If the cost is \$40, the levy will be only \$4. Therefore, what is already a more expensive service will become even less competitive because of the 10 per cent levy, because the dollar value of the levy will be higher.

Dr A.D. Buti: Will you take an interjection?

Mr P.A. KATSAMBANIS: No. I want to finish. The member has had his go—as he had a go at fixing this legislation.

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale, the member has indicated that he does not want to take interjections.

Mr P.A. KATSAMBANIS: This tax, which the government hid from the public before the election, will actually hurt the people whom the government is supposedly trying to compensate and protect going forward. In particular, it will hurt taxidrivers, who have been forgotten in this whole debate. Taxidrivers are among the hardest working and lowest paid workers in our community. Nothing in this package will help taxidrivers, apart from encouraging them to move to another on-demand transport set-up that might be cheaper and might in the long run assist them to eke out a living. This tax is an absolute con. It is a con because the government did not promise it. It is a con because it will not deliver what the government claims it will deliver. It is also a con because it is the highest imposition in any of the Australian states that have gone down this path. Mr Acting Speaker, I seek an extension of time, if possible. I will not use all of it.

[Member’s time extended.]

Mr P.A. KATSAMBANIS: This tax is a 10 per cent levy on all fares. Other states have gone down the path of a \$1 levy, and I think in one case a \$2 levy. That is a flat fee, for starters. That creates competitive neutrality. Whether a person catches a taxi or an Uber, the fee they pay to fund the buyback is exactly the same. It is not proportionate. If a taxi is more expensive for the same trip, the person will not pay a higher levy for that trip. That makes sense. This is not about distance travelled. This is not a road user charge or a fuel excise charge. This is about finding some funds to pay for the buyback scheme that the Labor Party said before the election it would have the money for, and it would not impose a new tax. That is the first point.

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

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Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire;
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The second point is that a flat levy would not discriminate against people who live a long way from the inner city. As the member for Dawesville pointed out, this will have a disproportionate impact on people in Mandurah, or in the suburbs of Hillarys, Craigie or Padbury in my electorate, who need to use cabs to get into town or for a specialist appointment in the medical precincts close to town. They will have to pay a higher fare per kilometre. In other states that have a taxi buyback scheme, people pay \$1 regardless of whether they take a short trip for \$10 or a longer trip for \$50 or \$60. Such a scheme would make more sense. It would also be more equitable. It would not punish people who live in the northern, southern or eastern suburbs of Perth at the expense of people who live in the inner city. This government has chosen to impose the highest tax of any of the Australian states in order to fund its buyback scheme. That is completely duplicitous. I do not support this tax in any way.

However, it actually gets worse. This levy is not being imposed just on taxis and Uber and the equivalent of Uber, such as Ola and Shofer. It is also being imposed on a segment of the market that has nothing to do with this bill. It is being imposed on people who operate small charter vehicles and the perhaps more upmarket limousine-type services. These services do not rely on rank and hail. They are not booked on demand through an app. They are pre-booked, longstanding arrangements for weddings, school balls and the like. They are not part of the on-demand transport system.

Mr D.R. Michael: UberBLACK.

Mr P.A. KATSAMBANIS: I will pick up on that interjection about UberBLACK. When some of those drivers choose in their downtime—when they are not busy—to participate in the liberalised on-demand transport market, it is pretty easy to track that. If they make their service available through UberBLACK for a while—for an hour, five hours or a week—that is pretty simple to track, and they could pay the levy. If the government deems it fair for them to pay the levy, it can do that; their longer term charter work can be separated. A number of these people have said to me that they have existing long-term contracts in place—sometimes for three years and sometimes for five years. Those existing long-term contracts have a set price, and they might be with large or medium-sized corporations or international corporations. A lot of these operations have a standing arrangement with some airlines to get their staff from the airport to their hotel room and back again. They prefer to use the service; they like it and they are happy with it. But they have a fixed-rate contract that might go for another four or five years. They cannot pass that cost on. This is a direct cost on their business. Some of them are scratching their heads and contemplating why they are not being offered a buyback. They all paid for their licences back in the day when they first started and before the industry was shaken up. They are not participating in the buyback, yet their services are being taxed.

I have had correspondence from a lot of these groups. I have met with a lot of them. I have recently had some correspondence from the chair of the Wedding Car and Limousine Association of WA, Mr Brian Dickman, who has pointed out the unfair impact on his part of the industry. He suggested that the levy should be removed for luxury charter vehicles, which have nothing to do with the on-demand space; and that, if it was not removed, perhaps fares exceeding \$100 could be exempted from it. I think it should be removed for those vehicles. If it could be removed, that would make this legislation better and would reduce the impact on this segment of this industry. It is an important segment in which people have made significant investment decisions. This segment of the industry was not really impacted by Uber, as taxis were by Uber's entry into the market, but it has been impacted significantly by other factors such as the downturn in the economy, and we have to recognise that. They recognise it, too. Perhaps it is time government members talked to these people, because they would say that Uber had a bit of an impact but the real impact was the downturn in the economy. That is the same for all Western Australians.

If this government was amenable to making changes to the legislation by exempting small charter vehicles or luxury vehicles from the tax, particularly when they have long-term contracts, but making any UberBLACK-style work that they do subject to the tax, that would improve the legislation. If the government got rid of the ridiculous 10 per cent levy and, for the sake of consistency, went to a \$1-per-ride levy, perhaps even someone like me might consider it as a temporary measure, especially if it was sunsetted, which this is not. It would make it better.

Dr A.D. Buti: I beg your pardon. Do you reckon this isn't sunsetted?

Mr P.A. KATSAMBANIS: It is not in the legislation.

Dr A.D. Buti: It is quite clear that this is going to be imposed only until the money is raised that is needed to pay for the buyback.

Mr P.A. KATSAMBANIS: We will wait and see. It is not in the legislation. The sunseting is a best intention. It is a wish. It is another politician's promise. It is not in the legislation. The government can put it in and improve the legislation. If the government sticks to its guns before the election and funds the buyback without taxing consumers for something that is not their problem and they did not create, it would be worthwhile considering the

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other amendments in the bill. However, as others have indicated—the member for Scarborough, who is the shadow Minister for Transport, and the Leader of the Opposition—the minister has written to stakeholders and said effectively, “Take it or leave it. There will be no amendments to the legislation and if you don’t like it, I’m going to take the legislation away and there won’t be any compensation.” As an opposition, we are stuck. As a member of Parliament, I am stuck. I am basically hampered by the minister’s expression of her lack of desire for any amendments. I am hampered in my work as a member of Parliament to represent the people who have come to see me, as are other members on both sides of this chamber. I have no doubt that members on the government benches have had representations about these issues. I do not think it is only Liberal or National Party members. But the minister says, “Take it or leave it.” Good luck with that in the other place, as we know from experience in the last 16 or 18 months. In this place, we have been told that the minister is not contemplating any amendments. As a legislator, as a member of Parliament and as a member of the Western Australian community who cares about consumers and all Western Australians —

Mr P. Papalia: Except taxidriviers.

Mr P.A. KATSAMBANIS: And in particular taxidriviers. Did the minister hear what I said before about taxidriviers, who are amongst the hardest working people in this state? They work the longest hours and are the lowest paid of all workers in this state. They will get nothing at all out of this legislation.

If we could make appropriate changes to the legislation, perhaps I would contemplate supporting it, but in its current form, this legislation exposes once again the complete and utter dishonesty and duplicity of a failed, and failing, Labor government that is not prepared to deliver on the promises it made before the election. It is not prepared to provide the compensation it promised to taxi plate owners before the election. It is not prepared to honour its commitment of no new taxes and no increases in taxes. Now it has roped in a segment of the transport industry that has nothing to do with this. Despite the pleas of these people, who fear losing their businesses, their livelihood and, in many cases, their homes as a result, it is just not listening. That is why I cannot support this legislation in its current form.

DR A.D. BUTI (Armadale) [5.57 pm]: That was a very interesting contribution from the member for Hillarys. When the member for Scarborough rose last week to lead the opposition’s contribution to the debate on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018, she said —

I rise to make a contribution to the debate on the Transport (Road Passenger Services) Bill 2018 on behalf of the Liberal opposition. The Liberal opposition has formed the position that it will not oppose this legislation ...

The member for Hillarys has just said that he does not know what will happen in the other place. Is he saying that the Liberal Party may still oppose this legislation?

Mr P.A. Katsambanis: There are 36 members in the other place.

Dr A.D. BUTI: No. I am asking the member about the Liberal Party. His lead speaker in this house started her contribution to this debate by saying that the Liberal Party will not oppose this legislation. The member has now cast doubt on this.

Mr P.A. Katsambanis interjected.

The ACTING SPEAKER: Member for Hillarys!

Dr A.D. BUTI: The lead speaker from the opposition on this bill said on 6PR radio last Thursday that the Liberal Party would not oppose this bill. She repeated on the radio that she would not oppose this bill. She stated it in Parliament, yet now the member for Hillarys is saying that the Liberal Party’s position in the upper house is not firmed up.

Mr P.A. Katsambanis interjected.

The ACTING SPEAKER: Member for Hillarys!

Dr A.D. BUTI: What an appalling situation we have in the Liberal Party! Talk about a broad church. This is a rabble that is unfolding every day.

Mr P.A. Katsambanis interjected.

The ACTING SPEAKER: Member for Hillarys!

Dr A.D. BUTI: Mr Acting Speaker, I am not asking for interjections from the member for Hillarys. As you asked me to stop, I would also like some protection in that regard.

Extract from Hansard

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Two members opposite made worthwhile contributions to this debate. One was the member for South Perth, who abided by what he said when he was on this side of the chamber. When he was on this side of the chamber, he said that he supported a levy and that taxi plate owners should be supported. He has been consistent in that regard. The other was the member for Dawesville. Although I did not necessarily agree with what he said in the last five minutes of his contribution when he talked about Mandurah, I thank him for his sentiments about what the minister and I had to endure. It was interesting that the lead speaker for the opposition talked about what some staff members have had to endure. That should never happen. No staff member should have to endure harassment from members of the public, but we know it happens. It would have been nice if the lead speaker had also said some kind words to the minister and me about what we had to endure. Thank you very much, member for Dawesville.

The member for Dawesville talked about ridesharing. I do not think at this stage we can say that Uber and like services are ridesharing. People call an Uber on the app and the car comes and takes them to their destination. That is not really ridesharing. I know that, in the future, the idea is that it will be proper ridesharing, but I think it is a bit of a misnomer to call it ridesharing at the moment.

Sitting suspended from 6.00 to 7.00 pm

Dr A.D. BUTI: I would like to continue from where I left off. I mentioned before the break that I thought two members on the other side of the chamber made worthwhile contributions to a degree. I also forgot to mention, from last Thursday, that the member for North West Central has been very productive in negotiations with the government and, as a result, I think has delivered positive reform for people who live in the regions, along with the member for Moore. Interestingly, the member for Hillarys intimated that there may not be support for the bill in the other house, when the opposition's lead speaker mentioned that the Liberals would not be opposing this legislation. She also went on radio to say that. The member for Hillarys also said that he would like to move an amendment. That also contradicts the lead speaker, because in her contribution last Thursday she mentioned that the opposition will not be mooting any amendments. She repeated that statement to Oliver Peterson on 6PR radio, when she also said —

If we try and amend that the Government won't accept it, it'll get rejected, the legislation will fail and the taxi plate owners won't get any compensation at all.

The member for Hillarys has not been consulting or conversing with the opposition's lead speaker on this legislation. How atrocious; they do not know where they sit with this legislation. Opposition members have been so contradictory in many of their statements on the bill before the house, but let us move on. We cannot help that the opposition is hopeless, so we will just continue.

The opposition keeps mentioning that when the current Minister for Transport was the opposition transport spokesperson, she promised taxi plate owners a certain fee. That is categorically wrong. How absurd for the member for Hillarys to say that the minister promised \$200 000, but then other people have said that it was maybe a little more or a little less. What was it? I will tell members why the member for Hillarys is not telling the truth. When we were in opposition, members on our own side of the chamber approached the opposition spokesperson for transport wanting her to promise a certain amount, but she would not do that; she said that it would not have been prudent to do that. The opposition has not provided any documentary or corroborating evidence, and it should be ashamed to keep saying that the Minister for Transport promised anything when she was in opposition. Where in our election promises does it state that we promised that a set amount would be given to taxi plate owners? I will tell members what the minister did promise when she was in opposition: that there would be an industry-funded buyback scheme. That is what she promised: an industry-funded buyback scheme, not a government-funded buyback scheme. She was quite clear about that.

The member for Scarborough mentioned the letter sent to plate owners. Even though it will eat into my time, I think it is important to read out this letter—the whole letter, not the excerpts that the member for Scarborough decided to read out. The letter reads —

The State Labor Government's reforms to Western Australia's taxi and on-demand transport laws, the *Transport (Road Passenger Services) Bill 2018*, has now been introduced into Parliament.

As you know, before the election of the McGowan Labor Government, there was no plan for the future of privately owned taxi plates. It is my priority to resolve this situation. Since coming to office, we have had to create a policy which delivers the fairest possible outcome for plate owners and will allow broader reforms to help modernise the taxi industry.

The State Labor Government is committed to the proposed buyback scheme. It is the most generous buyback scheme of its kind in Australia, and while I acknowledge that some plate owners wanted more, the Government had to strike the right balance.

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The proposed buyback scheme is reliant on our legislation being passed through Parliament. If the legislation is not passed, the buyback scheme cannot be initiated.

The State Labor Government and I have been very clear with regard to the buyback. The issue will not be revisited should the Liberal Party and other minor parties defeat the proposed legislation in the Legislative Council, and no further financial payments or assistance to the industry will be considered.

If you want the opportunity to take part in the taxi plate buyback scheme, I would encourage you to contact Members of the Legislative Council in your region to ensure the State Government's proposed legislation is passed.

Yours sincerely

HON RITA SAFFIOTI MLA

MINISTER FOR TRANSPORT

What is wrong with that then? It is a letter clearly outlining the government's position and saying that if the legislation is not passed, the buyback scheme will not go ahead. It could not be clearer. It was an appropriate letter to send, saying that at that stage the Liberal Party was saying that it was going to oppose the legislation and therefore, as we do in a democracy, people should lobby members of Parliament. I know that Legislative Council members may be a bit afraid to receive constituents, but that is part and parcel of democracy. As I said before the break, I do not condone for one minute any harassment or threatening behaviour towards any staff of members of the upper house, but, as we all know, our staff endure abuse from constituents on many matters. It is not acceptable. But I think the member for Hillarys was being mischievous and misleading when he referred to this letter, which clearly states our position. Any government has a right to say, "This is the legislation. If you pass it, it'll happen. If you don't pass it, it won't happen." In that regard, the minister mentioned that opposition members had received some vocal representations from taxi owners, and I am sure they have, but it has not been all negative. The minister has received a number of emails from taxi owners. For instance, this email reads —

Dear Minister Saffioti

I am taxi owner that as recently as 5 years ago entered the taxi industry and purchased a taxi plate. I truly appreciate what this Government is doing for us.

It was my plan for the last 15 years to work hard and be in a position to purchase a plate and work in a industry that was pro social and serving the one's in need and in general the public.

Unfortunately the industry has change and as owners we are truly suffering to meet bank payments or bring home an average income.

I am in contact with a lot of taxi owners and they are all feeling the stress over the uncertainty in the industry.

I will definitely write to my member of parliament, to disregard politics and put the people first.

Once again, Thank you for the effort from your self and the State Government for trying to resolve this uncertainty.

Another letter reads —

As an owner of taxi plates ... I am in favor of the taxi plate buyback scheme. I am currently retired as I am physically unable to work anymore and suffer from Parkinson's disease. The scheme would best suit me and it would assist me and my family financially.

Another email reads —

Goodmorning Minister

As taxi plate owners we are very happy to accept the Buyback that you have proposed which hopefully will be passed.

We are NOT in support of any of the groups within the taxi industry that are objecting. We acknowledge and accept the changes that have occurred. Only this morning Woolworths announced they are trialling shopping scanning your items and paying with your i phone.

Whatever is available customers will always want.

I will be visiting my local member.

Fingers crossd everyone we will accept.

Have a good day.

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There are even more. There is a lot of positivity as well, because obviously under the previous government nothing was being done—nothing. It is absurd that the opposition comes into this house, with the mess it created in the industry, and criticises us for having the most comprehensive set of reforms for the taxi and on-demand transport industry in living memory. Of course, the opposition is not opposing this legislation, because it knows it is a good set of reforms.

There were issues raised about consultation. The priority that the minister put to this issue can be ascertained by the fact that one of the first things she did after being sworn in was announce that she was going to have this review consultation process, and thankfully she put me in charge of that process. I thank the minister for giving me that opportunity. I also thank her staff, including David Hay-Hendry, who worked closely with me on this, and all the other staff at the Department of Transport, in particular Paula Tomkins. We engaged in over 60 hours of consultation. May I say that many of the people who came to me said thank goodness they were being heard, because under the previous committee that had been established by the minister of the former government, they thought that the consultation would be driven by Uber and only it was being listened to. We listened to Uber; we had a number of meetings with Uber. We had meetings with taxi plate owners, we had meetings with dispatch services and we had meetings with limousine charter vehicle providers. We had meetings with the whole spectrum of people. The member for Vasse talked about consultation. We had extensive consultation with the regions. There was a meeting on 2 February, which I was not at, but which David Hay-Hendry and people from the department were at. At that meeting were Geraldton Greenough Taxis; Bunbury Taxi Co-Operative; Karratha Dampier Taxis; Chinatown Taxis; Twin City Cabs, Kalgoorlie; Kalgoorlie Taxi Car Owners Co-operative; Albany City Cabs; Amity Taxis; Mandurah Taxis; Broome Taxis; Busselton and Vasse Taxis—did the member for Vasse know about that?—Pearl Town Taxis; Geraldton Associated Taxis; and Derby Taxi Service. That was at that meeting. I went to Bunbury and met with the cooperative there. I had at least a couple of meetings with people from the Mandurah taxi industry and we had another meeting in Minister Saffioti's office with people from Geraldton and a couple of other regional people. To say there was no consultation with the taxi industry in the country is absolutely absurd. As a result of that consultation, member for Vasse, when there was talk about offering an assistance package, they said they did not really care about that. They said they wanted the levy to be removed. That is what they said they wanted. In my meeting in Bunbury they said that is all they wanted. They said they wanted the levy to be removed. The levy does not apply to the regions now. To say that we have not thought about the regions is completely misleading and false. We have thought about the regions. The member for Vasse talked about \$3 000 to put something in a taxi. What was she talking about?

Ms L. Mettam interjected.

Dr A.D. BUTI: Cameras do not cost \$3 000. A person can get a camera for \$250 to \$500.

Ms R. Saffioti: We have changed the style of cameras. You do not need outdoor ones.

Dr A.D. BUTI: Yes, we are only prescribing certain standards, not a particular make of camera.

Ms R. Saffioti: And not external cameras.

Dr A.D. BUTI: We are not prescribing external cameras, so where is the member for Vasse getting her figures for the cost of installing —

Ms L. Mettam: From the industry.

Dr A.D. BUTI: Maybe the member for Vasse is not being told the truth about that.

I have a bit more to say about the country regions. One of the biggest parts of the reform is that we are removing the mandatory requirement for taxis in country regions to operate 24/7. I did not understand the member for Scarborough. I have to say that as far as a lead contribution on any bill has gone in my nearly eight years in this place, hers would have to be one of the most inept attempts. She had very little knowledge of the bill. She talked about the buyback scheme not coming to place until we had collected the total revenue of \$118 million. That is totally false. We are removing that requirement to operate 24/7. One of the things that the Mandurah taxi people said to us was that it imposed a significant impost on their operations. Some regional taxi operators have opposed removing geographical restrictions, but it is going to be of benefit, because they will be able to move to another region without having all the impost and red tape that would normally go with having to go through an expression of interest without a guarantee that they will be awarded the licence for that region. We are making things more flexible for country operators and reducing some of the mandatory requirements.

I repeat regarding the issue of assistance—possible grants and transitional assistance—that the regional taxi industry advised us that it wanted to be exempted from the levy. I should say that the member for North West Central was good in advocating for this. The member for Bunbury was very, very good in raising the issue of the need to have the levy removed in the regions, so I thank him very much for that.

Extract from *Hansard*

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Let us move to the other contribution, which I thought was a duplicitous, misleading and disgraceful, the one from Telly Savalas, the member for Carine.

The ACTING SPEAKER (Mr T.J. Healy): Member, I ask you to refer to him only as the member for Carine.

Dr A.D. BUTI: Yes, he is the member for Carine. Let us go back a little bit for the member for Carine to when the previous government was trying to legislate this area. He is on record as saying that he was in favour of the levy. He was also saying, “Let’s just get on with it. Come on, let’s pass the legislation, let’s give some assistance to the taxi plate operators.” What did we have on Thursday? The contribution from the member for Carine was quite disgraceful, if I may say so. He said in part —

We can go backwards and forwards, and we can quote *Hansard*, but do you know what? We are in opposition. Members opposite set up the micro party.

We did not set up the micro party—how absurd. He also said —

People voted for members opposite because they offered them whatever they offered them.

He talked about quoting *Hansard*, but in his contribution last week that is all he did. He was quoting here and was quoting there. He said, “Let’s not play politics”, and then he played politics. He said —

Irrespective of all of that, we need to try to help these people.

That is what this reform package is doing. Later he said —

I received a phone call in my office recently from a gentleman I did not know. He said that he wanted to get in touch with me because he had read my speeches on the taxi debate in *Hansard* and he thought we might be able to help him. He wrote in his email, which I received on 10 September — ...

He quoted the email, which said that the person was frustrated et cetera. Then the email said —

Of further concern, is that I have been denied a meeting with the Transport Minister ... following the issue of the government’s buyback offer. I then proceeded to contact Mr Tony Buti who had been assisting the Transport Minister, however, I was advised by his office that he was no longer involved in the taxi review following the issue of the buy back offer and that he would not meet with me.

I will tell members what happened. Anyone who contacted my office about this matter was referred to the minister’s office and we arranged meetings through her office. I was doing this not as the local member for Armadale, but as the minister’s representative in the consultation process. When I tried to pick the member for Carine up on this, he said —

I did not mislead. I read an email from a constituent. I am not saying that these facts are accurate. I am saying that someone sent me an email, whom I do not know, as people do.

Do members not think that we have an obligation before we read things into *Hansard* to check whether they are correct? I receive many, many emails—I am sure we all do—and I try to verify them before I quote and cite them in this house. Taxi owners have told us that the member for Carine has been promising them a few things. He had better be very careful how he plays this. I can tell members one thing: throughout the 60-odd hours of consultation, I and Dave Hay-Hendry from the Minister for Transport’s office did not promise any monetary amount. Some taxi plate owners quoted figures that they thought we should agree to but at that stage we said that we were not in a position to quote, cite or promise any amount of money involved in the buyback scheme. I know that the member for Carine has been promising taxi plate owners a few things.

In her contribution last week, the member for Scarborough said, “This levy is setting a precedent”. Has she heard about the Australian dairy milk levy that was instigated? What about what was given to the Western Australian potato industry? I think her government provided \$12 million directly to the growers. She should not come into this house and say that we have set a precedent when her government set one. In one breath the opposition is saying that we are not giving taxi plate owners enough and in the next they say that we should not have a levy. How are we supposed to fund it? I presume that the members for Scarborough and Hillarys and others think that it should come out of consolidated revenue. No wonder the debt problem in this state was so bad after their eight and a half years in government. It is really interesting that opposition members talk about the buyback scheme not being of a sufficient amount and always refer to the \$100 000 mark. Not everyone will receive \$100 000; some will receive more. We estimate that around 72 per cent will receive the minimum amount of \$100 000 and that 27 per cent will receive above the \$100 000 mark. For instance, if a person purchased their plate in February 2014 just before Uber came into the market, they are set to receive—it will depend on an individual’s particular circumstances—around

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\$243 000. But, of course, the member for Scarborough and the member for Carine kept quoting \$100 000, not that there are others who will receive a lot more.

Let us compare this scheme with the schemes in other parts of Australia. Members opposite said that this levy is much more than what has been imposed in Victoria, New South Wales et cetera. But before I mention that, I know that many seniors in Armadale walk to the shopping centre to do their grocery shopping; and, of course, because they cannot walk home with their shopping bags, they get a taxi. Their journey is a short journey so imposing a levy rather than imposing a flat rate of \$1 or \$2 will be a lesser impost. Let me compare the scheme in Western Australia with the schemes in other jurisdictions. In South Australia, there is no buyback scheme. Taxi licence holders can receive up to \$30 000, or \$50 a week, in compensation for a maximum of 11 months. In Victoria, taxi plate owners can get \$100 000 for the first licence and \$50 000 for a subsequent second, third and fourth licence. We have not imposed any limitation on the number of plates a person can claim in the buyback scheme. The levy in Victoria is expected to continue for 10 years. In New South Wales, \$20 000 payments are eligible for ordinary transferable taxi licences and up to \$10 million is available for additional assistance for eligible hire car licence holders. A \$1 per passenger service levy applies but there is no buyback scheme.

People can look at the buyback scheme in a couple of ways—as compensation or the purchasing of property. If people see it as straight-out compensation, it is the most generous compensation scheme in Australia. But if they look at it as just property rights, the market value of those taxi plates now is less than \$100 000. At the most, the most positive quote is about \$80 000, if someone is lucky. Even if someone receives the minimum \$100 000, they would be getting more than what they would get if they sold it on the open market. Although all the attention has been on the 10 per cent levy, we are engaging in significant reform of the taxi and on-demand industry to make it more flexible, sustainable and efficient into the future.

I know the member for Dawesville is a great supporter of Uber. My children are also great supporters of Uber. The general public are also great supporters of Uber, which is why it has been very successful. That is great, but there will be always be a small number of people who will never be able to use Uber, such as my 82-year-old mother, because they do not have an iPhone. We need a sustainable taxi industry. Our reforms will allow the taxi industry to compete—it is never going to be equal—on a more level playing field than is the situation now. These reforms are much needed, ambitious and sensible and they have been arrived at after consultation with the industry and a phenomenal amount of work by the department and the minister's office. For anyone on the other side to talk about amendments or not supporting this legislation when they were the ones who allowed the industry to be driven into a parlous state is the height of hypocrisy.

There are many more things I would love to say but, of course, the Minister for Transport will address certain issues, and I am sure that many of the issues raised by the opposition will be answered during consideration in detail. Members opposite do not have a leg to stand on; and, in any case, they are divided on this issue. This is good reform—support it. The industry as a whole supports it. It was a Liberal government that placed taxi plate owners in the financial state that they are in at the moment. This is the most generous buyback scheme in Australia. It is a most ambitious and forward moving set of reforms of the taxi and on-demand transport industry in Australia and the people who benefit will be the customers. The 10 per cent levy is expected to be in place for three to four years.

MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary) [7.27 pm]: I am very pleased to rise to speak during the cognate debate of the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. Let me begin by offering my congratulations to the Minister for Transport, the member for Armadale and their staff on the excellent work they have done. They were, indeed, faced with a very challenging situation that was not of this government's making. This is a situation that we inherited and that we face because of so-called disruptive technology—the disruptive arrival of Uber—and the failure of the previous government to control the arrival of Uber's on-demand transit passenger service. We have managed to come up with legislation that I think weighs up all the issues and delivers a very reasonable outcome. I again offer my congratulations to the minister, the member for Armadale and all the people who worked so hard to support them.

I know that the people who work in the taxi industry unit in the Department of Transport—I think that is its correct title—felt liberated by the arrival of the McGowan government because they had a very difficult task under the previous government. They were despised by the many taxidriviers who contacted them to find out what their rights were and what the situation was. Every phone call that the unit took was an unpleasant experience. In this process, the unit could, first of all, listen to people and take on board their concerns, and then put them to the minister and the member for Armadale, who properly considered them. I think seeing those observations become assimilated into the solution that is now in the legislation before us was also a very positive experience for the unit.

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As I said, when Uber arrived in 2014, this disruption to our taxi industry arrived. I hear people say that taxidrivers should have been scanning the horizon and as small business owners they should have been looking to see what sorts of threats to their business might be out there. However, I do not think it is reasonable to expect the average person going into small business, who had paid for a taxi plate that was backed by the state government, to imagine that their investment could suddenly be so dramatically devalued. They would have quite reasonably expected that a taxi plate backed by the state government would in some way protect them from other people coming in, not paying for a taxi plate and effectively providing the same service. That was a reasonable expectation.

It is true that in some sectors various businesspeople have to be scanning the horizon and looking for new technologies that might arise and consider how that could totally change the SWOT—strengths, weaknesses, opportunities, threats—analysis of their business. I do not think it was reasonable to expect the taxi industry to do the SWOT analysis in the same way and see the threat of Uber coming up. It was not reasonable, because taxi plate owners understood the industry to be backed by the government because it was involved in the issuing of plates. Even if they bought a plate from a third party at some stage, there was still that element of the government backing it.

My constituent Jaswant Gill is a gentleman who was originally from the Punjab, but he is now one of my Maddington residents and he is very proud to be in small business and to be a taxidriver. I think he paid around \$240 000 for his taxi plate in very early 2014. He really thought that he was investing in a career and a business opportunity that he could rely on for an income to get his young family established and to get his kids through school. He thought it would see his family well into the future. It has been an amazing shock and a very stressful time for him to go through all this. Jaswant, his family and many like him are seeing the light at the end of the tunnel. The taxi industry and indeed the on-demand industry, thanks to this legislation, has a clarity about it now. A future is out there. There are certainly some challenges and I will get to some of those, but it is nice to feel that when I talk to people such as Jaswant, they are feeling much more optimistic about the future. They realise that they have been providing an important service. They mention to me that there is a problem with too many taxis on the road at different times, and too many Uber drivers as well.

It is important to say this about Uber: it seems to operate on a burn-and-churn business model. It is quite happy for people to start driving for Uber with lots of enthusiasm, thinking that it will be a nice way to top up their current income or perhaps to provide an alternative income or a way back into the workforce. But the reality is that Uber drivers very quickly find that 30 per cent of each and every fare goes to Uber—the driver does not get it—and they soon find that a remarkably hefty impost on their earnings. They also have to look at the wear and tear on their vehicles and all the other challenges that any taxi or on-demand driver would face with the less-than-sociable hours that they have to work and the poor state of some of the patrons with whom they have to deal, such as people who are sometimes drunk and abusive. That is the lot of a taxidriver or an on-demand service provider from time to time. It is one of the challenges that they face. We have to face and be aware of the burn and churn of the Uber business model. Being an Uber driver is not a particularly lucrative business to be in. Maybe in time we will see that people get that message and Uber will have challenges with recruiting enough people to be Uber drivers. I suppose then they will change the current percentage that it imposes on drivers with each and every fare.

My real concern has been with the taxidrivers. I am a regular taxi user. I will go home by taxi tonight, and I am always impressed by the taxidrivers' life stories. They have faced very interesting challenges. This is prior to 2014 and the advent of Uber. Taxidrivers have very interesting life stories. They pay pretty hefty costs, such as \$2 000 to \$3 000 a year for registration, whereas an Uber driver in a normal vehicle pays about only \$700. That is just on the registration. The insurance situation is also quite different. A taxidriver will pay about \$135 a week to the dispatch service, such as Swan Taxis or Black & White Cabs. That is probably more reasonable when we compare that with the 30 per cent that the Uber company charges. We have heard all the stuff about Uber and the amount of tax it does or does not pay in Australia. We know that this is a very ruthless company and I personally feel particularly resentful about the way it arrived in Australia and effectively bullied its way in. The Barnett government of the time allowed Uber to bully its way in. We could have done far more. We have seen that around the world.

Other jurisdictions were, and still are, much more rigorous about how they allow Uber to behave and indeed, in some cases, they managed not to allow it to enter into their markets. Other jurisdictions realise the importance of a respected taxidriver service, especially in tourism. The tourism sector really depends on a good-quality taxidriver service. People look to taxidrivers for tips and bits of advice, local information or an update on what is going on in the city. Sometimes in reports from foreign correspondents, they say that they got their latest bit of advice from a taxidriver. It is not unusual to hear that. It is quite amazing that someone who is paid by an international media outlet to be a foreign correspondent would say such a thing, but I hear them say that they get their insights into the latest political developments in a country from the taxidriver whom they talk to when travelling from the airport to their hotel. That sometimes comes up.

The failure of the Barnett government to control Uber's entry into the market really did undermine the confidence of many going into the industry. I think it led to a lot of people getting out of the industry. I do not think one of my

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constituents, Mr Graeme Landquist, is particularly satisfied with the payout. I have mentioned him in this place before; he and his family have held plates for many years. He will get the buyback offer of around \$100 000. I suspect Graeme is not happy and would have preferred much more because in Graeme's eyes that asset had perhaps increased in value. However, I think he needs to realise that \$100 000 is better than what might have been the case and certainly better than the \$20 000 on offer under the previous government. That is certainly a turnaround.

Regarding the formula that is being used—it is a sign of one of the great merits of the system the McGowan government has developed—people who bought a plate in more recent times, at a time of very high market value, will get a buyback offer at a much higher price. The member for Armadale went through the estimated percentages on this. I think in the 20 per cent range will receive —

Ms R. Saffioti: It's 28 per cent more than the minimum.

Mr C.J. TALLENTIRE: Twenty-eight per cent will receive significantly more than \$100 000. In some cases, I guess it will approach the \$200 000 mark. I think it is a very clever part of the design of this system. That is a great strength of the system. That the levy will be collected from the on-demand booking services is a very sensible idea. As I say, I will catch a taxi home tonight. Normally, my fare is around the \$38 to \$42 mark and I am perfectly happy to pay either the 10 per cent or \$10, whichever is the lowest of these two. It is a perfectly reasonable contribution to make towards this buyback scheme. I am very happy about that.

This issue is something that, obviously, we could have let go, as the previous government had done. We could have avoided this issue altogether but we made commitments in the lead-up to the election and I think we are honouring those in a very sensible way. I think of people like Mohammed Boksmati, who, with his wife, invested in six taxi plates. The news for them I think is a remarkable improvement on what might have been on offer. I think they would be much relieved at the situation now before them.

I am very pleased to support this legislation. I think people who use taxis can be confident that we will continue to have a quality service. I think there is a lot of truth in the view around the chamber that the industry is improving itself with the quality of vehicles and the ability to use an app, whether we are calling a taxi or an Uber. They are innovations and improvements to the quality of taxi services that are most welcome. I think especially of the safety issue. This is one that I think will push a lot of people towards using a proper taxi because I think the safety elements there will always be much higher. The knowledge that the driver is someone who is properly registered and that their vehicle contains cameras will provide a degree of confidence to a lot of users. It will let them know that they are with a service that is properly run and subject to the proper oversight that people expect. In contrast, the Uber model relies on the rating of the app and whether the driver was a pleasant person and their vehicle was clean. That is an interesting comparison. The registration that we have through the taxi industry or the use of apps will always have a question mark about how reliable that rating through apps and things is as a means of guaranteeing the safety and reliability of someone. That safety aspect is important and I note that it is an important feature of the legislation.

I am very happy to commend this bill to the house. Again, my congratulations to the minister and the member for Armadale on dealing with such a complex situation and delivering such a comprehensive result.

MR S.J. PRICE (Forrestfield) [7.45 pm]: I, too, am pleased to rise to contribute to the debate on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018 cognate debate. This is a very complex area and I would certainly like to start by congratulating the minister and the member for Armadale for the amount of work they have put into bringing this situation to a resolution. Like all complex situations, not everyone will be happy with the outcome but it is certainly a much better outcome than what was previously on offer. I once again wish to commend and congratulate both the minister and the member for Armadale and the staff who supported them through this. As we heard from the member for Armadale, over 60 hours of consultation was undertaken to develop these bills that we are now debating. It is no small feat to undertake such a broad range of consultation across such a broad spectrum of areas. As we heard, a significant amount of time was put into understanding the regions' concerns. As the McGowan government does, it consults and listens and makes the appropriate changes to try to address people's concerns and we have done that by ensuring that the levy does not apply to the regions.

I would like to thank the member for Armadale, you Mr Speaker (Mr T.J. Healy) as the member for Southern River, and the member for Thornlie, for their contributions so far and those from the other side. It is interesting to hear some of the perspectives from the opposition regarding this bill and how we ended up in the situation in which we find ourselves. I would like to touch on a couple of points that were raised in the explanatory memorandum regarding these bills. The first sentence in the explanatory memorandum highlights their importance. It reads —

Safe, accessible and efficient transport services are critical to the economic and social prosperity of Western Australia.

It goes on to say —

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The road passenger transport service industry, which involves the transport of passengers by motor vehicle for hire or reward, plays a key role in Western Australia's transport system, moving people throughout the State for business, private or social travel.

It is such a key element of our economy that it deserved a lot more attention than it received from the previous government to try to alleviate the situation that taxidrivers found themselves in as a result of a bit of inertia and lack of dealing with this situation at the earliest possible convenience. The explanatory memorandum goes on to say —

The existing legislative framework is unable to regulate the road passenger transport industry as it stands today, in a way that provides flexibility, whilst ensuring a clear chain of accountability and an equal playing field where appropriate.

A key aspect of the situation we find ourselves in is that level playing field. When Uber came onto the scene it was not dealt with as it should have been at the time and therefore we ended up with an uneven playing field in one industry. I will touch on that a bit later. As we are aware, the essential elements of these two pieces of legislation is to deregulate the industry and to allow for different modes of transport within the passenger transport industry and to instigate a buyback scheme through the introduction of a levy to fund that. The opposition made much of our election commitments. Our election commitments were very clear: if we formed government, we would deal with this situation through an industry-funded buyback scheme. No ifs or buts; there was nothing sneaky about that whatsoever. That is what we said we would do and that is what we are doing. We have taken a reasonable approach to funding that scheme. To impose a levy of 10 per cent, or a maximum of \$10 a trip, to fund the purchase of the plates is the most equitable way of addressing the situation that we find ourselves in. On top of that, we have also listened to people's concerns, listened to the taxi plate owners' concerns, and instigated a method of buyback that tries to take into account individual circumstances and accommodate the different times that owners bought into the taxi industry and the situation prior to the introduction of Uber. Hence the formula that will be applied will have a varying impact on taxi plate values depending on the situation of individual owners. As the member for Armadale alluded, 72 per cent of owners will probably get the minimum \$100 000 and the remaining 28 per cent will get above that—potentially up to around \$240 000. That will significantly improve their situation compared with what the previous government put in place for them. On top of that, there is no limitation on the number of plates for which owners can claim. As was mentioned previously, that makes this buyback scheme the most generous in the country.

As we look at the legislation and deal with the situation at hand, I would like to reflect on some of the comments that have been made in this debate, especially from some members of the opposition. The member for South Perth made a very good contribution to this debate. He has always been straight up and down on his position on this legislation. I will quote from the *Hansard* of 13 September when the member for South Perth said —

When we were in government and this issue came up, I recall the member for Carine and I both spoke very strongly in support of a buyback scheme.

...

I support what the government is doing. When the minister introduced these bills, I read the detail. I thought it was a good deal—I really did.

I disagree with the member for South Perth about one particular point, when he goes on to say —

The problem is that no-one saw this coming. Some people say, "They should have seen Uber coming", but I do not believe that—none of us saw Uber coming. It happened so quickly.

I would like to refer to an article from *The West Australian* dated 12 April 2014 written by Kent Acott, which states —

Uber's head of public policy in the Asia-Pacific, Jordan Condo, flew from Hong Kong this week for talks with Transport Minister Dean Nalder and transport officials.

"We have been talking about this since September and I think things are progressing,"...

That was in April 2014, when Mr Condo was referring to the fact that they have been talking about this since September, which would have to be September 2013.

Mr D.C. Nalder: I became a minister in March 2014, so it wasn't me.

Mr S.J. PRICE: So he was not talking to the former minister beforehand?

Mr D.C. Nalder: No.

Mr S.J. PRICE: Okay. I will correct that; the former minister spoke to the member only after he became minister. The former government was aware of that. It cannot say that it did not know about it. In addition, the transport

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minister who took over from the previous transport minister, the now member for Nedlands, said, according to the *Hansard* of Thursday, 13 September —

I am very pleased that we are finally moving forward and that the government has a package that we can move forward to make sure we tidy up the whole industry.

Once again, the subsequent transport minister was supportive of this proposal as well.

I would like to jump back a little. I got a bit mixed up after the interjection from the member for Bateman. The member for South Perth said —

One thing I am not is a hypocrite. I have always supported a taxi plate buy-back. When we lost government, the minister kept making speeches about members on our side who supported the buy-back and I was one of them. If my party had voted against this, I would have voted with the government.

I agree with the member for South Perth; I am sure he would have. We have heard contradicting positions from the opposition on this issue. I have a vague recollection that the Leader of the Opposition made some comments during his speech on the second reading, which are not in *Hansard* any more. He also indicated that the opposition does not support this legislation, yet it will not vote against it; it will let the upper house deal with it. To me, that is not really stating what it wants to do. If the opposition is against it, it should say it is against it, have the vote, show where it really stands and give its members the opportunity to show where they stand as well. Numerous members of the opposition have said that they support this legislation. We have heard an equal number of members say that they do not. As usual, we are a little unsure where the opposition stands on this issue.

The member for Carine, in his second reading contribution on Thursday, 13 September said —

Labor can blame us and say that we did not deal with it in a timely fashion when we were in government. We either ran out of time or we got caught short.

That does not help the taxi industry and the taxi plate owners. An article in *The Australian Financial Review* headed “WA to legalise Uber next year”, which appeared on Saturday, 19 December 2015, stated —

Transport Minister Dean Nalder said they include creating —

That was in 2015. That meant that the then government was going to deal with it in 2016, having first heard about it back in 2014. We are still two years down the track. In May 2016 —

Mr D.C. Nalder: It is now September 2018. It is 18 months since your election.

Mr S.J. PRICE: Yes. The previous government did make some changes. However, they were not substantial enough to deal with the industry in a way that needed to be dealt with. As a result, we still had an uneven playing field that was allowed to continue for at least three to four years before being dealt with now. Part of the issue was the way the government at the time handled it. I will conclude by referencing part of the article written by Daniel Emerson in *The West Australian* on Thursday, 1 September 2016.

Mrs L.M. Harvey: Where does he work now?

Mr S.J. PRICE: I have no idea. The heading of the article is “Nalder bungling’s human cost”. I will read the first paragraph. It states —

Could there be any starker illustration of the paralysis of the Barnett Government than its handling of reforms to the taxi industry?

What kind of a mob acknowledges the need for an aid package to compensate an industry for changes it has enacted but fails to have it in place in time for the transition?

That really sums up how it was dealt with and why, when we came to government, one of the minister’s first orders of priority was to instigate the handling of this legislation and appoint the member for Armadale to undertake the consultation with the industry to help frame the legislation to deal with what happened previously.

Uber is a juggernaut of a business. It was always going to come to Western Australia. To say that there was no warning or that it caught us by surprise does not really pass the test. At the time, the way it was dealt with, or not dealt with, created a lot of unnecessary angst, pain and heartache within the taxi industry. As such, I am sure that all of us have been spoken to by taxidriviers within our electorates over the years regarding how this has not been dealt with and how it should be dealt with going forward. Finally, we can say to the industry, “We have consulted, listened and done what we can to take into account all your concerns; here is a package going forward that will help alleviate you and your families’ concerns.” It is now up to members of the opposition to ensure that this legislation is enacted. The government has done its work, consulted and come up with a way forward. It all depends on the passing of this legislation in the other house to enact the levy. If you kill off the levy, you kill off the buyback, and you kill the resolution of this issue and it will carry on.

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With that, I commend these bills to the house and, once again, I would like to congratulate the minister, the member for Armadale and everyone else who has worked on this package. It is a very good package going forward and, hopefully, it will deal with a lot of concern from the industry.

MR D.T. PUNCH (Bunbury) [8.00 pm]: I rise to make a short contribution in support of the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. I would like to start by acknowledging the work of the Minister for Transport and the member for Armadale, and all the staff who have supported this process, for providing the leadership necessary to bring this legislation to the house. It may not be legislation that pleases everybody but it is a best fit in addressing a legacy of inaction and hand-wringing by members of the previous government when ridesharing rolled into Western Australia back in 2014. It shows the determination of this government to take on the hard issues and work with people to find solutions. Solutions are not easy to find. Like many industries, the taxi sector has had to look fundamental change in the face and come to grips with a new world in which consumers have full knowledge of the market through mobile information apps and high expectations of standards, as well as the inability of existing legislation to deal with this effectively in the interests of both consumers and the industry. This government set about doing exactly what it said it would do prior to the election. On her appointment as minister, the Minister for Transport acted very quickly to start the process of pulling together this legislation.

I will talk a little bit about the regional perspective and, in particular, the Bunbury Taxis Co-operative, which is in my electorate. After 25 years, change is now coming to Bunbury Taxis. For some time, Bunbury Taxis has faced increased competition from a lot of fly-by-nighters who use opportunities on Facebook to slip in a service here and there. More recently, it has also faced competition with the formal arrival and establishment of Uber in Bunbury. Bunbury Taxis has a long history. Some drivers and owners have been in the business for over 25 years and they are passionate about the service that they provide. It is not a big operation. The co-op has 28 licences, owned either by the co-op or its members, four of which are for wheelchair-accessible vehicles. It accepts the Country Age Pension Fuel Cards and taxi user subsidy scheme vouchers to support those who are most vulnerable in our community. It provides a 24-hour on-demand service that is predictable and reliable, available to pensioners and people with disabilities, and it has been doing it for decades. The co-op employs six people in its dispatch centre and, at any one time, there are up to 100 self-employed drivers in Bunbury. I am sure that most regional members will know that story. It is regional people who live locally, live in their community, have a commitment to community and want to give back to it. In many cases, they have invested a lifetime in the industry. I mention all of this because, in being swept along by the change that this government is addressing, we should not forget what we have had. I know many in my community will embrace Uber or similar ridesharing operations but the fact is that the Bunbury Taxis Co-op has been able to provide a 24-hour service on the basis that the busier times offset the quiet times and because it has a commitment to community. The drivers are happy to get out at 3.00 am to pick up an appointment. They provide a local service to meet local needs and employ local people. Ridesharing operations like Uber are not local. I understand that when Uber started up, drivers had to be brought down from Perth to start filling the quotas it was after.

As a Bunbury community, we will need to have regard for how an appropriate level of service, particularly for vulnerable people, can be maintained through local services. This may well mean changes in patterns of usage, but equally, it may mean that taxis as well as non-taxi providers will need to negotiate non-metered fares that are indicative of low-demand periods or obscure trips, but the obligation will be to negotiate those fares in advance with the passengers on a transparent basis. The clock cannot be turned back. New ways of meeting demand will be required but the legislation does allow local taxi operators far more flexibility to offer a diverse range of services to meet the changing needs of the customer and their changing expectations. Flexibility and the ability to adapt are at the core of these reforms. The legislation puts the customer at the centre of the industry and changes the regulatory framework from market control to safety and flexibility. It places a primary duty of care on persons who provide on-demand booking systems to ensure the health and safety of drivers and other persons while engaged in on-demand passenger transport services. It also provides for the health and safety of passengers. That is an important principal, which reflects the overall philosophy of the bills and their shift in focus to safety. Although there might well have been a lot of discussion about buyouts and compensation et cetera, the fundamentals of this legislation go to the heart of safety, flexibility and the development of sustainable passenger transport services into the future.

The bills also facilitate easy entry into the industry for booking services, drivers or vehicle operators and it will ensure that people are held accountable for the safety of their services. It is based on fair, transparent competition between on-demand passenger services and will ensure rapid adaptation to changing consumer needs and demands. Vehicles designated taxis and with the appropriate licences will have sole access to rank and hail and I welcome the proposed increase in penalties for non-compliance to \$12 000 for an individual and \$60 000 for a body corporate. I look forward to seeing compliance enforced in my electorate.

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5994b-6030a

Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire; Mr Stephen Price; Mr Donald Punch; Ms Janine Freeman; Ms Margaret Quirk; Ms Rita Saffioti

I am aware of ad hoc rideshare offers being made on Facebook and have reports of people generally cruising around central Bunbury—a lot of people cruise around Bunbury—particularly people offering fee-for-service type arrangements in providing vehicle transport.

Mr R.R. Whitby interjected.

Mr D.T. PUNCH: Member for Baldvis!

This has no regard for safety or for insurance in the case of an accident and is undermining the market for licensed operators. In the discussions I have had with the minister, the message has been very clear. If non-taxis engage in hailing and pick-up from ranks, they will face significant penalties and there will be a focus on compliance. It is going to be critical that resources are allocated to regional areas to enforce compliance and to prosecute offenders.

I started out by saying that change does not please everybody. There will be a period of adjustment and the industry needs positive leadership to transition to a new regulatory environment given that the operating environment has already changed. Prior to ridesharing operators entering the market, the legislation had given some comfort to operators around notions of certainty and predictability. If there is one thing that social media is teaching us it is that very few things are certain and it means that the old ways are no longer sustainable to meet consumer demand or the ability to regulate markets. This legislation provides a forward direction. It helps to ease the transition for owners of taxi plates and sets out new ground rules for on-demand passenger transport services into the future. It is hard. It is tough. But, as parliamentarians, we need to find the pathway forward, because the industry, drivers and people who use the industry are looking to us for that leadership. That is what the minister and the member for Armadale have done, and that is what is reflected in this bill. I commend it to the house.

MS J.M. FREEMAN (Mirrabooka) [8.09 pm]: I, too, rise to address the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. I congratulate the minister, the member for Armadale and the staff from the department and the minister's office for this piece of legislation, which has been anticipated by taxi drivers in the Mirrabooka electorate, of which there are many. Some say that if one wants a taxi on a Friday, they can be found down at the Mirrabooka mosque. This is certainly something that many members of the community have been raising with me. The buyback scheme and the regulations that will come with it will simplify the licensing regime for the entire industry. In particular, this legislation will ensure that the safety of workers and passengers is paramount. That is welcomed.

I just want to go through a couple of stories of the people who have come into my office and who will be able to have their concerns and difficulties addressed. They have faced uncertainty and cost after buying taxi plates. In some cases, they have been unable to meet their financial situation. In 2015, Sayed paid \$250 000-plus for a restricted licence, just prior to Uber entering the market. He really felt the impact of Uber on the taxi industry. When we wrote to the then transport minister, Dean Nalder, back in 2015 with concerns about the lack of regulation, the reply, not from the minister but from his chief of staff, was that the government welcomed new entrants to the market and deregulation was inevitable. That was not very helpful for someone who had financial commitments that he was having trouble meeting. He also had restricted plates, which made it equally difficult for him.

In 2015, Sheffoo paid \$290 000 for plates, plus stamp duty and transfer fees. She took out a bank loan to buy them. She used to rent the plates; she used to drive for someone else. She was basically put in a situation in which her employer told her that unless she purchased the plates, she would not be able to drive any longer. The person who owned the plates clearly had some idea of what was going on. She was in a situation in which she was forced to work full-time and had difficulty finding other people to work with her. She was under quite serious financial strain and was concerned that her house could be lost, given the amount.

Somo entered into an innovative lease for a London cab, which costs a lot less. When there was an accident and the London cab was no longer usable, he was left paying for the taxi licence without a cab. That caused many difficulties. I understand that that situation will not necessarily be totally addressed by this, but the capacity for someone to become licensed in their own right and able to drive another taxi or get other taxi plates will be welcomed.

Renganathan bought a taxi plate in 2014 for \$290 000, plus he paid stamp duty, transfer fees of \$18 000, car costs of \$25 000 and insurance of \$4 800. Then Uber entered the market and the business collapsed. All these people will welcome this buyback scheme. All these people will have the length of time they have had their taxi plates recognised. All these people will have the hardship that was caused by the Barnett government's inaction recognised by this scheme.

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I want to briefly talk about Uber. This disruptive technology has caused much of this problem, yet the then government did not react. In particular, why was this an alternative? Frankly, it makes me question our community. It seems our community has a throwaway mentality when it comes to workers and workers' rights. As a US court said, as much as Uber tries to tell us that it is at the cutting edge of software and we are adopting it, and that this is great and fantastic, it is selling rides. Uber has a responsibility to its drivers and its passengers. It is a responsibility it does not want to take on. It wants to simply reap the profits from what used to be a much more stable passenger travel industry. Uber hides behind the service agreement that it enters into. It argues that it provides the software to allow motor vehicle drivers to connect with members of the public who want a lift, but if this was the case and if it did not believe that it was a major player in the passenger transport system, it would not also be a major player in trying to develop driverless cars so that it can actually take the worker out of the picture. Uber has no interest whatsoever in its drivers. Frankly, I do not think it has much interest in its passengers. Uber will hit up people for extra payments if they drive in high-demand periods, and passengers have to accept that. I think we have to see Uber for what it is, and that is an organisation that simply does not want to service our community; it just wants to profit from our community.

As we know, Uber is an unlimited partnership that is registered in the Netherlands as Uber International Holding BV. It also has a registration in Australia as Uber Pacific Holdings Pty Ltd. The Netherlands holding is solely responsible for the day to day affairs of the company. Currently, the definition of "worker" in the Western Australian Industrial Relations Act 1979 does not appear to cover Uber drivers, although this has not been tested or taken before the Industrial Relations Commission. The Ritter review, of which the member for Forrestfield was very much a part, noted that the definition of "worker" may restrict the capacity even under the Industrial Relations Act. There were submissions that the definition of "employee" be broadened to capture gig economy workers such as Uber drivers. Several of those submissions suggested that this could be achieved by adopting the definition of "worker" in the Workers' Compensation and Injury Management Act. The Ritter review did point out that the threshold issue in terms of coverage of workers in this industry is a constitutional one in terms of the company being incorporated and, therefore, falling under the Fair Work Act. It was indeed tested under the Fair Work Commission in a decision that came out in December 2017. That decision is at odds with a United Kingdom decision in 2016 and various United States decisions, which have found that Uber drivers are indeed workers. It is my belief that they are indeed workers. In fact, the UK Employment Tribunal found in *Aslam v Uber BV* that drivers are employees. However, in the decision of the Fair Work Commission in *Kaseris v Rasier Pacific VOF*, deputy president Gostencnik said that the definition of worker differed from the UK because the definition of "worker" in the UK was broader than in the Fair Work Act. It is important to note that a future British Labour government will give everyone coverage to ensure that such uncertainty would no longer be subject to appeal. The UK Employment Tribunal decision was subject to appeal and Uber lost the appeal, but it is going to further appeal.

I want to say more about workers' rights and their ability to question whether they have been unfairly dismissed. One person I know who was suddenly discontinued as an Uber driver believes that it was because he is of Congolese background and that someone had felt uncomfortable with him in the car and had given a very bad report. Evidence in studies has shown that Uber, even though it says it does not, makes determinations about its drivers based on race and that Uber can in fact be racist in terms of its drivers because those drivers get negative reviews. Also there are some interesting cases currently ongoing about how Uber treats women in the workplace. All of this is at the heart of the ACTU's campaign to change the rules, as those most in need of protection are not able to seek remedy and are left with zero-hour contracts, which may be effective arrangements for Uber but are not for workers. For Australians and Western Australians to have confidence in its future, they need laws that cover them so that they can access redress with an independent umpire that is not bound by restrictive legislation. Jobs need to be secure and to provide a living wage. Indeed, towards the end of deputy president Gostencnik's determination, and despite the fact that he had found it was not an unfair dismissal case because it did not fit within the age-old definition of "contractors", he said —

Perhaps the law of employment will evolve to catch pace with the evolving nature of the digital economy. Perhaps the legislature will develop laws to refine traditional notions of employment or broaden protection to participants in the digital economy.

That is what we should be fighting for—broadening protections for participants in the digital economy. He continues —

But until then, the traditional available tests of employment will continue to be applied.

It is my view that until we broaden and change the rules, people will be unfairly disadvantaged and companies like Uber will exploit them.

MS M.M. QUIRK (Girrawheen) [8.23 pm]: I was not going to speak in the second reading debate on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018

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until I heard a number of opposition members claim that concrete proposals were given to taxidivers prior to the election. I have to say—and I had one constituent who was pressing me very hard for some considerable time asking what the opposition's position was—that we actually went to the election without a firm commitment, other than we would look at the taxi industry and that we had certain ideas. Figures and so-called quotes were certainly not bandied around. I was at a couple of forums and I certainly did not make any commitment and nor did any of my colleagues. I do not know where that is coming from, but it is highly deceptive, and I have to correct the record.

Members should be mindful that on-demand transport are usually small family-run businesses and prevarication over a number of years has caused great financial hardship for many operators. We are also mindful of the amoral stance taken by the previous government which was selling plates at the same time as it was holding out that they were of value, which they clearly were not. That then placed people in a lot of difficulty. I remember asking the former Minister for Transport when we were in opposition that if he were in his previous position as a bank manager whether he would be prepared to lend money on the basis of those plates. I never got an answer, but I think the actions of the previous government, moving with glacial speed and not being prepared to make a hard decision, very much compounded the problems we are addressing now.

I want to congratulate the Minister for Transport and my colleague the member for Armadale for proposing an integrated system that will not set one sector of the industry against another. Some will be unhappy, but it is the greatest good for the greatest number. It brings the on-demand transport industry into the twenty-first century. Passengers already are noticing improvements in all sectors of the industry and it is getting rid of what are piecemeal and crippling regulations. I am afraid that I have been in this place long enough to remember the former member for Vasse. We spent many hours in this place debating taxidriver conduct. I can only reflect on the irony of that some years later.

The other thing I want to put on record is that disrupters like Uber are cheats and lawbreakers and it should not be able to benefit. It is important, for example, that the levy is applied across the board. It is just not on for it to disrupt the industry and then to expect to get off scot-free. I think that is an issue.

I have two final things I want to say. The first is that I have been approached a number of times by special charter vehicle operators who are very concerned about the 10 per cent ride levy; but I do point out that it is a maximum of \$10. Also there will be distortions if these matters are not addressed across the whole of the industry in each of the sectors of the industry, so it is important that people who use that section of the on-demand transport system get used to it relatively quickly. I know it is not ideal, but it is about making sure that the system is fair and equitable and that some order is created out of what was chaos and inaction.

Finally, I note that on the occasions that I go to the airport and to, I think, terminal 1, which is the Virgin terminal, I have found that the signage for taxis is disgraceful and the taxi rank is quite a long way from the terminal. It is not quite as bad as at Seattle airport, where people have to go up an escalator, across a multistorey car park to the taxi rank on the other side of the road. Having said that, I think more signage will assist not only tourists to Western Australia, but also the drivers. We need to be able to better identify where ranks are and ensure that people are able to access taxis easily.

Can I congratulate the minister on her efforts. As I said, some people will not be happy with the changes, but it is now an integrated system and people are carrying the burden equitably. It will mean that the taxidivers who have bought plates will get some compensation. It may well not be what the opposition claimed we promised them, but, as I said, I completely refute the assertions the opposition made as to our pre-election promises. I am sure that the government is mindful that these are major changes and that they will be subject to scrutiny while being bedded down. I commend the bill.

The ACTING SPEAKER (Mr S.J. Price): Before I give the call to the minister, can I welcome to the Speaker's gallery Mr David Simmons, OAM, former member for Calare and minister in the Hawke and Keating governments. Welcome.

MS R. SAFFIOTI (West Swan — Minister for Transport) [8.30 pm] — in reply: I rise to respond to the many comments made by members in this chamber on the Transport (Road Passenger Services) Bill 2018 and Transport (Road Passenger Services) Amendment Bill 2018. I enjoyed the contributions of many and I think this has been quite an interesting debate. This has always been a very interesting debate, because we are really doing pure microeconomic reform, and it is challenging. I am not saying it is easy; it is very, very challenging. I want to go a little bit through the history, refute many of the claims made by the opposition and then respond to the many questions put in this second reading debate. As I said, I enjoyed many of the contributions, particularly from my side, because I think we have engaged and talked about this issue a lot in opposition and now in government. A lot of people have been very, very interested in the debate, particularly the member for Girrawheen, the member for Mirrabooka and the member for Thornlie, who are in the chamber at the moment. We have discussed this issue at length. It was good to hear the comments being made on this side and many of the comments on the other side.

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Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire;
Mr Stephen Price; Mr Donald Punch; Ms Janine Freeman; Ms Margaret Quirk; Ms Rita Saffioti

I want to refute some of the outrageous allegations made by the other side. I will go through the history of my involvement in the matter and start with when I became the shadow Minister for Transport. I was approached by a number of taxi plate owners who described what was happening in the market and sought my involvement to assist them in bringing the matter to light. I am going to say that there was not a lot of sympathy for the taxi industry. I knew I was doing this not because it was a popular thing to do, but because I thought it was the right thing to do. I took up the cause for a particular couple in the northern suburbs and then, of course, other people came to see me. I had numerous meetings and numerous discussions. Some of the allegations made by those opposite are completely false and wrong. They are claiming they were told certain things by a group, and I know which group they are talking about. I can tell members what that group told me. That group told me that the member for Carine thought that the then Minister for Transport, the member for Bateman, was useless and that he could not get reform through. That is what that group told me. It said that the member for Carine was privately giving commitments for a compensation package.

Mr A. Krsticevic: Was I really?

Ms R. SAFFIOTI: That is what people in the group told me. Is the member for Carine calling them liars?

Mr A. Krsticevic: That is not true. They know the truth.

Ms R. SAFFIOTI: Is the member for Carine calling them liars?

Mr A. Krsticevic: The minister can say what she likes, but they know the truth.

Ms R. SAFFIOTI: Yes. They came and said —

Mr A. Krsticevic: That is all that matters; they know the truth.

The ACTING SPEAKER: Member for Carine!

Ms R. SAFFIOTI: They said that the member for Carine was out there battling for them, that he was going to move amendments in this place and he was going to cross the floor and support the Labor opposition. That is what they told me. They said the member for Riverton privately gave commitments to them. They were telling me that the member for Carine would cross the floor and that he was trying to get his side to budge and deliver compensation. That is what they told me.

Mr A. Krsticevic: It is important giving compensation.

Ms R. SAFFIOTI: Why did the member for Carine not cross the floor like he promised?

Mr A. Krsticevic: For what?

Ms R. SAFFIOTI: On the discussion we were having on the compensation.

Mr A. Krsticevic: Do you mean the \$162 500 you offered them?

Ms R. SAFFIOTI: I can tell the member what happened there.

Mr A. Krsticevic: You moved the amendment.

Ms R. SAFFIOTI: No, people from the group came to me and said this was what the Liberal Party was going to do. It told them that it was going to move an amendment for \$162 000 and that the member for Carine in particular was leading the charge. That is what they told me. What happened? The member of Carine did nothing.

Mr A. Krsticevic: They should have told me that.

Ms R. SAFFIOTI: Is the member saying that those people were not telling the truth?

Mr A. Krsticevic: I do not remember them —

Ms R. SAFFIOTI: Were they not telling the truth?

Mr W.R. Marmion: Do not put words in his mouth.

Ms R. SAFFIOTI: No; I am just asking. Did the member for Carine say that?

Mr A. Krsticevic: They know the truth.

Ms R. SAFFIOTI: They know the truth. Did the member for Carine say that? Did he privately give commitments? Did he say that the member for Bateman was not doing a good job?

Mr A. Krsticevic: No, I did not.

Ms R. SAFFIOTI: The member did not; so they were not telling the truth.

Mr A. Krsticevic: I can read the member the emails they sent me after my speech, if the minister wants me to.

The ACTING SPEAKER: Member for Carine!

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Ms R. SAFFIOTI: Yes; does the member know what? They can send all the emails they like. Is the member for Carine supporting the bill or not?

Mr A. Krsticevic: I can tell you the emails they sent me.

Ms R. SAFFIOTI: Is the member for Carine supporting the bill or not?

Mr A. Krsticevic: I will read the emails that I sent you.

Ms R. SAFFIOTI: Is the member for Carine supporting the bill or not?

Mr A. Krsticevic: We are not opposing the bill, are we?

Ms R. SAFFIOTI: I do not know what the opposition is doing, because every member stood up and gave a different version of events in their accounts.

Mr A. Krsticevic: You are in government; you need to deliver what you promised.

Ms R. SAFFIOTI: What did I promise?

Mr A. Krsticevic: You ask them that.

Ms R. SAFFIOTI: What did the member for Carine promise them? I know what he promised. Let us go through the differing accounts of what the opposition promised or did not promise. We know that the member for Carine was undermining the member for Bateman and all those meetings, saying that the member for Bateman could not deliver a compensation package, but he was there fighting for them. I know that is what people in the group said to me. Did the member for Carine tell them that? Did the member for Carine say that the member for Bateman could not deliver a compensation package—did he?

Mr A. Krsticevic: No, I did not say anything about the member for Bateman.

Ms R. SAFFIOTI: He did not say anything about the member for Bateman.

Mr A. Krsticevic: I just said, “I am here to help.”

Ms R. SAFFIOTI: Is that what the member for Carine said—that he was there to help? How did he help them? I remember that the member of Carine stood up and said —

Mr A. Krsticevic: You are in government; do not worry about us. We got voted out, do not forget. Do not forget we got voted out. They ran against us.

The ACTING SPEAKER: Members!

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine!

Ms R. SAFFIOTI: I will read everybody a letter. This is what I wrote to the member for Carine in June 2016. This is from me. I wrote —

Dear Tony

I am writing to you on the important issue of taxi reform in Western Australia.

As you would be aware the Minister has announced a range of reforms to the industry in Western Australia.

A number of taxi plate owners and drivers have expressed directly to me the impact of these reforms on their livelihood and ability to continue to operate their taxi services.

...

The WA Opposition is very keen to secure a better outcome for plate owners. We are keen to work you with to secure that outcome. I did offer a bi-partisan approach to this matter directly to the Minister during the Estimates process, but he did not take it up.

The WA Labor Opposition would like to move some amendments to the Taxi Amendment Bill 2016, but of course we would need the support of Liberal and National Party members to ensure the amendments are successful.

We are considering a number of proposals in relation to proposed amendments, including a proposal to establish an industry funded voluntary buy-back mechanism. It is anticipated the details of this would be developed by the Government through an industry board.

I am very keen to discuss this directly with you and your colleagues.

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I sent that to nine or 10 members of the government at the time. This is not an issue that I did not want to be solved. This is a key point. I said to all the taxi plate owners who came to see me that I wanted the government to sort this issue out, because it was very, very hard, and I did not want to potentially win government and have to sort it out. It is so hard. I wanted the former government to sort it out. I wrote to nine or 10 members—those who I was told were sympathetic to the taxi industry—to try to have a bipartisan approach. That is what I did and I did not get any response. I think the member for South Perth discussed it with me a few times in the corridor, but I proactively sought a bipartisan approach, because I think that is the best way for this issue. It is challenging and difficult and there are so many parts of the industry. I want to go through those, because I think there has been a lot of focus on some elements—a group of taxi plate owners. There is another big group that the opposition does not speak to and then there are the drivers themselves. It is often the drivers who are at the bottom of the pecking order and they are the ones who are suffering significantly now. This is all about giving more powers to the drivers and giving them choice in the market, because it is currently very, very limited for them. This is about trying to restructure their whole industry. I know not everyone is happy; I can totally understand that. Of course, everyone will want more. There has been a lot of focus on the \$100 000, but let us talk about those people who are getting over \$200 000. Let us talk about those people who entered the market in 2014 and 2015 who are the most financially exposed and who will be getting the highest buyback offer. Let us talk about them, because nobody on the other side mentioned them. If members come in here and make allegations about what people told them I gave commitments to, I will tell people what the group said about members opposite, and in particular the member for Carine. They said a lot about the member for Carine and what he had said, how he was undermining the member for Bateman and what commitments he had given. They said it all the time. The member for Bateman stood and —

Mr A. Krsticevic: I organised meetings for them with the member for Bateman, rather than undermining him. I said, “I’ll try to open the door so he will speak to you and help.”

The ACTING SPEAKER (Mr S.J. Price): Member for Carine!

Ms R. SAFFIOTI: The member for Carine tried to open the door so the member for Bateman could speak to them. Then the member for Carine went out and undermined the member for Bateman. He opened the door, had a meeting and then closed the door and he undermined him as he walked back to the car park, because that is the kind of person he is.

Mr A. Krsticevic: I don’t think so, but it’s a good story.

Ms R. SAFFIOTI: It is a good story?

Mr A. Krsticevic: It’s a good story, but it’s not true. I am sure you will embellish it nicely.

Ms R. SAFFIOTI: Is it not true? That is what the group told me.

The member for Riverton has a number of taxi plate owners in his electorate. They came to me and said that the member for Riverton really supports them. They said that he will take it up with the member for Bateman and that he really supports them. What did the member for Riverton shout out during the debate? “I promised them nothing!”, the member for Riverton said, even though he was there trying to get their support through the campaign. He said that the reason we could not develop a package is that the opposition was somehow out there disturbing the force. I wrote to the then government and offered a bipartisan approach because, as I said, I did not want this to be an election issue. I did not want to come to government and have to start from scratch, because I knew how complex it was. If the previous government had put together a good package, I would have supported it. That is what I was trying to do. To everybody who came in, I said, “Look, I can try to make this an election issue, but I want to sort it out now”, because every month was hurting the taxidivers. I knew that it would take time to start the process from scratch, because nothing was being done. That is the absolute truth.

I know the group that is upset with me and that most of them were probably traditional Liberal Party supporters, to be honest, and neighbours to some of the members opposite. I know that they are upset, but it does not justify supporting or condoning death threats to my family. We do not support that. Let us have a mature debate about this. As I said, I know not everyone is happy, but we cannot do this in a financially unsustainable way. We could have done the levy in a number of ways, but we chose the method that tried to reduce incidents for the drivers. This is the key point. If the levy was collected by the drivers, a lot of heat would have gone to the drivers. We also want to reduce the administration collection points, so the levy is being collected by the booking service.

I want to go back to what the member for Hillarys said. He said that the Liberal Party promised a compensation package at the election that it would fund from Western Power. That is what he said. He said that the Liberal Party had a commitment at the election —

Mr P.A. Katsambanis: The sale of Western Power.

Ms R. SAFFIOTI: Yes—the sale of Western Power. Am I correct that the member for Hillarys said that he took to the election a compensation package that would be funded from the sale of Western Power?

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]
p5994b-6030a

Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire;
Mr Stephen Price; Mr Donald Punch; Ms Janine Freeman; Ms Margaret Quirk; Ms Rita Saffioti

Mr P.A. Katsambanis: I did not. I was campaigning in my seat.

Ms R. SAFFIOTI: The member just said he did. He said that the Liberal Party took a package to the —

Mr P.A. Katsambanis: That is what we were discussing with the industry.

Ms R. SAFFIOTI: Who was the member talking to?

Mr P.A. Katsambanis: You know that. You are playing games now.

Ms R. SAFFIOTI: Okay. The Liberal Party told the industry. Now we are getting it. The Liberal Party told the industry that it would have a compensation package funded from the sale of Western Power. That is what the member just said. Who was making the fake promises at the election? It is obviously the Liberal Party.

Mr P.A. Katsambanis: Well, have a look at what you have delivered. You have not delivered what you promised.

Ms R. SAFFIOTI: What did we promise?

Mr P.A. Katsambanis: You promised \$200 000 plus.

Ms R. SAFFIOTI: Show me the proof.

Mr P.A. Katsambanis: You will get your proof. As I said to you, you were at the Italian Club in late 2016.

Ms R. SAFFIOTI: Do you think I stood up and said that everyone is going to get \$200 000? Is that what you think?

Mr P.A. Katsambanis: Minimum.

Ms R. SAFFIOTI: Is that what I said?

Mr P.A. Katsambanis: That is what they went away with. Either they are all lying—every one of those people is lying —

Ms R. SAFFIOTI: No, the member for Hillarys missed the key point. Does the member for Hillarys know what that same group said? It said that the member for Carine said that the member for Bateman was useless and that you were designing a package of \$160 000 and you were going to bring an amendment into the lower house. That is what the same group said to me. Is that true?

Mr P.A. Katsambanis: Isn't that what you supported?

Ms R. SAFFIOTI: Is that not true?

Mr P.A. Katsambanis: I don't know.

Ms R. SAFFIOTI: Did you bring the package?

Mr P.A. Katsambanis: I was not at that meeting. How can I tell you?

Ms R. SAFFIOTI: Did you bring the package?

Mr P.A. Katsambanis: I don't think the member for Carine was at the meeting where you're verballing him either.

The ACTING SPEAKER: Member for Hillarys! Minister, through the Chair, please.

Ms R. SAFFIOTI: The same group said that the member for Carine was about to bring in an amendment for \$160 000, so the member for Riverton was supporting a compensation package for plate owners. Leader of the Opposition, were they not telling the truth about that?

Dr M.D. Nahan: You're not telling the truth.

Ms R. SAFFIOTI: The group said that the member for Riverton supported the taxi industry.

Dr M.D. Nahan: This is a place for fiction. You're just making it up.

Ms R. SAFFIOTI: Am I? They said you supported —

Dr M.D. Nahan interjected.

The ACTING SPEAKER: Leader of the Opposition, you cannot just walk in here and start talking. It is not your turn.

Dr M.D. Nahan: She is talking to me.

The ACTING SPEAKER: The minister is talking. I remind you that you are on three counts, member for Carine and Leader of the Opposition, and two counts for you, member for Hillarys.

Ms R. SAFFIOTI: So the same group came and said to me that the member for Carine was giving private commitments and the member for Riverton was giving private commitments about compensation.

Dr M.D. Nahan: And they told us that you promised them \$200 000 over and again.

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

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Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire;
Mr Stephen Price; Mr Donald Punch; Ms Janine Freeman; Ms Margaret Quirk; Ms Rita Saffioti

Ms R. SAFFIOTI: They only tell the truth when they are talking about me but they don't tell the truth when they're talking about you. Is that how it works?

Dr M.D. Nahan interjected.

Ms R. SAFFIOTI: I am not taking interjections, Mr Acting Speaker, because I did not interject when they were saying —

The ACTING SPEAKER: No interjections. That is true.

Ms R. SAFFIOTI: When they were making claims about me, I did not interject.

An opposition member: Yes, you did.

The ACTING SPEAKER: Either way, the minister said that she is not taking interjections, so bear that in mind going forward.

Ms R. SAFFIOTI: I am not taking interjections because the opposition made some very strong claims and I am outlining what the group told me. The group told me that the member for Riverton and the member for Carine thought the member for Bateman was doing a bad job and did not care about taxi plate owners and that his corporate life made him not understand the plight of small business. That is what they told me those members said about the member for Bateman and I took them at their word. That is what I thought the member for Carine was saying. As I said, I wrote to the then government and asked for a bipartisan approach. None of them replied, except for the member for South Perth.

We will go through it now. We know the member for Hillarys said that the Liberal Party was out there talking to the plate owners, saying that they would deliver a compensation package funded from the sale of Western Power. That is what he said, even though the Leader of the Opposition said, "We promised them nothing." Again, I am not sure who is telling the truth.

Mr P.A. Katsambanis: It was a discussion. You're allowed to have a chat.

The ACTING SPEAKER: Member for Hillarys!

Ms R. SAFFIOTI: The member for Hillarys said that he told the plate owners that he was going to deliver a compensation package from the sale of Western Power —

Mr P.A. Katsambanis: I did not say that. Now you are verballing me. I clearly did not.

Ms R. SAFFIOTI: That is what the member for Hillarys said today. That he —

Several members interjected.

The ACTING SPEAKER: Member for Hillarys! Minister for Tourism!

Ms R. SAFFIOTI: He said today, just now, that the Liberal Party told industry that it would have a compensation package funded from the sale of Western Power. Like I said, we can go through this the rest of the night, but I want to demonstrate that to come into this place and make false accusations and not outline what that same group told me about members opposite was a big mistake. I will repeat 100 times how you were undermining the member for Bateman when he was —

Mr P.A. Katsambanis: Who was?

Ms R. SAFFIOTI: The member for Carine was. The member for Carine was undermining —

Mr A. Krsticevic: Do you want me to read the email the group sent me?

The ACTING SPEAKER: Member for Carine! The minister said that she is not taking interjections.

Ms R. SAFFIOTI: The member for Bateman—that is what he said. As I said, we can go through it.

Mr A. Krsticevic interjected.

Ms R. SAFFIOTI: Does the member know what? The member for Carine can stand up and move an amendment if he wants. That is what the member for Carine said he would do last time. He promised that group last time, when the Liberal Party was in government, that he was working on it and he would get a package and it was all okay. That is what he said.

Mr A. Krsticevic interjected.

Ms R. SAFFIOTI: Pardon?

Mr A. Krsticevic interjected.

Ms R. SAFFIOTI: He got them 20 grand. That is a good achievement.

Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire; Mr Stephen Price; Mr Donald Punch; Ms Janine Freeman; Ms Margaret Quirk; Ms Rita Saffioti

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine!

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine! This is your last chance.

Ms R. SAFFIOTI: That is some of the history.

I know it is a challenge for regional WA because of the different styles of businesses set up there. It was difficult during the consultation process because groups had different ideas about going forward. I think the member for Vasse talked about the transition or compensation package. In the meeting in February it was proposed that they could impose the levy with a transition package or not impose the levy. The overwhelming feedback was that they did not want the levy. The National Party engaged positively in a constructive debate.

Several members interjected.

The ACTING SPEAKER: Members!

Ms L. Mettam interjected.

The ACTING SPEAKER: Member for Vasse, thank you for that!

Ms R. SAFFIOTI: As I said, the National Party, the member for North West Central and the member for Armadale had a number of discussion points. They sought extra briefings and we gave them to them. Bit by bit the member requested extra briefings.

Mr P. Papalia interjected.

Ms R. SAFFIOTI: I think the fact that the member sat down in a meeting with me constructively to go through all the components was a good thing.

Mr P. Papalia: There was a dispute over who wrote first.

Ms R. SAFFIOTI: The member writes a lot of letters but does not ever contribute constructively to debates. I welcome the National Party's constructive and continuing dialogue on this. We will always look at how we can make things better for regional WA. The member for Bunbury and regional Labor members too, of course, raised the issues about the levy in regional WA. As I said, it is very difficult with regional WA because businesses are established differently. Some see it as a huge opportunity because we are really taking away the restrictions and allowing them to compete. It was always an option to do nothing in regional WA, but Uber will be there anyway. Do members know what I mean? It will take all that market anyway, so we have to provide a reform program. I have spoken to my department, even during the dinner break, and we will specifically work with the regional operators through the regional offices because it will be challenging for some and we want to work with them. Our aim is to allow those businesses to continue to operate. It is never anyone's intention not to try to make them continue to be successful, but trying to get a model that works for the individual operations of every regional business has been difficult. There were very strong opinions against that levy. We understood that and that is why we engaged on that.

I will go through the series of questions and seek to answer the questions each member raised. Regarding the cost of administration of the scheme, currently \$1.2 million is required for administration of the buyback and levy and will cover costs such as maintenance of IT required to support the collection of the levy, as well as auditing and monitoring compliance with the levy.

Regarding the time line for the collection of the levy, basically, as soon as the levy is introduced, we will set up the process for the buyback. We are looking at whether we can stage it and allow the hardship cases to come in quickly, but we are going through those models to see how we can make sure that once the levy has been introduced, there will be a time frame within which people can apply and a process will be attached to that. But again, we are seeing what we can do to make it as fast as possible, knowing that we need a proper process. Why is it 10 per cent and not a flat rate? As I said, the flat rate impacts the shorter trips. We found, particularly with ridesharing companies when we talked about compensation, for example, the Ubers were very against the flat levy because they do a lot of short trips. Also, the member for Armadale picked up that a lot of people going to the shops or making shorter trips would be disadvantaged. It is about encouraging more ridesharing for the shorter trips. That is why we are proposing a flat levy.

We can have a debate about the impact on the market implementation of the booking service, but this will be an interesting issue to watch. Ridesharing companies, for example, take a percentage of income from the drivers. One particular ridesharing company moved from, as I recall, 20 to 25 to 27 per cent. It has unilaterally done that and consumers and users do not really understand it. We have always said that if it wants to drop that take from

Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire; Mr Stephen Price; Mr Donald Punch; Ms Janine Freeman; Ms Margaret Quirk; Ms Rita Saffioti

the driver, it could absorb some of that levy. In relation to the taxi industry—this is a key point—because we are in a sense sucking the plate cost out of the market, we will be reducing a lot of those lease costs. For example, if a driver leases a plate only, they pay \$18 000 per annum for the lease costs. By buying back the plates, they are sucking out the per annum lease costs, and that helps drive down costs in the taxi industry. Of course, the levy will be applied over that, but because they are sucking out the lease costs, we can expect that the full impact will not be 10 per cent. That is a different way that the taxi industry can look at it because costs are being sucked out. Ridesharing depends on how the ridesharing company operates. As I said, one ridesharing company increased its take on drivers from 20 to 27 per cent. People do not know that. Those companies could reduce their take from the drivers and therefore help to absorb some of that 10 per cent. I am very keen to see whether we have a more transparent process so that people are aware of the driver's take from the fare. There is a bit of competition out there currently. New entrants have come in and are taking a much lower take from the driver. Commuters do not know that. We are looking at whether it is a possibility, similar to a FuelWatch system, whereby a passenger can check an app or a website and, through a reporting mechanism, see the ridesharing company's take from drivers. It might help people make more informed choices. They might choose a company that is taking less for the company and more for the driver. That is a potential. To clarify that, Uber ridesharing company takes 27 per cent for the company; the rest goes to the driver but there are ways to make that more transparent so that people become more aware of what the driver's take is. That also might help protect drivers and make commuters more informed. We are looking at that as part of our reforms.

Mr Z.R.F. Kirkup interjected.

Ms R. SAFFIOTI: Yes; I know there is competition between Ola and Uber, and that is centred around what drivers take. It will be interesting to see. Some drivers work for both. If they get the choice of fares, they will take the Ola fare any day because they will get more money. It is an interesting dynamic to watch, but I think providing some transparency so people can understand the drivers' conditions might help people make informed choices. As the member for Dawesville said, it is happening anyway.

I think the member for Scarborough talked about precedents for government assistance. She argued for compensation to be paid to the Scarborough foreshore traders and we gave that. A restructure payment was provided for the potato industry. These things happen. There are precedents. I have outlined how costs will come down, particularly in the taxi industry. In essence—it is hard to describe—we are paying out \$120 million of costs in buying back plates if everyone takes it up. In a sense, we are sucking \$120 million of capital costs out of the market and, of course, we are sucking out the lease costs that come with that so there will be some reduction in costs to the taxi industry.

The legislation does not remove the five-plate cap on taxis. That was done by the former government in 2016. I was asked how long records would need to be kept. It is proposed that booking service providers will be required to keep records for two years, consistent with what has happened in New South Wales and the Australian Capital Territory.

When it comes to regional issues, as I said, it is very difficult to get a package that suits everybody. All drivers are different. Some will see it as an opportunity to help grow their business and insulate them against Uber. Others will not have that opportunity. A significant meeting was held during which we discussed whether people wanted the levy or the package. They definitely said no to the levy, and that is what we went with, together with feedback from the National Party and Country Labor (WA).

The issue of responsibility was raised. In a sense, this is about deregulation, but we are also creating a minimal regulatory framework and a chain of accountability. We are identifying the three key providers in this chain—the booking service, the car and the driver. They are the key elements. There is a chain of accountability; the booking service really becomes a key part in that chain of accountability.

I think the member for Riverton said that this legislation will solidify Uber forever. The reality is—I think we all accept this—that ridesharing technology is here. A few of my members queried whether the former government should have been more aware. We can debate that, but I am more interested in moving on. We have come to the realisation that it is a very popular option for many people. The technology—in particular, the ability to track vehicles so easily—has seen a huge movement towards ridesharing. I agree with the member for South Perth. I have never used Uber, and I have not jumped in one either. I wanted to clarify that. Taxi apps have improved over time, and they will continue to improve. We are getting the boutique and niche deliverers; for example, Shofer delivers a very good service. If we go through all of them, we are seeing a creation of new booking services and new types of taxis in particular. We made a judgement that we cannot turn back the clock. The new entrants were here and they had gained a lot of popular support. They were providing a service and I was not going to try to completely remove that. But I wanted to ensure that we created a level playing field, and that is what this legislation is all about.

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The member for North West Central raised issues relating to the definition of “relevant journey”. We might talk about that in consideration in detail. The member for Bateman outlined some of the things that the former government did, which was to reduce the cost of some lease plates to assist with the decline in demand. That is correct. I tried to address the flat rate levy. We could have gone two ways; we went for the percentage. As I said, we did not want to discourage shorter fares. We also wanted to make sure that those who travelled shorter distances were not unfairly impacted. Because of representations from industry, we capped fares at \$10 to make sure that no-one is paying more than \$10 a fare. I think the member for Bateman said that the cost of administering the scheme would outstrip the revenue. We do not think that, particularly the way we are doing it, which is through the booking service providers. This will not apply to plates owned by government. This is not another revenue stream. I can tell members that getting this through the Treasury process was tough. It is a time-limited levy; it will disappear once we collect the revenue that we have paid out.

The member for Carine said that market price should be offered for the plates. Given where the market price is at, he probably would not want to say that again.

When it comes to the buyback scheme, again, we can debate the number, but the opposition did not recognise all of those who will be getting a significant amount, in particular those who bought early. It is a most generous buyback scheme. It is applied per plate. In other states, drivers apply for the first plate and the amount is reduced for the second and third plate. It will be the most generous buyback scheme in the nation. As I said, it does not satisfy everybody and it does not make everybody happy. It has made some people very unhappy. We had to strike a balance between the imposition on commuters and customers and the package for the plate owners, and do it in a financially sustainable way. Some people said that we should have got transport to pay for it. That is really putting the debt onto taxpayers. We could have increased debt to do this but in most industry reforms, we look at industry. It is funded from industry, like the milk reform. It was not so much the same with potatoes, which I think was funded through royalties for regions.

Mr R.S. Love: A good National Party policy there at work too.

Dr A.D. Buti: That was your policy—industry funded.

A member interjected.

The ACTING SPEAKER: Minister, you are out of your seat. You are being disorderly.

Ms R. SAFFIOTI: I always talked about reform being industry funded. Reform of such nature is normally industry funded, and that is what happens.

Mr P.A. Katsambanis: This is consumer funded.

Ms R. SAFFIOTI: This is micro-economic reform. All industry-funded reform is consumer funded, member for Hillarys. The milk levy was paid not by the cows but by the customers who walked into the shop.

Mr P.A. Katsambanis: Not industry funded; consumer funded.

Ms R. SAFFIOTI: It is the term that is used in economics—“industry funded”.

Mr P.A. Katsambanis: No, it’s not used in economics; it’s used in your voodoo economics.

Several members interjected.

Ms R. SAFFIOTI: As I said, the member for Armadale carried out consultation with plate owners. Again, there are always requests to do more, but we tried to get the right balance. I met a lot of taxidrivers before entering government but given my portfolios, I wanted to make sure that the member for Armadale got to carry out the strong interface with the affected industry.

The member for South Perth raised the flat rate levy, which I talked about. The member for Vasse talked about consultation again. Members heard that the member for Armadale consulted extensively; in particular, he made specific efforts in relation to regional stakeholders. Of course, a significant meeting was held in February; we tried to have representatives from all the major taxi groups across the state in one meeting. We got differing views from different groups. That is where we got the feedback that they wanted no levy, and that is what we did. Further changes were made relating to tourism operators and other aspects.

Bus services are not subject to the levy. We made some subsequent changes, which we announced about two months ago, which went through the final different changes, including changes relating to buses. The member for Dawesville went a bit hard at the end. I was not going to refer to his “training of the Uber driver” forum. He said it was great to welcome all potential Uber drivers in Mandurah as it would lead to more jobs, more choice and a great outcome for their town. I was not going to use that but, heck, he went hard. The member for Dawesville becomes a training officer for Uber in his parliamentary time. It is good that he is now concerned about taxis.

Several members interjected.

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5994b-6030a

Mr Terry Healy; Ms Libby Mettam; Mr Zak Kirkup; Mr Peter Katsambanis; Dr Tony Buti; Mr Chris Tallentire;
Mr Stephen Price; Mr Donald Punch; Ms Janine Freeman; Ms Margaret Quirk; Ms Rita Saffioti

Ms R. SAFFIOTI: He was out there welcoming the Uber drivers, giving them a bit of a pep talk!

Several members interjected.

Ms R. SAFFIOTI: He did not mention that today, but he did talk about taxis, which is odd, given he is a training officer for Uber!

Mandurah is difficult. The member for Mandurah is not here, but there is a permeability issue for transport between metropolitan areas and Mandurah. We had to make a decision whether to exclude Mandurah from the levy. The feedback we got was that it is currently very difficult to get taxis to go back and forth, moving in and out of the metropolitan area. They are the challenges, so we came up with a model that shows Mandurah has to have the levy but we are giving specific transition payments to those operators because they are regional operators. Like I said, because they are regional operators, they have to have the levy but will get specific payments. They are not very happy about it, but we are trying to find the right compromise because of the unique situation. I think I addressed many of the issues —

Mr V.A. Catania: Regarding regional taxis and cameras, they will have to put in cameras. How much will they be? In the conversations I have had, some say two and a half but I was told by your advisers that they are looking at changing the specs to be able to reduce the price to \$500. Can I just get that clarified for some members here?

Ms R. SAFFIOTI: There are a couple of things. Currently, there is a requirement to have external and internal cameras, but that will no longer be the case. A lot of the cost will be removed because there will be no requirement for external cameras. We are also changing the specifications for what people can have. The estimates are from about \$500. We are changing what is required and, as I said, not having external cameras will also reduce costs quite a bit.

Regarding regional operators, it is far harder because of the different arrangements. We are very keen to continue to work with all regional operators. I raised it with my team because every area is bespoke in how they operate with their challenges. We will make these changes over time to make sure we can help regional operators in particular, because I do not want to see good, hardworking businesspeople suffer. There is going to be change and reform but we are very keen to work with industry.

Question put and passed.

Bill (Transport (Road Passenger Services) Bill 2018) read a second time.

Leave denied to proceed forthwith to third reading.