

TAXI DRIVERS LICENSING BILL 2013

Third Reading

MR T.R. BUSWELL (Vasse — Treasurer) [3.27 pm]: I move —

That the bill be now read a third time.

MS R. SAFFIOTI (West Swan) [3.27 pm]: I do not want to draw out this debate on the Taxi Drivers Licensing Bill 2013 given the debate on this bill in this house over the past week and a half. I was very interested to hear about every taxi trip that each government member has had over the past 20 years, because not only —

Mr J.E. McGrath: Talk about yours.

Ms R. SAFFIOTI: I thought about it, but I thought: no, I will not do that to people. I was going to talk about my taxi trip in Calabria and I started to do so during my contribution to the second reading debate. But I thought: no, I will not delay the house, so I stopped giving everyone a full account of my taxi trip in Calabria. It would contradict what I am saying now if I go into my taxi trip in Calabria.

Mr I.C. Blayney: I am going to die wondering!

Ms R. SAFFIOTI: We are all disappointed in life, member for Geraldton.

It was interesting to hear from everybody. The colleagues on my side did not go into a lot of detail, but I think the member for Perth told us about her non-professional taxi trips. Other members gave us full accounts of trips in Adelaide and other cities in Australia. Every taxi trip that every government member has taken over the past 20 years —

Mr T.R. Buswell: What about the member for Girrawheen's first prosecution—the chap with a loud shirt. That was an interesting tack. It took a long time, but it was interesting.

Ms R. SAFFIOTI: What was that one?

Mr P. Papalia: How many days?

Mr T.R. Buswell: That probably pushed us over the edge on a couple of days.

Ms R. SAFFIOTI: It was the first time I saw a government filibuster on its own bill to such an extent. We support the bill —

Mr A. Krsticevic: People were keen to talk.

Ms R. SAFFIOTI: I heard more discussion from some of those members on the taxi bill than I heard since the March election. I heard more debate on the taxi bill than I heard on the appropriation bills. Like I said, it was a very interesting time. I am sure that the constituents of every member who rose to speak now have a better appreciation of their member from their members' recollections of every taxi trip they have taken in the past 20 years.

We support the bill. We appreciate that the code of conduct will now be subject to parliamentary scrutiny. There are issues that I hope are debated in the upper house, including the size and visibility of the taxi licence in a vehicle and other issues that we raised. I do not want to delay the bill any longer, given what has occurred from the government in the past week and a half.

MR D.A. TEMPLEMAN (Mandurah) [3.30 pm]: I am very interested in this third reading debate on the Taxi Drivers Licensing Bill 2013 to reflect on some of the contributions to the second reading debate. The member for Balcatta said, "The bill is very well structured." That was mentioned a number of times in his speech, as he gave a great discourse about the importance of this bill. The member for Balcatta's contribution was bigger than his contribution to the debates in this place about cuts to education, which of course affect schools in his electorate.

The member for Forrestfield reflected on his doorknocking and I will reflect on what he said. He said —

On a local level ... I was doorknocking in my electorate ... I noticed a number of taxis parked in front yards. Upon having conversations with these residents, I realised that a number of them were themselves taxidrivers. Therefore, —

This is a great deal of intellect —

this legislation will directly impact on a number of my residents.

Then he told the house about a conversation he had on the weekend with a taxidriver who lived in Kenwick. He said —

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We had a great conversation ... I paid that fare with much satisfaction because I thought that these are the kinds of taxidrivers who we want in Western Australia and these are the kinds of impressions that we want customers to walk away with.

That is what the member for Forrestfield said. Again, we heard nothing from him about the schools in his electorate that will have their funds slashed, but he was very much happy to talk about taxidrivers.

Point of Order

Mr T.R. BUSWELL: I have a point of order.

Several members interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Member for Mandurah, there is a point of order.

Mr P. Papalia: You cannot be serious!

The ACTING SPEAKER: Members, there will be no interjections during points of order or I will call people.

Mr T.R. BUSWELL: Although I do not have my finger on the particular footnote in the standing orders, I am aware of one that gives guidance around speeches in the third reading debate and to what they apply.

An opposition member interjected.

The ACTING SPEAKER: No interjections!

Mr T.R. BUSWELL: Although I understand the vigour with which the member for Mandurah is making his point, I get the sense that education is not part of the primary bill.

The ACTING SPEAKER: Third reading speeches must go directly to the bill. That is the guidance that I will give the member.

Mr D.A. TEMPLEMAN: And I am, Madam Acting Speaker.

Debate Resumed

Mr D.A. TEMPLEMAN: Then we had the member for Alfred Cove telling us about his deplorable experience —

Once, on a 50-degree day, I hopped into a taxi in which the air conditioning did not work, the seats were vinyl, the driver's body odour was deplorable and there were no rubber seals on the doors. I was in a suit going to a meeting and spent 40 minutes in that taxi. It was a terrible experience.

Of course, he fingered the driver as the one who had the body odour, and said —

It was an ordinary experience.

Then let us look at what the member for Perth said. She said —

As a mother of three, I am proud to say that I am a non-professional taxidriver and see it as my other profession.

But then she divulged that some 20 years ago in Adelaide she had an interesting experience with a very happy chappie, which was her first taxi experience in Adelaide. On the journey he enthusiastically pointed to all the landmarks, telling her what this was and what that was. Then she said —

This experience occurred 20 years ago, as I have said, and to this day I still remember and value it.

Then the member for Perth told us that she had a confession to make. I want members to conjure up these visions. The member for Perth told us that she could be seen on numerous Friday and Saturday nights driving her own unregistered taxi wearing her blue woolly robe. One can only conjure up the vision of the member for Perth driving around in her woolly robe! Then, of course, during her speech in the second reading debate she was interrupted—I think it might have been me who interrupted her—and then she said —

I am enjoying this, believe me! Where was I? How could I have forgotten? I was talking about the member sitting beside me, my buddy the member for Churchlands ...

So then we got this lovely flavour of camaraderie in that contribution. Then we go to the member for Murray–Wellington—I love this—who said —

I rise to give a high-value contribution to the Taxi Drivers Licensing Bill ...

He went on and talked about his taxi experiences, not in Perth but in India and in Japan. He said he was lucky to have survived his experience in India, and said —

Having been a police officer in another life, my colleagues —

Those were the colleagues he was with —

had a great deal of fun jiving me about the many indiscretions and traffic violations that we saw on the road from Indira Gandhi ... Airport in Delhi through to Agra. About three cows had been hit ... on the side of the road ... five trucks had rolled over and had broken springs.

Then his wonderful contribution is highlighted with this —

Of course, the road rule in India is that there are no road rules.

He went on to say later, and this is probably the —

Mr T.R. Buswell: Pièce de résistance?

Mr D.A. TEMPLEMAN: It is. The member for Murray–Wellington complained and said that taxidrivers should all speak English, but he was referring to his experience in India! He was actually aghast that in his experience in India all taxidrivers did not speak English, and said —

Applicants from non–English speaking backgrounds should demonstrate fluency in speaking and understanding English ...

That is in India! I can see the logic. I can see it here. He was in India. Then we go to his final comment. This is a beautiful comment from the member for Murray–Wellington in his speech in the second reading debate. He said that the minister should take on his suggestion, because it is a wonderful suggestion. This is from the member for Murray–Wellington, my good friend. He is a good friend and a good man. He said —

... a mystery person could travel in taxis and make some assessments.

He actually suggested that the member for Girrawheen should be the mystery shopper. She called out—some members missed it—with one of the most beautiful interjections, and said —

If they can put up with a grumpy old bitch like me.

That is a quote from *Hansard*. Then we had the member for Eyre —

Dr A.D. Buti: The honourable —

Mr D.A. TEMPLEMAN: My very good friend, Hon Dr Graham Jacobs. I have been asking him whether I can come down to Esperance and stay with him. He was happy with just me going, but now he realises it is my whole family—grandparents, uncles and aunts—and he is now baulking at that. He is not in the chamber; I wish he was. However, the member for Eyre did not want to talk about taxis in Perth or even in Western Australia. He was very keen to tell us about his experiences in London and Melbourne. He even went on to tell us about his experience in Melbourne when he was master of ceremonies at his niece’s wedding. He had to get to the University of Melbourne at one stage and the taxidriver did not know where it was, even though he was in the middle of Melbourne CBD. He was very keen to contrast that experience with his experience with the service from London cabbies.

Then we came to the wonderful contribution by the member for Moore, who actually stated in this house, and it is in *Hansard* —

I think the Taxi Drivers Licensing Bill 2013 that we are speaking on today is one of the most important pieces of legislation we have had for some time.

That may be true, but when we compare it with legislation that, as I said, has seen us now lose our AAA rating and has resulted in savage cuts to a variety of government services, I can see on which planet the member for Moore has been residing. It is certainly not this one! But then he exposed himself to us all as being a longstanding professional driver. Then he offended the Minister for Transport —

Mr T.R. Buswell: Bus driver.

Mr D.A. TEMPLEMAN: — because he said —

... along with the Minister for Transport who is also an old bus driver ...

The minister was not happy about that and said, “Steady on the old.” The member for Moore then explained how he had had long and extensive professional driving experience as a coach driver.

All those contributions, which took hours of the time of the Parliament, were simply a facade for the fact that the government has not had any legislative program before the house. Therefore, we have been in the invidious situation—I know this has been happening—for the last week, including today, of the government having to rustle something up. In fact, I can almost imagine the conversation, “Look, pull out your folio of titbits from the

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past. Can you pull out your famous taxidriver speech? Pull out a couple of anecdotes about an interesting experience; pull out a couple of anecdotes about the nature of taxidrivers you may have experienced in your time! Pull out the little snippets of salacious information about the dress code you might wear while driving around the city of Perth, while collecting your and other children in your own car. Pick out a couple of salacious little things. That will distract the press from the fact that we basically have nothing to talk about for the next few weeks, so we have to stretch it out as far as we can.” Of course, some did better than others.

Mr J. Norberger: I did pretty well!

Mr D.A. TEMPLEMAN: The member for Joondalup did!

Mr J. Norberger: Thank you!

Mr D.A. TEMPLEMAN: It was an outstanding contribution. It was one of the most outstanding contributions that any member for Joondalup has ever made in this place, and I have been here for 12 and a bit years. It was! No, the member for Joondalup’s contribution was, in fact, one of the most significant I cannot remember! Maybe the member for Joondalup could use his third reading contribution to summarise his second reading contribution!

Dr A.D. Buti: How could you forget the contribution of the member for Bateman? That was superb. Three o’clock in the morning —

Mr D.A. TEMPLEMAN: When people look at *Hansard* in the future—when they look back on the two-hundredth anniversary of this place—and are looking at the significant speeches made in this place by eminent members, they will only need to look at the first page of the list of eminent speeches —

THE ACTING SPEAKER (Ms J.M. Freeman): Member, I have been very, very lenient in this debate, but it is the third reading debate. I have the big book now, and I have made myself aware that you should be keeping to the body of the bill. Given that my job is to ensure that things go smoothly as well, I would ask that you return to the bill.

Mr D.A. TEMPLEMAN: You are right; thank you.

MR J.E. McGRATH (South Perth — Parliamentary Secretary) [3.43 pm]: I have never seen the member for Mandurah sit so abruptly in all my life!

Several members interjected.

The ACTING SPEAKER: Member for South Perth, you can be seated as well. I do not need a general discussion about what the member for Mandurah did either. You are on the third reading debate; the minister who has carriage of this bill raised a point of order with me on which I made a ruling that we will keep to the point of order and to the relevance of the bill. So keep to the third reading debate, which is about the body of the bill.

Mr J.E. McGRATH: I certainly will do that today as we only have a short bit of time before the Taxi Drivers Licensing Bill 2013 is wound up.

The debate has been interesting, and the member for Mandurah has spoken about a lot of the speeches. So many members spoke on this bill because we all regard the taxi industry as being very important in our state. I, for one, believe that taxidrivers are basically very good people. The bill is trying to create better standards of behaviour amongst drivers and achieve better service for customers. When members read the bill, they will see that those matters have been addressed in this bill.

I am not going to talk about any experiences I have had with taxidrivers. I have never had a bad experience in a taxi. I live in an area that is well serviced by taxis, and I believe that taxidrivers basically do what is a very difficult but also very important job. Much was made during the lead-up to this legislation coming before the Parliament about the performance of some rogue taxidrivers, which I think is one of the reasons this bill is before us. During his second reading speech, the minister said he had attended a meeting of many of Perth’s metropolitan taxidrivers at Ascot Racecourse, and that the general theme of that meeting was that they needed a better system in place and they needed the rogue element removed from their industry because they felt it was giving them a bad name that they did not want. They believe in their industry, as we as members of the government do; the opposition believes in it too. It can talk all it likes about the government filibustering, but at the end of the day the opposition is going to support this legislation.

Given Madam Acting Speaker’s direction, I am certainly going to stick to speaking about the legislation. Presently, the authority to undertake the occupation of being a taxidriver and the regulation of taxidriver conduct is spread across three statutes. You would have to agree, Madam Acting Speaker, that to have something like this spread across three statutes is very unwieldy. The Minister for Transport has put it all into one act so that the conduct of drivers and their licensing can be dealt with in a more streamlined way. This bill will create a new taxidriver licensing regime, and anyone who wants to become a taxidriver will now have to meet the same

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standards that must currently be met under the Road Traffic Act 1974 but will now also be regulated under this bill. Anyone reading the bill would have to say that makes a lot of sense.

As is currently the case, the chief executive officer will be empowered to suspend or cancel a taxidriver's licence, which I think is important. The minister has pointed out that there will now be various offences. Under this legislation, for the more serious offences the CEO will be empowered to come down very heavily on people who commit them. They are the types of offences we have seen reported in the media in the past few years, when drivers have conducted themselves very badly. We have seen examples of sexual misconduct or harassment, harassment of passengers and drivers taking people on the wrong routes. All that sort of behaviour has given the taxi industry a bad name. The CEO will be able to come down heavily on those indiscretions or what could be described as shocking acts by people who have been given the trust of the person sitting in the cab as a customer.

But the other aspect of the bill I think is very good is the points system, which is very similar to the points system we all drive under when we have a driver's licence. The points system provides an opportune reminder to a driver who commits an offence that is of a less serious nature. It is a warning to drivers that they are a part of an industry that has to be very responsible to the public and if they continue to infringe, they will lose more points and eventually their licence to drive. When they lose their licence to drive a cab, they are off the road and obviously cannot earn a living. A driver who has held a licence for 12 months or longer cannot exceed 12 points, and for a driver who has held a licence for six months it is six points. That is quite reasonable, because it is what we do with drivers on the road. We are stricter with new drivers and young drivers, because we feel they need to learn that when they get a driver's licence, they have to be totally responsible. The penalty points will be cancelled three years after the notice is given, and the points will start again. The duration of the disqualification depends on the number of penalty points recorded, how long the person has held a licence and whether or not the person has previously been disqualified. If a person receives an excessive penalty points notice for the fourth time, they will be disqualified permanently.

The government and its backbench are saying that we support the minister on this. The minister has taken a very strong stance in an area in which the public has been asking the regulators to act. When members of the public get into a cab, they expect to be given reasonable service. They understand that not every cabbie will take them on the shortest possible route. I have noticed with sat navs and things like that that sometimes taxidrivers will take me on a longer route than I would normally take because I know the route. The public also knows that cabs can turn up a bit late and there can be conflicts with double bookings and things like that. At the end of day, the public want to be served by people who operate under good regulations, who are well schooled in the job and are well trained, and who understand that when they take out a taxidriver's licence, they have to abide by a code of conduct, so that whenever they get in their car, they know that any indiscretions, when reported, could result in their losing points and that if they continue to act in that way, they will be out of a job and the industry. That is the warning the minister has issued to what it has termed "rogue drivers". I do not think there are many of them. I think they are in the minority. The average cabbie is a very honest citizen, and behaves well.

The minister has done well bringing this bill to the house. We have been able to act expediently, and I am sure the minister's few words today to bring this third reading to a conclusion will be another step towards creating a safer, more efficient and, I am sure, more enjoyable taxi industry for the people of Western Australia and the people who visit our great state.

MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker) [3.53 pm]: I will take a quick minute, because I did not get the opportunity during the second reading debate to talk about the sort of taxidriver we should all hope to have; that is, a young man named Ali Abodain, who won a recent Chamber of Commerce and Industry of Western Australia business award.

The ACTING SPEAKER (Ms J.M. Freeman): The minister has brought to my attention the standing order for third reading speeches; in particular, that the third reading debate is restricted to the content of the bill and is not as wide as debate on the second reading. Further, I note it is supposed to be a debate that has been described as a review of the bill in its final form and not an aspect of a second reading speech and, if we look further, it refers to maintaining debate within the third reading. Although I understand the member for Kalgoorlie did not get an opportunity to speak in the second reading debate, unfortunately, the third reading debate is not the opportunity for that. The minister raised this point with me himself, so I draw the member's attention to the fact it is a third reading debate and she needs to speak on the bill.

Ms W.M. DUNCAN: I take your advice on that, Madam Acting Speaker. I support this bill, which provides for taxidrivers to meet certain criteria to get their licences. This young gentleman, Ali Abodain, has been of great service to people with disability in the goldfields. He won an award and I just wanted that noted in Parliament.

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MR R.F. JOHNSON (Hillarys) [3.55 pm]: I can see the government is struggling with speakers on this bill, which is why I thought I would make a contribution in the third reading debate. I know that members will be really interested to know my view on what happened with consideration in detail, which is what we debate in the third reading.

The ACTING SPEAKER: I am sorry, member; we are not.

Mr R.F. JOHNSON: We are reviewing what happened, surely?

The ACTING SPEAKER: No, it is debate on the substantive bill. The procedures in the House of Representatives and Erskine May's Parliamentary Practice, which I have only just looked at—so it is not just me—state that the scope of debate is more restricted than in the second reading stage and is limited to the content of the bill as it has changed and not the debate in consideration in detail.

Mr T.R. Buswell: No doubt he can seek guidance from the content of the member for Mandurah's speech!

Mr R.F. JOHNSON: I have heard so many people speak on this bill, particularly on this side of the house, that I purposely kept my comments to zero during the second reading debate. I was interested to hear how many members related their experiences of taxidivers and, indeed, the consequences of this bill before the house today.

Mr J.E. McGrath: That was the second reading.

Mr R.F. JOHNSON: As my colleague said, that was in the second reading, which is perfectly true. All I wanted to say was a few words in the third reading speech on the overall tenor of this bill. It is a very important bill and it is important that we all have an opportunity to speak on this bill. It is the role of every member of Parliament to be able to make some contribution and to debate any bill that is before the house. As my colleague quite rightly said, there was no consideration in detail stage; it was a second reading speech that almost went straight through to the third reading debate.

Mr T.R. Buswell: There was consideration in detail.

Mr R.F. JOHNSON: I was just told there was not.

Mr T.R. Buswell: It lasted for about an hour and a half.

Mr R.F. JOHNSON: I thought there was, but I was misled by the Whip here telling me it is a great shame. I thought there must have been one, but I thought I must have missed it because it was so short. I thought there must have been consideration in detail, as there is nearly always consideration in detail to almost every bill that is brought into this house. I cannot remember a time when there was not opportunity for consideration in detail on any bill before the house. We have had that.

Mr M.H. Taylor: This is the third reading, so get on with it!

Mr R.F. JOHNSON: It is the third reading stage. I do not need any prompting from the new member! I have been here 20 years or more, okay!

Mr M.H. Taylor: Then be accurate! Why are you standing up?

Mr R.F. JOHNSON: I was being misled by the Whip here. It is not very nice for one of my colleagues to have a go at me! It is not very Christian.

Mr M.H. Taylor: Get on with the third reading.

Mr R.F. JOHNSON: I am doing my job. Does the member want to deny me the opportunity to make a contribution on this bill?

Mr M.H. Taylor: No, I am just asking you to do it in the third reading.

Mr R.F. JOHNSON: I am doing that now. We have so many experts who came in at the last election who really want to tell experienced members of Parliament how to behave in this chamber. I have to say that I have seen some disgraceful behaviour by some members in this chamber. I have always tried to behave in a proper way in this chamber.

I am addressing the bill that is before the house today. I know that some people want to rush this through now. We spent hours and hours and days and days on the second reading of this bill. I have never seen so much filibustering on the government side as I have seen on this bill. It is great that government members have such an interest in the taxi bill, but we need to consider the running of this house. I am very concerned about the running of the house.

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Debate interrupted, pursuant to standing orders.

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