

TAXI DRIVERS LICENSING BILL 2013

Committee

Resumed from 19 November. The Chair of Committees (Hon Adele Farina) in the chair; Hon Jim Chown (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon JIM CHOWN: A couple of questions were brought up about this matter in the last session. One was from me about the number of taxidrivers who have a working with children card. We looked into this at length first thing yesterday morning, but, unfortunately, the working with children screening unit is updating its IT program, so the black hand of fate has stepped in and the numbers of those taxidrivers are still being looked at. My advisers tell me that they hope to have them sometime today. At this stage I am unfortunately unable to give them to the chamber. It is just a matter of bad timing, not on my part I might add, but on someone else's.

The other question about working with children checks and how this bill will allow taxidrivers and licence holders to access that working with children registration was put forward by Hon Sue Ellery, the Leader of the Opposition. I have taken advice on that matter and my advice states that the Department of Transport has started discussions with the working with children screening unit on the possibility of requiring taxidrivers to hold a working with children card. The purpose of the discussions was to better understand the benefits of a compulsory working with children check and how it relates to the existing fitness to hold a card checks; and to understand the resource implications for undertaking working with children checks for taxidrivers. There are more conversations to be had between the departments and their respective ministers on this matter. Hon Sue Ellery indicated that the Working with Children (Criminal Record Checking) Act 2004 would require amendment in order to make a working with children check mandatory for all taxidrivers and I have undertaken to obtain advice on this matter. My advice is that the Working with Children (Criminal Record Checking) Act already creates a framework that would enable this to occur. Section 10(1) of the act enables a person who carries on, or proposes to carry on, a child-related business to apply for an assessment notice under the act. A child-related business is defined as child-related work carried out by an individual for gain or reward. Although driving a taxi is generally not child-related work under the act, section 6(1)(a)(xix) of the act enables it to be prescribed as child-related work for the purposes of the act. Having said this, we will not make policy on the run. The question has been raised as to whether it is desirable for taxidrivers to be required to hold a working with children card and we are looking at that. If the answer is yes, appropriate regulations can be drafted and implemented relatively quickly. A decision as to whether a working with children card should be mandatory is not required for this bill to be passed. I thank members for raising the issue of working with children checks for taxidrivers.

Hon KEN TRAVERS: I thank the parliamentary secretary for the advice he has just given to the chamber. I accept that he does not want to do policy on the run.

Hon Jim Chown: That would be bad policy.

Hon KEN TRAVERS: I have to say that I have given a lot of thought to the matter and I have talked to various people. It is a shame we are not able to put that provision in this legislation, but I accept the government wants to do more work on it and I certainly urge the government to do that. I think it would be a good starting point to give people some degree of assurance about taxidrivers. Like all things, even if a person has had a working with children check, it does not mean that they will not offend in the future, but it is a good starting point as a minimum test. I am pleased the government is looking at that and I hope that from time to time it will give us updates on how it is progressing with the matter. It is something I urge and I have certainly spoken to a number of people who I think accept that it would be a good process. One of the things about the working with children check is that it is not just a prosecution-based test; it goes beyond that and looks at whether other issues have been raised at various times that would give cause for concern about that person working with children, but still in a rigorous way. It will make sure that people driving taxis meet that high standard. As we were discussing the other day, I suspect most taxidrivers do child-related work for five calendar days a year, but how we measure that and how we would know is just about impossible. I appreciate that the government is working on that and I appreciate the view that the parliamentary secretary has put that that change can be made by prescribing it under this legislation and also by making changes to the regulations attached to the working with children legislation. I think that is pretty much the parliamentary secretary's advice. I appreciate that advice and I hope we can see that come to pass. As we know, there is plenty of time before this legislation comes into being to continue that work.

I note the time, but before we interrupted the debate previously, we had just started to talk about the complaints management system. I am reluctant to start that again before lunch.

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Hon Jim Chown: Go ahead and start and we can finish it after lunch.

Sitting suspended from 1.00 to 2.00 pm

Hon ADELE FARINA: Yesterday, the parliamentary secretary indicated that dispatch would know whether taxidrivers had a working with children card, and so that information could be obtained from dispatch. Today, the parliamentary secretary has indicated in answer to a question by Hon Ken Travers that the working with children screening unit computers are down and he is not able to advise who does or does not have a working with children card. During the lunch break, I thought dispatch would know so I phoned dispatch to ask them. I contacted two taxi companies. The first one told me that none of its drivers has a working with children card. The other company told me that some of its drivers are in the process of obtaining a working with children card but none of their drivers currently has one. I think that raises some serious concerns in my mind about the information that has been provided by the parliamentary secretary in answer to the questions that have been asked to date. I do not think it is good enough. We are here in this chamber on behalf of the people of Western Australia. Our job is to scrutinise a bill. We do that by asking questions and we expect answers to be provided that assist in that process. I do not think we have got them from the parliamentary secretary to date. I would like the parliamentary secretary to explain whether, in fact, any taxidrivers currently have working with children cards. If, as dispatches of two companies have told me, there are not, why did the parliamentary secretary indicate to the chamber that there are taxidrivers with working with children cards currently working?

Hon JIM CHOWN: In response to the question, the department is aware that at least 20 taxidrivers have a working with children card. At this stage, Swan Taxis does not have a consolidated list; another company's dispatch is trying to update its list on which drivers have a working with children card. That is the reason we have gone to the working with children screening unit to try to ascertain the correct number of taxidrivers who have a working with children registration card.

Hon ROBYN McSWEENEY: I do not believe that every taxidriver should have a working with children card; however, I do believe that there should be a pool of drivers, specifically when they drive, say, children who are under state protection or child protection. Sometimes those children use taxis—sometimes accompanied and sometimes not. I was always led to believe that if a taxi picked up a child who was in state care, the taxidriver would have a working with children card. It would make sense that some taxidrivers had working with children cards and were asked specifically when a taxi was booked; but it does not make sense to make a blanket ruling that every taxidriver should have a working with children card when it is unnecessary. When my children were small and I used a taxi, my children were with me. Not every child who gets into a taxi is alone. If that is going to be investigated in the future—I certainly hope it is—Swan Taxis and other taxi companies should have a pool of drivers with working with children checks. That is the way forward.

Hon ADELE FARINA: To clarify for the parliamentary secretary, I phoned the two major taxi companies in Perth. One said that its drivers do not have working with children cards and that some drivers are in the process of getting them but they have not obtained the card yet. The other company said that it does not monitor that, it does not have that information and none of its drivers have that card, but it assured me that it would send out a responsible driver. I would hope that all the drivers are responsible. That response did not give me a great deal of confidence. I am concerned about this because yesterday I asked what would happen if a person wanted to book a taxi with a taxidriver with a working with children card, and how would the parliamentary secretary be sure that a taxidriver working on a particular shift would have a working with children card and be able to take the children if the Department of Transport does not keep those records. In response to the parliamentary secretary's answer to an earlier question, I asked whether the department has this information and the parliamentary secretary said no. I then asked how a person would know whether they could get a taxidriver with a working with children card, and the parliamentary secretary said that dispatch will know. I phoned two dispatches and they do not know, and they cannot assure me. One said, categorically, that it could not send me a driver with a working with children card because it did not have any; the other one said that it would send me a responsible driver, and, like I said, I would expect all drivers to be responsible.

I think there is a real issue about the standard of answers the chamber is being provided. It is important that in the job of scrutinising legislation, when questions are asked, the chamber gets correct answers. Yesterday, I certainly got the impression that there are taxidrivers with working with children cards. I was a bit unsure about how I could make sure that any time I wanted to book one, there would be one working on shift because the Department of Transport does not require the agencies to ensure that they have drivers with the cards on all shifts. When I asked those questions of the parliamentary secretary, he assured me that dispatch would know, yet dispatch of the two large taxi companies in Perth that I called do not know and cannot provide at this point in time a driver with a working with children card. This is a serious issue. The chamber has been given information that is not accurate. The parliamentary secretary needs to explain this, because those two companies, one of

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which he mentioned, are saying that they have 20 drivers with a working with children card, yet when I phoned, dispatch told me they do not have any.

Hon JIM CHOWN: I am not sure who in the dispatch offices the member contacted, but I would have to query who the member was talking to about this matter in a phone call during lunch time. My information is that the request from a client to a dispatch office for a driver with a working with children card will be sent out over the wires and a responsible driver with that particular card will respond to the job.

Hon Adele Farina: But they don't have any.

Hon Ken Travers: But how do they know that the person responding has it?

The DEPUTY CHAIR: Order!

Hon JIM CHOWN: One of the benefits of this bill, as I explained earlier, will clear up this issue and will put in place through regulation a condition on the licence of taxidriver that they have a working with children card.

Hon KEN TRAVERS: I thought the parliamentary secretary said before lunch that he was looking at the idea of doing that. Is he now saying that it is definitely going to happen? The parliamentary secretary needs to be clear about what he is telling the chamber.

Hon JIM CHOWN: The information from my advisers is that under this bill we will be able to implement a system that will record on the licence of taxidriver that they have a working with children card. We will also be able to request that taxi dispatch services record a list of those drivers who have that criterion on their licence.

Hon KEN TRAVERS: I appreciate those comments from the parliamentary secretary. I draw the parliamentary secretary's attention to what he told us, and I will quote from page 40 of the uncorrected version of *Hansard* on Tuesday, 19 November. After Hon Adele Farina asked the parliamentary secretary how many drivers had the authority, the parliamentary secretary said —

The answer is quite simple; the taxi dispatch services have a list of the operators who hold that particular card.

I understand from the parliamentary secretary today that that may not have been a completely accurate statement. He is now telling the chamber that once this bill is passed, a system will be established for those taxi services to have that list. It is not currently in place but it will be put in place once the bill is passed; is that correct?

Hon JIM CHOWN: I am not the sort of person to blame other people for statements made but Hon Ken Travers is correct. After some discussion with my advisers, I am prepared to state that I had incorrect advice about the taxi dispatch services having a known list of drivers with the particular card in question.

Hon PETER COLLIER: I have to say that I have a bit of a concern. As education minister, I believe it is imperative that we provide students with the capacity to request a driver with a working with children card when they seek to use a taxi—if that is the wont of the parent, teacher or whomever. I think that is most imperative. Students who are boarders, for instance, use taxis and may want a taxidriver with a working with children card. I feel more comforted by what the parliamentary secretary said just now in that this legislation will move to a system for each taxi company to have a list of drivers with a working with children card so that someone requiring such a driver will have access to that driver. I want to get some clarification on that matter, as I understand that is what the parliamentary secretary said last week. I am very comforted by that and I will certainly be having a discussion with the Minister for Transport to ensure that we process that situation so that companies can have a list and no doubt —

Hon Ken Travers: Would you support an amendment from the opposition to that?

Hon PETER COLLIER: No. As I said, what the parliamentary secretary has said has comforted me. I had the same concerns as honourable members opposite. They are quite valid concerns and I do not believe anyone would disagree with them. If someone wants a taxidriver with a working with children card, the taxi company should be able to facilitate that, and I understand this legislation will provide that.

Hon ADELE FARINA: I have a further question to the parliamentary secretary. When did he become aware that the answer he provided to the chamber on 19 November was inaccurate?

Hon JIM CHOWN: Just now, Mr Deputy Chair.

Hon ADELE FARINA: My understanding is that during consideration of the bill on 19 November, the parliamentary secretary indicated that he would get advice on this matter and come back to the chamber. Therefore, at no time during that intervening period when he sought advice from the department and from the

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minister's office was that information in the statement the parliamentary secretary made in the chamber corrected.

Hon JIM CHOWN: The reality is that the department sought information, as I said previously, from the working with children screening unit so that a definitive list would be available for this committee.

Hon Adele Farina: I am sorry; I cannot hear you.

Hon JIM CHOWN: The reality is that the department went straight to the working with children screening unit for an exact list as opposed to the approximate list that would be available for this committee.

Hon DARREN WEST: As a parent with a boarder at a Perth boarding school, who is one of several hundred or even thousands of students who may be affected, I find it quite extraordinary that I can get more comfort from the Minister for Education on this matter than I can get from the Parliamentary Secretary to the Minister for Transport. I think there are grounds to move an amendment to this bill so that this check is mandatory for taxidriviers who pick up students from boarding schools and other schools. Boarding schools are somewhat different because the parents are a long way away. At other schools, parents may be close by and may even help put the students into the taxis. I note that with the changes to the education system, 11-year-old students will be attending boarding schools. They may be considered a vulnerable group of passengers. I think an amendment to make this mandatory is in order.

Hon JIM CHOWN: It is totally unnecessary to move an amendment to this bill. If the honourable member had been in the chamber a while ago, he would have heard me explain that this matter can be addressed by way of regulation, which it will be.

Hon KEN TRAVERS: I appreciate the comments from Hon Adele Farina, the parliamentary secretary and the Leader of the House because I think this is a really important issue. I think I now understand the situation; that is, what we were told the other night is not correct. The parliamentary secretary is now confident that the working with children legislation can be amended by way of regulation. I get the sense, and I am comforted by the words of the Leader of the House, that there will be a strong advocate in cabinet for a movement towards requiring working with children checks as part of this process. Nonetheless, I think it highlights what we were told the other day. We can now move on. Unless other members want to talk about working with children checks, I might try to get onto the complaints system.

Hon JIM CHOWN: On that matter, if the numbers come through from the working with children screening unit before this bill passes through this chamber, I will be more than happy to put —

Hon Ken Travers: Did you try to get them from the taxi dispatch services and that is why you have gone to the working with children unit?

Hon JIM CHOWN: As I said previously, for a definitive, exact list, the right place to go is the working with children screening unit.

Hon Ken Travers: Could the TDSs not provide it to you?

Hon JIM CHOWN: I have just been advised that those parties followed up initially but, as I said, the working with children screening unit is the place to get a definitive list.

Hon KEN TRAVERS: If both were followed up, am I correct in saying that the taxi dispatch services advised the government that they did not have that list? If that is the case, why was the chamber not notified of that at the beginning of today's session?

Hon JIM CHOWN: This is evolving as we go forward.

Hon Ken Travers: Really!

Hon JIM CHOWN: I am only receiving the advice that I am relating as I stand here and respond to the questions.

Hon KEN TRAVERS: I genuinely want to move on to complaints, but I have put a pretty clear question to the parliamentary secretary. In light of the seriousness of what we are discussing, did people in the government seek advice from the taxi dispatch services and were they advised that they did not hold that information? If that is the case, why did the parliamentary secretary not correct the record at the commencement of today's proceedings on this bill?

Hon JIM CHOWN: Because I was only informed in the last five to 10 minutes.

Hon KEN TRAVERS: I will leave it at that, but I think members in this chamber understand the points that have been made on this issue this afternoon.

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I turn to complaints. I think I mentioned in my contribution to the second reading debate the issues that concern me about this bill. In theory, we have a rigorous licensing regime, although some of the comments the parliamentary secretary made the other day started to make me question whether there is much of a change from the current situation, but we can deal with that when we get into the detail. I would like to hear from the parliamentary secretary how the government expects the complaints system will operate once this legislation is in place. There are two elements to this legislation. One element is prescribed statutory offences. I have no doubt that the department will know whether those offences have occurred, because even if it is not the agency that is handling the prosecution of those offences, it would need to be involved in the prosecution of those offences. I am very comfortable with the three statutory offences. There will then be a potential for prescribed offences. How will the department know that a taxidriver has been charged or is in breach of a prescribed offence? Then there is the process for disqualification or cancellation of licences through the demerit points system that will be established under this bill. I am keen to understand exactly how the department will become aware of drivers who have committed offences that would warrant them losing a demerit point or demerit points, unless there is a significant change in the current complaints system. For the benefit of members, if they were not here earlier, at the moment low level complaints go to the taxi dispatch services and higher level complaints may go to the department, but they are normally referred to the police. If they come into the department, the low level complaints are referred to the taxi dispatch services. I understand that when the complaint goes to the department, but if the complaint goes directly to either the police or the taxi dispatch services, how will the department be aware of the offences that would then cause some disciplinary reaction to be taken under this legislation?

Hon JIM CHOWN: Provisions in the Taxi Act 1994 and the Transport Co-ordination Act 1966 allow for conditions to be imposed or regulations to be made that will manage the recording and reporting of complaints. These powers can be used to ensure that the department has visibility of complaints made against drivers of taxi vehicles. To ensure that these heads of power can be used effectively, the department is developing new IT systems that will allow for the integration of complaints data from larger taxi dispatch services, for the online recording of complaints from smaller dispatches and country operators, and for online complaints lodged from the general public. The department currently sees information about driver complaints from the larger taxi dispatch services, but these new systems will greatly extend visibility to include all players. Patterns of driving behaviour will be able to be identified and appropriate action taken. A lot of work has been done over the last 18 months or so to improve the working relationship with dispatch services as well as country operators. The department is receiving considerably more cooperation in this area than it has previously. At this stage prescribed disqualification offences will be offences under the bill, so the CEO's officers will be laying the charges. Also, clause 51 will require the Commissioner of Police to tell the CEO when charges are laid prior to this.

Hon SALLY TALBOT: I know that the parliamentary secretary is labouring under the flu at the moment, but it is incredibly hard to hear what he is saying. This may be because he is going a wee bit too fast, his microphone is not on or there is background noise in the chamber. If we could keep an eye on all three things, it would be helpful.

The DEPUTY CHAIR: The microphone should come on when I give members the call, but I will keep an eye on that.

Hon KEN TRAVERS: Am I correct in understanding that the parliamentary secretary said that the government intends to change the way in which complaints about taxidrivers are handled and it will now be a requirement for taxi dispatch services and regional taxi operators to inform the department whenever a driver has been alleged to have breached an offence for which demerit points could be accrued under this legislation?

Hon JIM CHOWN: We will require all operators of taxi dispatch services to compile all related driver complaints.

Hon KEN TRAVERS: The parliamentary secretary said "compile". Does that mean they will have to compile and keep records that will be available to the department or compile and transmit to the department in a timely manner any complaints received about drivers?

Hon JIM CHOWN: The department will have access to the dispatch officer systems and it will have the ability, through the new system, to look at all the complaints that are lodged. I understand that "dispatch operator data" is the correct terminology.

Hon KEN TRAVERS: I appreciate that, but the two largest taxi dispatch operators in Perth have a highly controlled electronic system that would lend itself to that process. I get that. In many regional centres, a couple of operators use electronic taxi dispatch services, automated services and the like, but many are very small operations and the bookings and everything else are done via a phone call and two-way radio contact with the

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driver. Is the parliamentary secretary saying that those smaller operators will be required to set up an electronic system that the department will have access to?

Hon JIM CHOWN: The department intends to build an online system for small operators to lodge complaints. Obviously, that online system will be available to small operators in regional Western Australia.

Hon KEN TRAVERS: I do not want to labour the point, but the parliamentary secretary used slightly different language. He said that it “will be available”. Will it be compulsory for small operators to use that consolidated database?

Hon JIM CHOWN: The answer is yes.

Hon KEN TRAVERS: I look forward to hearing from the regional operators when the department tells them that. I wonder whether there has been any consultation on that issue, because many operators are very small and, in many cases, the operator is actually the taxidriver. I appreciate that.

Is it the intention that when those complaints are entered into the database, the department will look at that data and issue infringement notices? How will that work? Will the department monitor that database regularly and, if there are complaints about certain drivers that warrant the accrual of demerit points, then issue infringements for offences that warrant the accrual of demerit points?

Hon JIM CHOWN: Obviously, the department will monitor these complaints rigorously and apply penalties as appropriate for infringements that have occurred.

Hon KEN TRAVERS: I will leave the rest of my questions about exactly how the process for the complaint system will work until we get to the specific clauses.

My final question in this area is: do we have an idea of the cost of the system and who will be responsible for that cost? Will it be the department or will the operators be charged on a fee-for-service basis? If we know the cost and the department will pick it up, does the department have a budget allocation for that?

Hon JIM CHOWN: Yes, a budget is available for this process. In 2013–14, \$2.871 million has been allocated, and for 2014–15, \$805 000 has been allocated.

Hon KEN TRAVERS: Just out of interest, how much of that is from the taxi industry development fund and how much is from the consolidated account?

Hon JIM CHOWN: The budget amounts just stated will come out of the consolidated fund.

Hon SALLY TALBOT: I have a couple of questions. I agree with Hon Ken Travers that we can pursue this issue when we get to the specific clauses of the bill. I have a couple of preliminary questions about the various offences and how they are categorised. When we were given the draft code of conduct two days ago when we recommenced the debate in this place, the first clause I turned to was clause 9, which is about the offences. I imagine that the operator of a taxi company or a taxidriver, who expect these changes to take effect in the near future, would be very interested to know exactly how this legislation will work. I draw the attention of honourable members to the point I made in my contribution to the second reading debate about the multicultural nature of our taxidiving community and the fact that, for many taxidrivers, English is not their first or, indeed, even their second language. When I looked at that section on offences, I found that it is not really a draft document at all because it starts off by stating “Introductory text on what offences are and how they are to be prosecuted.” I am not sure that counts as a draft, because there is no information in there. We go back to the information we have already collated.

I want to pursue a couple of points that Hon Ken Travers made about the way that complaints are logged at the moment compared with what the practice is envisaged as being after this bill is passed. In going through the background material to this bill, I noticed that in answer to a question asked in this place in November 2011 by Hon Ken Travers to the Minister for Transport via the Minister for Finance, there was a huge disparity in the types of complaints that are logged year by year. For instance, in various categories A to H, which is eight different categories of complaints, only four of them had a significant number of complaints registered against them. The first was overcharging. The second was poor geographical knowledge. The third was inappropriate language and the fourth was inappropriate behaviour. But the categories of poor English, wrong tariff, use of mobile phone or other distraction while driving and sexual assault, basically, had zero—sorry, that is not the case for sexual assault because the minister answered by saying that that is a police matter and the Department of Transport does not keep statistics on it. But for the categories of poor English, wrong tariff and use of mobile phone or other distraction while driving, zero complaints were registered in all the five years from 2007 to 2011. I would like to ask the parliamentary secretary how this data is compiled and how that will change after this bill passes through Parliament.

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Hon JIM CHOWN: Under the current system the parameter for complaints has a very broad spread. There is nothing specific about what complaints can be dealt with other than criminal acts that happen in a taxi. Under this new system under this bill there will be rationalisation of the current system, so a list of quite specific issues that are deemed to be worthy of being dealt with will be put in place.

Hon SALLY TALBOT: I still do not quite understand how the existing system works because I am trying to compare it with the new system. These, as I understand it, were complaints that were lodged with the Department of Transport. The parliamentary secretary's answer focused on the way the taxi companies collect the information. What exactly does the logging of complaints up to this point entail?

Hon JIM CHOWN: The system that is in place now is that complaints are either emailed or phoned to the department. As I said, the department has a list of 45 parameters and complaints are currently investigated by the department once received either by phone or email.

Hon Ken Travers: Can we get a copy of the 45 parameters?

Hon JIM CHOWN: Under the new system as laid out, and as I have already stated, there will be more specific sections that complaints can be dealt with.

Hon SALLY TALBOT: If I can recap to check that I have understood what the parliamentary secretary is saying. Is the parliamentary secretary saying that there are currently 45 categories of complaints?

Hon JIM CHOWN: Under the current system, complaints are dealt with under the regulations of the various acts that apply to taxis and taxi licence holders and under the new system, they will be categorised under the new regulations pertaining to the act.

Hon SALLY TALBOT: I am sorry; I am acutely aware the parliamentary secretary is struggling with his respiratory system, and I do not want to add to his distress.

Hon Jim Chown: It is all right.

Hon SALLY TALBOT: With the parliamentary secretary's permission, I shall plough on.

Hon Jim Chown: Go ahead.

Hon SALLY TALBOT: That is not really answering my questions, is it?

Hon Jim Chown: No.

Hon SALLY TALBOT: I am glad you agree! I thought it was just me.

Hon Jim Chown: We will get there.

Hon SALLY TALBOT: The parliamentary secretary's answer then is that the current complaints system is dealt with by the current regs and the new system will be dealt with by the regs that we have not seen yet. That does not help me very much. Where did the 45 come in? The parliamentary secretary mentioned the number 45.

Hon JIM CHOWN: That was a random estimate from my officer, which still does not answer the member's question.

Hon SALLY TALBOT: Can the parliamentary secretary table a random list? Pick a number, any number! I just want a feeling for what we are talking about here.

Hon JIM CHOWN: We can probably arrange for that to be done now if Aaron can leave here to go and arrange it. Is that possible, Mr Deputy Chair?

The DEPUTY CHAIR (Hon Brian Ellis): Have an attendant escort your advisor out.

Hon SALLY TALBOT: Shall I move that we report progress, or something along those lines? I think it was the parliamentary secretary's suggestion that we report progress and then come back to this—or leave the chair until the ringing of the bells.

Hon Ken Travers: I think only the parliamentary secretary can report progress. I might ask one more question, if the parliamentary secretary is comfortable with that.

The DEPUTY CHAIR: I will hold off then and give the call to the parliamentary secretary.

Hon JIM CHOWN: I am comfortable to keep going at this stage.

The DEPUTY CHAIR: If the house is not requesting me to leave the chair, I will carry on in committee and give the call to Hon Sally Talbot.

Hon SALLY TALBOT: If it is clear that the parliamentary secretary is happy to proceed without one of his advisors, we will proceed on that basis.

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Hon Ken Travers: If we end up on clause 1, we can defer the consideration of clause 1 and if we run out of questions, we can come back to it—if that is all right.

Hon SALLY TALBOT: As long as I can come back and pursue this point at a future stage of the debate.

Hon KEN TRAVERS: I am quite heartened to hear the parliamentary secretary say that there is going to be a significant overhaul of the complaints system. I am sure members in this place are sick of me raising the question about the complaints mechanism for taxis. It is certainly an issue I have raised and pursued on numerous occasions as it is an area in which I have some concern. I do welcome the advice to the chamber today that as part of this legislation there is an intention to overhaul the complaints system. I am keen to understand that more. The question I ask is: if that is the case, why is that not part of this bill? If the purpose of this bill is to consolidate the issues around driver licensing and the whole regime through which we deal with drivers, why is that element not contained within this bill so that there is a uniform system? One of the difficulties that I have, when we get into things such as definitions, is that in some cases there are three different definitions that will be operating—one in this bill, one in the Taxi Act 1994 and one in the Transport Co-ordination Act 1966. It strikes me that it would have made sense to put that whole complaints regime in as part of the taxi licensing. Is there a policy reason why that is not part of this legislation?

Hon JIM CHOWN: Hon Ken Travers makes a reasonably valid point; however, we are here today to deal with the occupation of being a taxidriver and that is what the bill is about, as opposed to dispatch services and taxi services and how they operate either in the metropolitan area or regional Western Australia. Regional operators are regulated under the Taxi Act 1994 and the Transport Co-ordination Act 1966.

Hon KEN TRAVERS: Regional operators are not under the Transport Co-ordination Act 1966.

Hon JIM CHOWN: The Taxi Act 1994.

Hon ADELE FARINA: Is there a requirement for a taxi company that receives a complaint about a taxidriver to refer that complaint to the Department of Transport? If there is, where do I find that in the bill? I have not been able to locate it.

Hon Simon O'Brien: It should be in there.

Hon ADELE FARINA: I cannot find it; so it is at this point that I ask the question.

Hon Simon O'Brien: The member has had three days.

Hon Ken Travers: Maybe Hon Simon O'Brien should come to the table and assist the parliamentary secretary.

Hon Simon O'Brien: He is doing fine.

Hon JIM CHOWN: It is not in this bill. Taxi dispatch services are required to be registered under the Taxi Act 1994 and conditions are imposed on their operations under the Transport Co-ordination Act 1966. We have the power to make regulations requiring bookkeeping and record keeping. The Transport Co-ordination Act 1966 states —

- (r) prescribing the records to be kept and documents to be carried by owners, operators and drivers of taxi cars; and
- ...
- (x) providing for the registration of radio facilities with the Minister and providing for the imposition of conditions on such registration by the Minister.

Hon ADELE FARINA: I do not think that answers my question, if I have understood and heard the parliamentary secretary correctly. My question was: if a taxi company receives a complaint from a passenger of a taxi service against a taxidriver, is there an obligation on that taxi company to refer that complaint to the Department of Transport?

Hon JIM CHOWN: I thought the member's original question was whether that is dealt with in this bill. As I explained, it is dealt with elsewhere. The member is now asking another question, I assume.

Hon ADELE FARINA: The answer that the parliamentary secretary provided did not talk about a requirement to forward a complaint to the Department of Transport. It talked about keeping a register of various things and a log and that sort of stuff. That was not my question. My question was: is there a requirement on a taxi company to forward to the Department of Transport a complaint against a taxidriver? The parliamentary secretary has indicated that that is not in this bill. If that is not in this bill, in which act of Parliament can I find that?

Hon JIM CHOWN: It is in the Taxi Act 1994, sections 20 and 29, and the Transport Co-ordination Act 1966, section 47ZF.

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Hon KEN TRAVERS: Did I hear the parliamentary secretary correctly when he said earlier that taxi dispatch services are regulated under the Taxi Act 1994 and the Transport Co-ordination Act 1966?

Hon JIM CHOWN: Country taxis are regulated under the Transport Co-ordination Act.

Hon KEN TRAVERS: That is right. But I am not aware of any requirement under the Transport Co-ordination Act or regulations for taxi dispatch services to establish or manage those services. The parliamentary secretary has said that taxi dispatch services will be the vehicle through which complaints are required to be lodged on the database. It comes back to the point that if we want to have a rigorous licensing regime for taxidriviers that covers the whole state, surely we will need the same regime for country taxis. Is it the intention of the government to bring in regulations under the Transport Co-ordination Act for taxi dispatch services in regional areas?

Hon JIM CHOWN: As I understand the question from Hon Ken Travers, there is no intention to impose on taxi dispatch services in regional Western Australia that they uphold the requirements of this bill. However, under the Transport Co-ordination Act, operators in regional Western Australia are required to keep records and documents, and we can impose conditions on the holders of a taxi car licence that they comply with the requirements of this bill.

Hon ALANNA CLOHESY: If there is no requirement on country cabs, how will a passenger be able to make a complaint about the service of a country cab driver, particularly when the driver is likely to be the owner-operator of that country cab, and how can they seek redress for whatever has caused the complaint to be made?

Hon JIM CHOWN: In the case the member has just described, they can ring the department. With the new IT service that is anticipated, they can also go online and register their complaint. There are also regional offices of the department that they can contact with a complaint.

Hon ALANNA CLOHESY: Is that the situation that exists currently?

Hon JIM CHOWN: Under the system currently, the only complaints system is by contacting a regional or departmental office. Under this bill, more stringent requirements will be put in place, including an IT system through which passengers can make their complaint online directly to the department.

Hon ALANNA CLOHESY: This bill will create the online complaints system—is that correct?

Hon JIM CHOWN: The implementation of this bill will ensure the development of the systems, as I have just explained, for online complaints.

Hon ALANNA CLOHESY: I cannot find anything in the bill that indicates the complaints process other than the relationship to the code of conduct. Can the parliamentary secretary show me from where in the bill the complaints process and the mechanisms for those will be drawn and whether that will be a regulation?

Hon JIM CHOWN: Things such as the facilities that the member has just described are never part of legislation, but it is part of the department's implementation process of a bill such as this.

Hon ALANNA CLOHESY: But we do have a rock-solid guarantee that there will be a complaints mechanism that includes an online complaints process in which customers will be able to lodge complaints at any time of the day from any location within Western Australia and have their complaints responded to within a reasonable period.

Hon JIM CHOWN: Yes.

Hon ALANNA CLOHESY: When will that new system commence and how will the parameters of that new system be determined? How do we get to have some input into the development of that? Are we going to have some input into the development of that?

Hon JIM CHOWN: The complaints mechanism is a standard information technology project and is expected to be available to the public around April 2015 when the enforcement provisions of the bill are activated.

Hon ADELE FARINA: I would just like to go back to the answer that the parliamentary secretary gave me previously about where I would find the requirement for a taxi company to pass on a complaint to the Department of Transport. If I understood the parliamentary secretary correctly, he said it is in section 57 of the Transport Co-ordination Act. Section 57 deals with the power of the minister to revoke or suspend a licence—okay, I thought it might be section 47.

Hon Ken Travers: It is section 47ZF, though.

Hon ADELE FARINA: Sorry?

Hon Ken Travers: It will be section 47ZF because all of the taxis are under section 47ZF.

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Hon ADELE FARINA: It is actually section 47ZD, which lists a whole lot of things that taxi cars can be licensed to do or not do, but nowhere in that long list that runs over numerous pages does it actually state that there is a requirement for the taxi companies to pass on any complaints to the Department of Transport.

Hon JIM CHOWN: Just a point of clarification: was the member looking at section 47ZF or 47ZD?

Hon ADELE FARINA: I was looking at section 47ZD. If the parliamentary secretary is telling me that it is section 47ZF, which part of section 47ZF? My question is: if the parliamentary secretary is now saying that the provision in the Transport Co-ordination Act 1966 for taxi companies to refer all complaints to the Department of Transport for its action is in fact section 47ZF, can he tell me in which part of that section the requirement is? I am not clear whether any part of that section states that there is a requirement to do so.

Hon JIM CHOWN: Section 47ZF(1) of the Transport Co-ordination Act 1966 states, in part —

(c) prescribing the conditions under which licences of any kind may be issued, renewed or transferred ...

...

(g) with respect to the duties and obligations of holders of licences under this Part; and

...

(r) prescribing the records to be kept and documents to be carried by owners, operators and drivers of taxi-cars ...

Therefore, under this act, we will be able to get the complaint information with regard to the complaints process in the Taxi Drivers Licensing Bill 2013.

Hon ADELE FARINA: I thought that the policy objective of the bill before us is to establish a dedicated occupational licensing law for taxidriviers. Are we being told that the bill does not actually do that because we have to go to the Transport Co-ordination Act to see what is required for country taxidriviers and that this is not about the operations of dispatch because there is no dispatch for country taxis? Does that mean that the bill does not achieve the stated policy objective of providing a dedicated occupational licensing law for taxidriviers? We are now being told that section 47ZF of the Transport Co-ordination Act provides —

Without limiting the generality of section 60 the Governor may make regulations —

... with respect to the duties and obligations of holders of licences under this Part ...

That is supposed to provide sufficient power for the country taxidriviers to be required to report any complaint to the Department of Transport. Is that the parliamentary secretary's position? Have I understood it correctly?

Hon JIM CHOWN: The bill before the house is the Taxi Drivers Licensing Bill and it deals with people who have a "T" endorsement on their driver's licence to drive a taxi. The Transport Co-ordination Act 1966 deals with people who actually hold a taxi licence—vehicles to operate as taxis.

Hon ADELE FARINA: Is the minister saying that in country areas there are people who own a taxi licence but do not actually drive taxis?

Hon JIM CHOWN: That is correct.

Hon ADELE FARINA: The other part of the parliamentary secretary's answer was that section 20 of the Taxi Act 1994 provides for the requirement for taxi companies to lodge complaints with the Department of Transport. Section 20(1)(g) provides that the director general may impose conditions on the operation of a taxi using specified taxi plates in relation to complaint resolution. I assume that is the provision the parliamentary secretary is referring to; is that correct?

Hon JIM CHOWN: Section 20 of the Taxi Act 1994 deals with the plate holder and section 29 deals with the dispatch service. Under section 20, there are requirements for the plate holder, record keeping and complaint resolution; under section 29 there are requirements for dispatch services. Sections 29(1)(d) and 29(1)(e) also provide for record keeping and complaint resolution.

Hon ADELE FARINA: Would the parliamentary secretary be able to table a copy of the conditions that the director general has imposed pursuant to section 20(1)(g) and 29(1)(e) in relation to complaints resolution so that we can be assured that there is a requirement for companies when they receive a complaint to forward that complaint to the Department of Transport?

Hon JIM CHOWN: I will be happy to provide by five o'clock this evening the typical requirements. Plate conditions on taxis vary, depending on the time they were registered, and the member would be aware that there are various types of taxis as well; but I will try to get something that is pretty standard.

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Hon ADELE FARINA: Given that licences have been issued over a long period and the conditions that have been imposed vary over that period, how can we be certain that there is a requirement to notify the Department of Transport of all complaints received? What assurances are there that that is the case? If a complaint mechanism is provided for in the Taxi Drivers Licensing Bill, it should be incorporated in the bill so that it can cut across country and metro taxis regardless of the sort of licence and so that there is one place that clearly sets out the procedure for lodging a complaint and the requirements for the various parties. The system the minister is referring to seems to be long and protracted and people may struggle to understand how it works. I am not yet satisfied that there is a requirement on a taxi company to forward complaints to the Department of Transport. It is fine to note that the parliamentary secretary will provide some information at five o'clock that might enlighten us. However, do these conditions also set out the period within which the complaint is to be forwarded to the Department of Transport, and what the penalty is if a taxi company is found not to have forwarded a complaint to the Department of Transport?

Hon JIM CHOWN: It is important at this stage to state that conditions will be imposed when this bill is implemented to ensure that the complaint mechanism I have already described will take place.

Hon ADELE FARINA: Where in the bill currently before us is that made a requirement? I cannot find it. The parliamentary secretary says that all this stuff will be imposed on the passage of this bill, yet this bill does not contain any provision that requires to be done what the parliamentary secretary says will be done.

Hon JIM CHOWN: We will be imposing conditions under the Taxi Act and under the Transport Co-ordination Act.

Hon ADELE FARINA: So, the complaints system will be effective through the two pieces of legislation that are currently in place, not through the bill that is presently being considered by Parliament.

Hon JIM CHOWN: That is correct.

Hon ADELE FARINA: Therefore, on each occasion when the parliamentary secretary has indicated that as a result of this bill, we are going to do this, it is not really as a result of this bill because the bill is not needed at all to impose the complaints system but will be done under the two existing pieces of legislation.

Hon JIM CHOWN: The bill before this house is actually the impetus for improving the complaints system through the acts just stated.

Hon ADELE FARINA: Do the conditions that are imposed under the Taxi Act and the Transport Co-ordination Act requiring taxi companies—and in the case of country taxis, taxi owners—to refer complaints to the Department of Transport state the time frame within which the taxi company or the taxi owner is required to refer those complaints to the Department of Transport?

Hon JIM CHOWN: To respond to that accurately, we require the documents that have been requested that will, hopefully, be here by five o'clock.

Hon ADELE FARINA: Do those conditions also indicate whether a penalty will be imposed on a taxi company and/or a taxi owner who does not comply with forwarding that complaint to the Department of Transport; and, if so, what is that penalty?

Hon JIM CHOWN: Under the Taxi Act 1994, the penalty for a taxi dispatch service that does not comply with the conditions is \$5 000.

Hon ADELE FARINA: Could the parliamentary secretary point to that provision of the act?

Hon JIM CHOWN: It is section 29(2).

Hon Adele Farina: Is that of the Taxi Act?

Hon JIM CHOWN: Yes.

Hon ADELE FARINA: And which provision is it for country taxis?

Hon JIM CHOWN: It is section 56 of the Transport Co-ordination Act under “General penalty”, which states that for any offence against the act or against any regulation there is a general penalty of \$2 000.

Hon ADELE FARINA: I thank the parliamentary secretary. Where does it state in the act that noncompliance with a condition is an offence?

Hon JIM CHOWN: Unfortunately, there is no section in the Transport Co-ordination Act that will support the penalties. I can assure the chamber that when supporting regulations are drafted, consequential amendments will be made to the Taxi Regulations and the Transport Co-ordination Regulations for such an offence. Provisions will certainly be created if they do not already exist.

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Hon ADELE FARINA: I am sorry to subject the parliamentary secretary to this, but I did not hear all of his answer. Was he saying that we are going to move an amendment at some future time to provide the power?

Hon JIM CHOWN: When supporting regulations are drafted, consequential amendments will be made to the Taxi Regulations and the Transport Co-ordination Regulations. Such an offence provision will certainly be created if it does not exist already.

Hon ADELE FARINA: Are we proposing to amend legislation through regulation?

Hon JIM CHOWN: No, we are proposing to amend regulations.

Hon ADELE FARINA: Are they regulations made under the Taxi Drivers Licensing Bill or another act?

Hon JIM CHOWN: There are no regulations pertaining to this bill as yet but there will be and there will be amendments to the Taxi Regulations 1995 and the Transport (Country Taxi-car) Regulations 1982.

Hon ADELE FARINA: Would the parliamentary secretary please indicate where in the current bill there is a head of power to amend regulations in other acts? I understand there is a head of power to make regulations. I am not sure that the head of power provides the power to amend regulations pertaining to other acts of Parliament.

Hon JIM CHOWN: There is no head of power in this bill because the head of power comes from the Transport Co-ordination Act and the Taxi Act.

Hon KEN TRAVERS: I want to go back a fair way in the debate. The parliamentary secretary said some time ago that there is currently no capacity to make an electronic complaint to the department. I have never quite understood the difference between complaints and compliance, and I once did not get the answer I wanted because apparently there is some difference. I understand that one can go online and look at the department's website, which has the capacity to lodge a compliance issue or concerns about taxis or charter vehicles by way of email, which I would have thought is an electronic lodgement. What is that and how is that different from what the government is proposing will be the electronic lodgement of complaints as part of the implementation of this bill?

Hon JIM CHOWN: The IT system that will be put in place will comprise an online form with the required fields for the various complaints to be included in the automatic population of the database. Part of that online form will require the person's name, address and contact numbers along with the complaint they are making.

Hon Ken Travers: What is the difference between compliance and complaints?

Hon JIM CHOWN: Would the member mind asking the question on compliance and complaint again?

Hon KEN TRAVERS: I am trying to understand the difference between a compliance issue and a complaint to the department. I understand that there are some differences in the way that the department treats compliance issues and complaints, but I would have thought they were one and the same. How does the department determine whether something is a complaint or a compliance issue?

Hon JIM CHOWN: Compliance is a breach of the law and a complaint is, for example, when someone complains that their taxi has not turned up on time.

Hon KEN TRAVERS: Am I correct that complaints currently go to taxi dispatch services and compliance issues—such as if the regulations are not being met because the driver does not have his ID—go to the department? If a taxidriver has body odour or something such as that, does that currently go to the taxi dispatch service? Will that still be the differentiation under this regime?

Hon JIM CHOWN: The current system for compliance breaches is an email to the department. Under the new system, as explained —

Hon Ken Travers: But my question is whether compliance issues will still go to the department and complaints will still go to the TDS?

Hon JIM CHOWN: Under the new system, with the IT process that will be put in place, as I have said previously, people can lodge either compliance complaints or complaints with the department. The compliance issues will be addressed by the department and the complaints will be returned to the taxi dispatch services to be addressed. I assume that if they are carried out, the department will follow that up.

Hon KEN TRAVERS: I guess when we get to that clause we can go into more detail about how that will operate. I have one final question. Again, it is an issue that I have long held. Will the online system be accessible to the compliance officers out on the road in real-time? Will they be able to get access to that electronic log? One of the things that would assist us to crack down on bad drivers is a real-time measure. I have asked about this

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issue in the chamber before. If someone cannot see a taxidriver's ID and they ask to see it, the taxidriver may get aggressive and flash something before their eyes that does not look like them. Under the current system the best that person can do is send an email or leave a message on an answering machine if it is on a weekend. As part of the new regime will there be the capacity for dealing with those complaints in real-time? It strikes me that if there is a suspicion that someone is driving a taxi without a licence, for instance, which is a serious offence under this bill, we should use the public as our eyes and ears and have compliance officers identify the location of that taxi through the taxi dispatch service so that they can physically pull over that driver and check the records. Is that something that will be available under this new system; and, if not, can we make it available?

Hon JIM CHOWN: Hon Ken Travers makes a very valid point. It is certainly the intention of this bill that the mobile on-road teams will have some sort of handheld device so that they can access as much information as possible.

Hon ADELE FARINA: Can the parliamentary secretary please clarify whether he indicated that compliance complaints are dealt with by the Department of Transport and complaints once received by the Department of Transport are handed back to dispatch?

Hon JIM CHOWN: The department will have full access and full view of the system. Anything that it receives that should be addressed by the taxi dispatch service will be put to the taxi dispatch service to deal with. The department will deal with any serious breaches of this legislation.

Hon ADELE FARINA: Why would a complaint be handed back to taxi dispatch to deal with when it is in dispatch's best interests to keep that taxidriver on the road earning income for the taxi company? The whole point of the complaint and penalty systems is that there is an independent umpire that can assess a complaint and determine if any penalties apply and if a taxidriver has reached the demerit limit of 12 whether any suspension or licence cancellation needs to follow from that. The investigation of complaints is to be given back to dispatch. Dispatch is not independent in this process. This does not make sense; the policing of complaints by dispatch does not fit in with the policy to raise standards that is behind this bill. This bill is not achieving its intended objectives.

Hon JIM CHOWN: We have just discussed compliance and complaint. Compliance is a breach of the law. I will use Hon Ken Travers's example of a driver with horrendous body odour, which is the kind of complaint that will, and should, be dealt with by the taxi dispatch services. Compliance issues and breaches under this legislation will be dealt with by the department.

Hon ADELE FARINA: If I were a passenger in a taxi and the taxidriver put his hand up my skirt and I lodged a complaint, would that complaint be referred back to dispatch or would it be dealt with by the Department of Transport?

Hon JIM CHOWN: That complaint would come straight to the department and it would be immediately referred to the police.

Hon ADELE FARINA: Could the parliamentary secretary please provide me with a list of complaints that will be dealt with by dispatch, a list of complaints that will be dealt with by the Department of Transport, and a list of complaints that the Department of Transport will automatically refer to the police?

Hon JIM CHOWN: There are no such lists. A breach of the act or the regulations et cetera will be dealt with by the department. Criminal Code matters will be referred to the police. The police will keep in touch with the department on those particular matters.

Hon ADELE FARINA: If I heard correctly, the parliamentary secretary indicated a list of things that would be dealt with by the department and a list of things that would be dealt with by police; he did not mention the matters that would be dealt with by dispatch. We are discussing this subject because the parliamentary secretary indicated earlier that certain complaints would be referred to dispatch. I would like clarification of the sort of complaints that are to be referred to dispatch to investigate and make a determination on.

Hon JIM CHOWN: It is not a breach of the law.

Hon ADELE FARINA: If a taxidriver swore at a passenger, would that be dealt with by dispatch or the Department of Transport?

Hon JIM CHOWN: That matter would be dealt with under the code of conduct by the department.

Hon ADELE FARINA: Clearly swearing is not a breach of the law, and the parliamentary secretary indicated that anything that was not a breach of the law would be dealt with by dispatch. He has now indicated that

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swearing, which is not an offence under the law, would be dealt with by the Department of Transport. I am still very confused—what is being dealt with by the Department of Transport and what gets dealt with by dispatch?

Hon JIM CHOWN: I did state that swearing or abuse of a passenger is part of the code of conduct and that a breach of the code of conduct is a breach of the legislation, which would be dealt with by the department.

Hon ADELE FARINA: Is it that the Department of Transport will investigate complaints about anything in the code of conduct, and only behaviours not picked up by the code of conduct, which are not an offence under the law, will be referred to dispatch?

Hon JIM CHOWN: The member is correct. Anything dealing with the code of conduct or any complaint regarding a breach of the regulations, relevant acts or the law will be dealt with by the department. Other matters will be referred to the dispatch services.

Hon ADELE FARINA: Can the parliamentary secretary give an indication of what the other matters might be? If this is an act to set a standard for the industry and it is all to be prescribed in the code of conduct, what other matters might be the subject of a complaint that would not be referred to the department under a breach of the code of conduct, a provision of the act or a criminal offence?

Hon JIM CHOWN: The sorts of issues that would be referred to the taxi dispatch services are, for example, that the app to call a taxi on someone's iPhone did not work and the taxi was late; issues such as that. These are issues that the dispatch service should be made aware of, and it is probably in its best interests that it is made aware of them.

Hon KEN TRAVERS: I want to be absolutely clear: any complaint that relates to a matter that is covered by the code of conduct will go to the department and will be dealt with by the department. Is it correct that a person who contacts the taxi dispatch company with a complaint that comes under the code of conduct will be referred to the department for investigation and a determination of the penalties that will apply?

Hon JIM CHOWN: The department will have visibility of all complaints and will be investigating those complaints that it believes need to be investigated.

Hon ADELE FARINA: What does that mean, exactly? A code of conduct prescribes the behaviour of taxidriviers and the standard that they are required to operate under. Any complaint that is received by the taxi dispatch service relating to the code of conduct is required to be transferred to the Department of Transport, and then the Department of Transport will decide whether it investigates the complaint?

Hon JIM CHOWN: The department will investigate all breaches.

Hon KEN TRAVERS: I want to go back to make sure I understand, because I think we have had four different explanations at various times throughout the debate. I want to get it clear so that we can move on. When a complaint on any matter that comes under the code of conduct is lodged, either with the department or the taxi dispatch service, the investigation of that complaint will be dealt with by the department and it will determine the penalties that will apply as a result of that complaint being found to be true.

Hon JIM CHOWN: The answer is yes

Hon Ken Travers: Fantastic.

Hon JIM CHOWN: But the penalty is determined by the bill.

Hon KEN TRAVERS: I think that is absolutely fantastic. That is very different to what we were originally told about the way this bill would operate. It certainly complies with what I put forward; namely, that there needs to be a central way in which complaints are managed. I want to congratulate the government for taking on board the recommendations of the opposition in this matter. All complaints that go to the code of conduct or the offences that will be outlined under this bill, in terms of the behaviour of taxidriviers, will now be dealt with by investigation and then determined by the department. I think that is fantastic. I put on the record that I congratulate the department for adopting that position. I think it is a significant movement from where the government was originally when this bill was introduced, so, congratulations.

I will just ask one other question. Earlier, the parliamentary secretary commented that swearing at a passenger would not incur penalty points. However, I note in the documentation that he provided to us, which gave a draft outline of some of the potential demerit points, one offence was behaving discourteously.

Hon Peter Collier: Discourteously.

Hon KEN TRAVERS: Just as the Leader of the House said! One offence was behaving discourteously towards passengers and potential taxidriviers—for example, shouting and referring to passengers in a derogatory manner.

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The suggestion was that that would incur four demerit points, although that could be too high. I would have thought that swearing at a passenger would fit within those criteria. I accept that four points might be too high, but surely it is appropriate to have at least some demerit points for that. Could the parliamentary secretary clarify that?

Hon JIM CHOWN: I agree with the member on this matter. As he is also aware, the code of conduct is still under discussion with the industry. From my perspective, swearing should be part of the code of conduct, especially swearing at a passenger.

Hon KEN TRAVERS: Yes; and if there was a code of conduct for passengers, I would love to see it the other way as well! I want to be clear about that; it is a shame we cannot bring in a code of conduct for passengers.

Committee interrupted, pursuant to standing orders.

[Continued on page 6406.]

Sitting suspended from 4.14 to 4.30 pm