

TRANSPORT (ROAD PASSENGER SERVICES) BILL 2018

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr W.R. MARMION: I refer to clause 2(b), which allows for the different sections of the bill to be enacted. Could the minister explain what sections might come in earlier, ahead of other sections, and the rationale behind that?

Ms R. SAFFIOTI: The staged commencements of the bill's provisions will be necessary to ensure the industry has time to adjust to the reforms and to enable the necessary supporting systems and subsidiary legislation to be put in place. This will start with the regulation of on-demand booking service providers and the implementation of the on-demand passenger transport levy, followed by the commencement of the buyback once the levy is in place. Part 6 of the bill, which provides for the authorisation of passenger transport vehicles, will commence following the buyback. As part of the buyback, a plate owner's rights to the plate will cease. However, those plates may be used up until the point of buyback to authorise the operation of a vehicle as a taxi by either the plate owner or by another person under an arrangement with the plate owner. To ensure that vehicles equipped as taxis can continue to lawfully operate, part 6 of the bill, along with the repeal of the Taxi Act, will occur immediately following the granting of the buyback payments.

Mr W.R. MARMION: I understand that the levy will not come in until 1 January next year, so I understand that the provision is needed, but I am trying to get my head around what happens to the plate in the transition to the buyback scheme. What is the status of the plate once it has been bought back? How does part 6 of the bill relate to that?

Ms R. SAFFIOTI: We are giving plate owners the right to continue to have access to their plates. The transition will depend on whether they want to continue to have access to that plate. If they do not, other circumstances would apply regarding where the plate will go, but we are giving plate owners the option to continue with their plates.

Mr W.R. MARMION: Could the minister outline what other circumstances might happen with that plate? Also, what might the time line be for those plates?

Ms R. SAFFIOTI: Again, it will depend on the individual circumstances. If plate owners do not want to participate or nominate anyone else to participate, that plate will be relinquished. If they do what to participate or nominate someone, that can also be worked through.

Mr W.R. MARMION: Just to explore this, does that mean that if a plate owner relinquishes a plate, they will have first dibs on the next phase of using that plate or have the first right of refusal or use of it?

Ms R. SAFFIOTI: If a person has a plate, they have an automatic right to the authorisation. There is no cap, so there is going to be no debate about access to the plates. If someone has a plate, they can continue to have that taxi authorisation.

Mr W.R. MARMION: Once a person has the payout and then continues with the plate, what will be the normal cost of continuing?

Ms R. SAFFIOTI: They will be subject to an annual authorisation fee. We are still working through the final details, but the annual authorisation fee will be approximately \$100. That will not be paid until the transitional period is over as well.

Mr D.C. NALDER: I just want to talk about commencement. Clause 2(b) states —

... on a day fixed by proclamation, and different days may be fixed for different provisions.

I am really interested in the commencement of the levy, so that there is some certainty out there. When is it intended that the levy will commence?

Ms R. SAFFIOTI: First of all, it will depend on how the legislation goes—that is, when this legislation is actually passed. We have to authorise the relevant booking services and then have the regulations in place. They are working on the regulations now. Everything is being worked on in relation to having the systems ready for the booking service authorisation, but we have to wait until the legislation is passed. We aim to have the booking service authorised by the end of this year, beginning of next year. The actual start date of the levy will depend on what happens with the legislation and how much time we have to get everything in place.

Mr D.C. NALDER: We know that it requires the legislation to go through; this whole thing relies on the legislation going through. Assuming that it does go through, I am trying to get an idea of the government's intention. It sounds

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like the minister is talking about some time in 2019. Does the minister have a sense of when it will be? Will it be the first quarter, the first half or the second half of next year? I would just like to get an understanding of that.

Ms R. SAFFIOTI: The first quarter of 2019.

Mr D.C. NALDER: So it is the government's intention that the levy on consumers—a 10 per cent additional fare—will commence in the first quarter of 2019. I just seek some clarification: will payments to taxi plate owners not occur until the money has been raised, or will the government make an up-front payment and then recover it? How will that work?

Ms R. SAFFIOTI: As soon as the levy is introduced, we will open up the process to taxi plate owners to apply for their payment. There is a one-off impact on the consolidated fund of approximately \$118 million. That is shown in the budget as an expenditure from the CF. That will be collected through the levy over the next four years. That is the rough calculation. I do not have the numbers in front of me, but that is the way it is working.

Mr D.C. NALDER: To confirm: is the state actually funding the compensation to the taxis initially, and will it then recuperate it through the increased fare?

Ms R. SAFFIOTI: Yes.

The ACTING SPEAKER: Member for Bateman, I remind you that we are dealing just with the commencement of the legislation and you should limit your questions to that.

Mr D.C. NALDER: Thank you, Madam Acting Speaker. I just draw your attention to clause 2(b), which states —
the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

My question related specifically to that.

The ACTING SPEAKER: Except you did not ask that, member.

Mrs L.M. HARVEY: The minister said that an automatic authorisation would be granted to certain people who might be in the system. What we are trying to understand is that the government is setting up a completely new system with new regulations, different terms, different categories of licence and different requirements for authorisation for different levels of the industry. I assume—perhaps the minister can explain it to me—that all of that needs to be set up. I expect that existing participants and anyone who wants to participate in the new system will need to apply for licensing and authorisations under the new legislation. Will those applications need to be in before the commencement date for the provisions in the act that allow for the buyback and transition from the existing system to the new licensing system?

Ms R. SAFFIOTI: I will go through all three—the booking service, the vehicle and the driver. The booking service will have to be authorised, because that is a key component of the new regime. There will also be a transition period to allow people to transition from the old regulations and legislation to the new legislation. In a sense, vehicles will be automatically authorised under the new system. In some instances there may be alternative vehicles that will need to be authorised for the taxi service, and they will need to be nominated through that process. There are a couple of options there. In relation to the drivers, they will continue. They will have a 12-month transition period to apply for the new style of licence.

Mrs L.M. HARVEY: I just want to understand how that might work with the drivers. If they have a licence that might expire in 12 months' time or 10 months' time, at the point of expiry, when they go to renew that driver authorisation, will they then fall into the new regime, or will it switch over once the legislation is assented to?

Ms R. SAFFIOTI: We will just prescribe a 12-month period, because that class of licence does not normally have an expiry. We will prescribe a 12-month period in which they have to convert their licences to the new licensing regime.

Mrs L.M. HARVEY: On that theme, I am not sure whether the vehicles that are registered to be used as taxis or for other services have an expiration period for that authorisation. Is a similar arrangement going to be in place for them?

Ms R. SAFFIOTI: Country taxis and omnibuses have 12-month licences anyway, so they will come up for expiry within that 12-month period. For lease vehicles, it will be on the annual anniversary of their lease payments, so when they would normally be liable for their administration fee. For the owned plates, it will be a prescribed period.

Mrs L.M. HARVEY: Obviously, the on-demand passenger booking service is a new category. Can we expect sections relating to that to be proclaimed prior to other sections of the bill?

Ms R. SAFFIOTI: Yes.

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Mr V.A. CATANIA: I want to follow on from what the member for Bateman was asking—that is, when taxis receive their buyback. The minister said that will happen in the first quarter of 2019. If a taxidriver is due the minimum buyback—that is, they have had their plates the longest, since, say, March 2000—and the minister has said that the maximum buyback will be \$100 000, how much will they receive in that buyback in the first quarter of 2019 if this legislation passes within the next three or four weeks?

Ms R. SAFFIOTI: To clarify, the levy will be introduced in the first quarter and there will be a period after which the payments will be made. There has to be an application and verification process. That is estimated to potentially be between one and two months. As I said, we are considering whether we stage that to get some buybacks quicker than others, but we are looking at that. In answer to the member's question, the payments will be made within a period after the levy is introduced and that will be between one and three months.

The ACTING SPEAKER (Ms M.M. Quirk): Member for North West Central, before you proceed to ask your questions, can I reiterate that we are dealing with commencement of the legislation and not with when payments will be made. We are dealing with clause 2 at the moment.

Mr V.A. CATANIA: If a driver has had their plates the longest, will that payout be made in full when the 10 per cent levy is introduced in the first quarter or will it take three months to go through the process? For example, I could put in an application because I have had my plates since 2000. Is the minister saying that I will get up to a maximum of \$100 000 based on the time I have had the plates? Will I get my \$100 000 in one fell swoop or over time?

The ACTING SPEAKER: Minister, before you answer that, the member is not actually asking a question pertinent to clause 2 so you may feel inclined to not answer it at this stage.

Ms R. SAFFIOTI: I will answer this, but we can probably move on to the next clause after that. I do not mind. It will be in one fell swoop.

Mr A. KRSTICEVIC: With regard to the statement the minister just made, I want to ask a question about the commencement. It is a voluntary buyback. I assume that 100 per cent of people will participate in the voluntary buyback. Is there a difference between the treatment of someone who does not in terms of the commencement of the various clauses? If people do not participate in it, what will the outcome of this voluntary buyback be for them? What is the government offering in the legislation regarding commencement dates or distinctions between those who get an authorised plate and those who do not participate in the voluntary buyback?

Ms R. SAFFIOTI: It is voluntary. I understand that some drivers will want to keep their plates and, again, that is fine, but they will still be transitioned because the concept of privately owned plates will in a sense disappear and they will be subject to the annual authorisation. They can still have their plate but they will be transitioned. That is what will happen. Of course, the market can potentially change for them too. It is voluntary. We will not be compulsorily acquiring anyone's plates.

Mr A. KRSTICEVIC: In terms of the commencement I think the minister said that the authorised plates will be \$100 a year. Can the minister issue as many of those as she likes after 12 months? When the minister talks about the voluntary buyback and the commencement, I assume that the minister is saying that the plates that people hold onto will have the same value as the authorised plates in the same service that they provide. There will be no difference. I am trying to think about their value. Plates will be worth nothing if drivers hold onto them and do not participate in the voluntary buyback.

Ms R. SAFFIOTI: Yes.

Mrs L.M. HARVEY: Some plate owners own multiple taxi plates. If it is a staged buyback scheme, will they have the opportunity to receive the funds for their plates staggered over time? There could be a capital gains tax incentive for some individuals to game the system and to have the payments staggered over the end of a financial year, for example. Will individuals who own multiple plates have to apply for a buyback in one hit or can their application be considered in a staged fashion as the minister mentioned?

The ACTING SPEAKER: Member, that has nothing to do with clause 2. Minister, I direct that you do not need to answer it.

Mr D.C. NALDER: I think sometimes we can deal with some questions earlier; it means they do not get answered later. It is up to the minister.

The ACTING SPEAKER: Alternatively, we can deal with them, member, at the clause that is relevant.

Mr D.C. NALDER: I refer specifically to clause 2(b), which states —

(b) the rest of the Act—on a day fixed by proclamation, and different days may be fixed for different provisions.

I am seeking clarity from the minister. Can the minister provide examples of what can be deferred? I assume the levy is one example. That is my interpretation, but I would like to understand what is captured by that because it sounds as though just about any provision can be set at a different date in the future when most legislation gets enacted on proclamation. I think it would be great for the chamber to understand all the provisions that are likely to be deferred from proclamation as a result of this legislation.

Ms R. SAFFIOTI: By way of example, it would be booking service levy first, vehicle authorisation next, and drivers last. That is the concept, because the drivers' changes are not as dramatic as the other changes. It would be a staged implementation, so people can adapt to the different changes in the different sectors of the industry over a period of time rather than try to put it all on the market at the same time.

Mr D.C. NALDER: If I am right, are there only three provisions that would be delayed by implementation?

Ms R. Saffioti: I was just pulling that out by way of example.

Mr D.C. NALDER: Can I finish? The minister mentioned the booking service. I would like to understand what they will be and if there will be any more. This is important because otherwise we will have to delve into every part of the legislation to see whether something is going to be done at proclamation or at a later date.

Ms R. SAFFIOTI: I will have that written down because it is quite a long list. This is just stage 1. Stage 1 will be parts 1, general; part 2, the safety duties; and part 3, the booking service. This is just stage 1. The next will be part 7, information sharing, to allow the department to collect the information required; part 8, enforcement; and part 9, levy. That is stage 1. What I might do, because it will be easier, is get this written out for the member for Bateman and give it to him later. That might be easier than going through it right now.

Mr D.C. NALDER: I would be happy with that if the minister could, but essentially they are provisions for implementation, and it is about the different elements of it rolling out. We will get to a levy for one of them, and payments for another. The timing is around when they become effective from this legislation.

Ms R. SAFFIOTI: Yes, I think because the changes are so fundamental to the entire industry, the idea is that there are different changes affecting different parts of the booking service, the vehicle and the driver. All of this is looking through the triangle of booking service, vehicle and driver, and that is where we have tried to create the strong clarification of chain of responsibility and key players in the industry. That is why the whole legislation is focused on those three key elements.

Clause put and passed.

Clause 3: Objects of Act —

Ms R. SAFFIOTI: Under "Objects of the Act", I refer the minister to clauses 3(c) and (d). Subclause (c) states —
to provide for an industry-funded buyback scheme for owners of taxi plates ...

Subclause (d) states —

to provide for adjustment assistance grants for certain country taxi-car licensees ... in the Mandurah and Murray local government districts.

Obviously, once the buyback scheme has been finalised and the levy becomes redundant, these objects will no longer be relevant. I am just questioning whether we expect legislative amendment to remove these objects of the act when the buyback scheme and the levy are finalised.

Ms R. SAFFIOTI: The technical term is "spent provision", which is a new one. The provision might be reviewed later as part of the red tape reduction and obsolete legislation work that is done, but currently we need it. It may be reviewed later.

Mr W.R. MARMION: I have a question about the objects of the bill. I guess it is a comment on an object that I thought should be there but is not. The minister might explain why. One objective would be that we do not want the situation now to be reproduced; that is, there is a new scheme but taxi plates would be worth something and we then end up getting a market value. I would have thought an objective would be to make sure that does not happen. Is there a mechanism in the bill to make sure that does not happen?

Ms R. SAFFIOTI: There is a specific provision, which we will get to, at clause 289, which refers to future compensation not being payable. More generally, because there are annual authorisations, they are not perpetual licences in any way shape or form. They have no value and they are not transferable and we do not believe the same situation would arise.

Mr W.R. MARMION: That is a good answer, but the way it could be manipulated is through the transfer, which is the point the minister made. If a person has a licence, is there a mechanism by which they can nominate

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someone, such as a relative or their son to keep the licence in the family, or, once a person owns a licence, is there no way it can be transferred with some consent of the owner?

Ms R. SAFFIOTI: A current plate owner can nominate a different vehicle to have authorised, but they cannot nominate a different person. We do not see the problem that the member highlighted arising. One of the interesting discussions was whether there should be a cap on taxi licences. That was one of those deep discussions we had over many meetings. We want to make sure that the market is big enough for the existing taxi industry, and we do not want to create another situation by virtue of a cap not allowing the taxi industry to compete with the on-demand providers. It was an interesting debate. We are going to see how we go with how the market operates. I think the whole question of capping is something we avoided so we do not re-create some of the issues of the past. I can understand that there is concern in the industry about the volume of work and how it is distributed, but it comes back to the drivers. This is why the drivers have the ability to operate under a number of booking services. That gives them a bit more flexibility than they had in some instances. We are progressively seeing drivers operate for a number of dispatch services.

Mr V.A. CATANIA: I refer to clause 3(b), which states —

to enable the development and operation of innovative and accessible road passenger transport services that contribute to the mobility and safety of the people of Western Australia ...

The minister's second reading speech brought up the costs to regions, and one of the reasons we support this legislation is to ensure that regional taxis will not be worse off. There is the issue of regional taxis having to put cameras in. Exorbitant costs have been associated with that in the past for those taxi owners. I see taxis putting in cameras as a source of great safety and a benefit to the community in regional Western Australia. Can the minister explain the costs? The minister, her advisers and the member for Armadale have said that specifications of cameras would be changed so the expensive burden of \$2 500 to \$3 000 to install them could be reduced. I have been told that it will cost \$500 for regional taxi owners to put cameras in. Can the minister explain that change in specifications to reduce the cost from that significant amount of \$2 500 or \$3 000 to \$500?

Ms R. SAFFIOTI: There will be a couple of key changes. Previously, there was to be specification for the type of camera and, as I have said, there used to have to be internal and external cameras. We are specifying an output specifying the type of vision that taxis should have and the operator can basically install the camera they choose to get that output. The advice I have is that \$500 would be about the price required to deliver the output of the vision required. We are not specifying the type of camera, but just the type of vision and storage required.

Mr V.A. CATANIA: Clause 3(b) refers to accessible road passenger transport services and mobility of people. One of the other issues we have raised in the past is the royalties for regions Country Age Pension Fuel Card. We want to maintain that with regional taxis. It was \$575 and I think the government has capped it. We sought an increase, but the government capped it. The card is there because Perth transport has been subsidised with a hell of a lot of money, \$1 billion a year. As a way of giving back to the pensioners, the National Party came up with the policy for the Country Age Pension Fuel Card. Can it still be used in taxis in regional Western Australia or the whole of Western Australia? A problem when we were in government was use of the card for charter vehicles. For example, in Exmouth and Onslow there is no taxi operator. There is a charter operator under the banner of Exmouth and Onslow taxis. The issue that seniors have there is that they cannot use their Country Age Pension Fuel Card because the charter vehicles have only general EFTPOS machines and they are unable to utilise them. Since this is an issue and since the passenger transport industry is being deregulated, if you like, will the minister look at or make moves to try to get that fuel card utilised in charter vehicles and perhaps even in Uber vehicles as Uber comes into regional Western Australia? Is there an opportunity to make sure that that fuel card can be used in those vehicles?

Ms R. SAFFIOTI: Definitely. I think the member raised that with my officers, too. I will be talking to the Minister for Regional Development, who administers the royalties for regions fund. I am acting Minister for Regional Development, so I could make the decision around that! I will definitely talk to Hon Alannah MacTiernan to see how we can do that. Given that we are deregulating forms of transport, it would make sense to look at what the member has suggested. We may be able to do that and have some resolution before the legislation hits the upper house.

Mr D.C. NALDER: I refer to paragraph (c) under "Objects of Act" and the buyback scheme for owners of taxi plates. This relates a bit to what the minister said about commencement and payment. Did I hear that the pool size is \$118 million and that is the total amount, or is that just to get it started and things will accumulate and, therefore, more than the \$118 million will be paid out?

Ms R. SAFFIOTI: That is the estimate for the total buyback.

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Mr D.C. NALDER: I am confirming that there are 1 035 taxi plates, so that means that the average payout would be about \$114 000 a taxi plate. Is that the anticipated payout for a taxi plate?

Ms R. SAFFIOTI: Yes.

Mr Z.R.F. KIRKUP: Paragraph (d) of this clause refers to the Murray and Mandurah districts. We have already canvassed the Mandurah issue and I appreciate that. I understand that as part of that the minister has said it provides adjustment assistance grants for certain country taxi-car licensees operating in the area. Can I have an understanding of what “certain” ones might be?

Ms R. SAFFIOTI: I think “certain” is there to try to ensure that temporary or substitute licences are not compensated. That is why the drafter put “certain” there.

Mr Z.R.F. KIRKUP: Do we have an understanding of what the amount would be for these adjustment grants?

Ms R. SAFFIOTI: It is \$10 000 per licence.

Mr D.C. NALDER: Paragraph (c) refers to an industry-funded buyback scheme. How does it relate, or does it relate, to the payments that have been made in the past? There have already been payments, such as the \$20 000 a licence, and there has been the potential for hardship grants. I am trying to understand whether those things that have already been done with the industry a couple of years ago apply in paragraph (c).

Ms R. SAFFIOTI: The hardship payment amount will be deducted. When all the plate owners got their letters, they were advised of the expected payment and the hardship payments were deducted from the total payment.

Mr D.C. NALDER: Is the minister considering the hardship payment the 20 grand? There was an additional so many million there for people who applied at the time for a hardship payment. Then there is the 20 grand that they were given. In the calculations later, is that 20 grand then deducted or does that have nothing to do with the determination?

Ms R. SAFFIOTI: The 20 grand is not included in the \$118 000.

Mr D.C. NALDER: I gather it is not in the \$118 000, because the \$118 000 is the future amount. I am trying to ascertain whether the government works out what a plate owner is entitled to. They have all received 20 grand, so will the government deduct that \$20 000 or will it not deduct that \$20 000 because that has happened in the past and this calculation is for the way forward?

Ms R. SAFFIOTI: To clarify, if someone has their \$20 000 transitioned, they still get their \$100 000, if the member knows what I am saying.

Mr D.C. Nalder: So it is a full calculation.

Ms R. SAFFIOTI: Yes.

Mr W.R. MARMION: When I read a further clause, my understanding was that the government works out what the person is entitled to and if they have already received \$20 000 or some other hardship payment before, that is taken off the amount they get. Then I imagine that we multiply that and come up with the amount. Am I wrong?

Ms R. SAFFIOTI: We can go through this and I can distribute some information on clause 238. There are two calculations. There is the minimum, which is the \$100 000, and then there is the calculation which is the amount for which the taxi plate was purchased minus this, minus this. That \$20 000 is in that calculation, but that is not in the \$100 000, if the member knows what I am saying. They get the greater amount.

Ms L. METTAM: Can I ask a question on “Objects of Act”, paragraph (d), which refers to the adjustment assistance grants. Are those grants the same as the regional reform package that the minister spoke about in previous media statements and in January this year?

Ms R. SAFFIOTI: The adjustment assistance package is targeted at Mandurah and Murray because they will have to pay the levy. They will have to collect the levy because they are in that unique situation in which there is a lot of crossover between the metropolitan and regional area. In fact, we built a train there, so that border is quite permeable. That payment relates specifically to those areas. I am not sure whether the member for Vasse caught it in my second reading response, but my initial thought was that we could do an adjustment assistance package for the regional operators. I was sort of proposing that, but we asked the regional operators whether they wanted some assistance package and a levy or whether they wanted no levy and no assistance package. The strong view was no levy. They were very anti the levy because they did not want to collect it. I think they did not want to become the collector of that levy in regional WA. There was also the argument about the buyback of metropolitan plates. That was a description of that thought process, so that is why we put it to them that we could develop an assistance package specifically for regional WA or we could remove the levy, and they wanted no levy.

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Ms L. METTAM: Can I just confirm that the levy or the support package that the government was thinking of is what has been used in the City of Mandurah and the Shire of Murray?

Ms R. SAFFIOTI: No. Again, I was looking at whether we could provide some sort of assistance package to all the regional operators because they had to deal with the levy. The feedback from all the regional operators was that they did not want a levy so therefore they would have no assistance package. The City of Mandurah and the Shire of Murray were different. It was very hard to exclude them from the levy because the crossover between that district and the metropolitan area is significant. There is much less crossover further in the south west and no crossover from up north. That is why we developed a specific assistance package for the City of Mandurah and the Shire of Murray because they have to levy the levy.

Mr A. KRSTICEVIC: With regards to the industry-funded buyback schemes, the minister mentioned the \$20 000 that has already been taken into consideration, and \$100 000 is a minimum. If people have received a hardship payment on top of that, does that come off as well?

Ms R. SAFFIOTI: The hardship payment is deducted from the final payment.

Mr A. Krsticevic: From the \$100 000?

Ms R. SAFFIOTI: Yes. We wrote to all the plate owners last year and alerted them to exactly what they would receive. All those calculations were presented to them.

Mr A. KRSTICEVIC: On the minister's calculations, what is the least amount that somebody will get, based on hardship?

Ms R. SAFFIOTI: They will receive \$100 000 for a conventional plate, unless they received a hardship payment.

Mr A. KRSTICEVIC: If they have already received a hardship payment, will anybody get less than \$100 000 as part of this system?

Ms R. SAFFIOTI: Yes.

Mr A. KRSTICEVIC: What is the smallest figure that someone will get? Based on that, for example, if somebody received a hardship payment of, say, \$105 000, the minister is now saying that if they get \$100 000, they have to pay back \$5 000. I am just trying to work out where the lowest common denominator sits in that circumstance.

Ms R. SAFFIOTI: The maximum hardship payment was \$92 000 but most of the payments were not anywhere near that.

Mr A. KRSTICEVIC: Of that \$92 000, how much will that person get? Will they get \$8 000? Is that all they are getting for their plate?

Ms R. SAFFIOTI: I cannot say that that scenario will occur. Most of the hardship payments went to those drivers who bought their plates more recently. I can get the exact figure if the member wants it for the rest of the debate.

Mr A. KRSTICEVIC: That would be good.

I have another question. The object of the legislation is to provide a safe, flexible, responsible, innovative and customer-focused road passenger transport industry. Can the minister explain how this legislation does that in each of those categories and, more importantly, what is the difference between this act and what is currently happening to make things safer, more flexible, responsible, innovative and customer focused so I can get a better appreciation of what this legislation does compared with what is currently in place?

Ms R. SAFFIOTI: Customer focus and creating more competition allows a more level playing field and allows operators to more readily reflect customers' needs. We will see the establishment of more niche or bespoke operators. If there is a chain of accountability, the booking service operator has responsibilities to ensure that their vehicle is properly licensed and roadworthy and that the driver has the right checks and balances, something that does not occur in the current on-demand transport system. As a result, there are some concerns about the level of accountability. It is currently flexible. Because we are looking at annual licences, in particular, that allows the industry to more readily respond to the market. Because we are not regulating the number or how or when they operate, it allows them to be flexible. In particular, one of the benefits for regional WA, for example, is having more vehicles able to deliver more services during peak time. Responsibility comes from having, as I said, a chain of accountability. There are clear lines of responsibility between the key markets. As I said, "innovative" means allowing the market to continue to innovate and use technology to provide the services that the public seems to want.

Mr A. KRSTICEVIC: The minister is saying that it is all about the market regulating it; there is nothing in the legislation that regulates it. She said that the market will regulate customer service, and they will work it out themselves. That seems to be the answer to most of it—that the market will work it out rather than anything in the legislation that assists any of these areas of focus. More importantly, how different is this from what is currently in the Taxi Act?

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Ms R. SAFFIOTI: I did not say that it is up to the market. I said that this legislation provides a regulatory framework to ensure that the booking service has a responsibility to ensure that the vehicles and drivers have the right checks and balances and the right safety aspects. I am not saying that the market determines all the requirements but of course there is a level of deregulation in relation to numbers and the regulation that exists around taxis but there is also the ability to have some standard levels of service and checks across drivers. There are a couple of new aspects. Part 2 of the legislation refers to the chain of accountability. Provisions relating to meters continue. Signage for all on-demand vehicles is a new aspect that has been introduced. All on-demand vehicles will need to have some minimum signage so there is clarity when people approach them, knowing that it is the on-demand vehicle that they booked.

Mr A. KRSTICEVIC: I wish to focus on safety because it is obviously a serious issue. There have been plenty of examples when people have not been safe both in taxis and in the on-demand sector. Obviously, the minister is saying that this legislation will make the industry safe. What is in this legislation that is not already in place that will make the industry safe once it goes through and what are we doing differently to guarantee safety? I read this legislation to say that once it goes through, the government is guaranteeing that the industry will be safe and there will be nothing of concern because its objective is to provide for a safe environment in that space. I am wondering what will make people know that they are safe.

Ms R. SAFFIOTI: As I said, part 2 of this legislation creates a chain of accountability, which we can go through in detail. The booking service will need to ensure that vehicles and drivers are properly authorised. There are greater penalties for non-compliance and there is a new modern enforcement regime, which will include different types of compliance activity.

Mr V.A. CATANIA: Further to that, in terms of safety, when it comes to ridesharing services other than taxis—Uber or Ola—will they have any signage on their vehicles to assist with identification because it is obviously safer for the public to get into those ridesharing vehicles?

Ms R. SAFFIOTI: Yes, there will be a minimum amount of signage on the windscreen. I think that is what we determined. That is still going through drafting regulation. Minimum signage will be required; not taxi-like signage but minimum signage.

Mr V.A. CATANIA: Will that signage be in the form of a number attached to that vehicle or will it just say “Uber”, for example, and that is it? Will there be a registration number like taxis or taxidrivers have? Will there be something like that on those other vehicles?

Ms R. SAFFIOTI: The signage will probably just say the company, Uber or Ola. It will not have any other details. They call it the anonymous transaction, which is quite interesting. Taxis are not normally; rank and hails are an anonymous transaction. Customers do not know the driver and that is why they have their information displayed and also have a camera. The on-demand service is normally pre-booked. As a result, there is knowledge—the driver knows who the customer is; the customer knows who the driver is. Some on-demand services provide cameras too, so we are not precluding other ridesharers providing cameras. A concern is the young person—not the young person jumping into a car that rocks up and they do not know if it is the rideshare car or not. This will add a level of protection in the fact there needs to be some external signage that the vehicle is a ridesharing vehicle.

Mr A. KRSTICEVIC: I will use a personal example of safety. I pulled into a friend’s driveway a while ago now and a young lady whom I did not know walked up to my car and opened the door. I said, “What are you doing?” She said, “I’m getting in.” I said, “What for?” She said, “Aren’t you my Uber?” I said, “No.” To me, that was quite concerning. People can laugh. It was a little funny in one respect but it was also concerning in the fact that people are not necessarily paying attention to the car they are getting into. Just because a car pulled in, the young lady assumed I was the Uber driver because she had ordered one. It was a suburban street and cars were driving past. Obviously, I sent her back on her way and said, “No, no, I’m sorry, I’m not your Uber; you need to go back and wait.” That is what I mean from a safety perspective. What more or less are we doing, because obviously there are situations like that when people can just jump into a car, assuming it is an Uber or another ridesharing vehicle, or somebody could just assume somebody is waiting for an Uber, depending on how they are hanging around the street? Sometimes it looks pretty obvious that someone is waiting to get picked up. How do we guarantee any more than what is currently there to make sure these things do not happen?

Ms R. SAFFIOTI: As I said, the signage on the car to say that it is an Uber or an Ola.

Mr A. KRSTICEVIC: Will it be branded so people know this is what an Uber or an Ola sign looks like? Anyone can stick on a piece of cardboard and write “I’m Uber”. Is it registered and recorded by number or something?

Ms R. SAFFIOTI: Standard signage will be agreed to between the department and the booking service, I suspect. That will be how it is applied. Sorry, not “I suspect”—a person cannot write, “I’m an Uber driver” on a piece of

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A4 and stick it on the dash. The type of sign will be prescribed. I suspect that it will be agreed to with the booking service operators.

Mr A. KRSTICEVIC: Once that is agreed to, will there be some sort of education campaign so people know what these signs are, who is registered and where they can expect to see the sign? I assume it might be on a particular location on the car, or can it be stuck anywhere? More importantly, if no sign is displayed, is there a penalty for not putting the sign up—for not advertising that fact?

Ms R. SAFFIOTI: There will be some level of prescription through regulation. That will all be done by regs. One of the things we will do, should this bill pass, is have a communication program with the industry so everyone in the industry knows what is happening, particularly drivers. There are lots of drivers and they sometimes get information third-hand. We want to try to ensure that people have access to good information and also the community. We ought to be telling people about some of the basic changes, in particular some of the new safety mechanisms such as the new signage for the ridesharing companies.

Mr A. KRSTICEVIC: I think the minister indicated there will be a penalty if a driver does not display signage. Does the minister know what that penalty will be and how those signs will have to be displayed? Will it be on the outside or the inside; will it be magnetic or stuck on the windscreen? Also, what are the penalties if people do not display those signs?

Ms R. SAFFIOTI: We will be prescribing minimum standards through the regulations. I have been advised it will probably be the rear windscreen.

Mr Z.R.F. KIRKUP: Further to this point, I realise the importance of signage; something like we see in taxis, for example, so they can be quickly and easily identified. I appreciate the anonymous transaction, as it were, versus a known. On the Uber app, for the benefit of someone who has not used it or jumped into an Uber, it comes up with the registration of the car that is expected to pick a customer up, and also the driver's identification. Is there some concern about perhaps a lack of registration about the signage or something like that? Does the agency see any potential that it will possibly allow people to infiltrate that system and pretend they are driving the car that might be coming? It is a lot harder to try to manufacture a numberplate versus, say, a printed A4 sign of some sort that is very well known and is put on the back windshield. Does that present some safety and security challenges? I appreciate the need for signage; I am just trying to understand why numberplates did not suffice. What was in the government's mind about that sort of safety aspect of drivers picking up passengers?

Ms R. SAFFIOTI: That is an interesting point. The signage will not replace the information that the customer and the booking service operator transact in that information. Member for Carine, I think the member for Dawesville's point is a good one, which I should have responded to before. I do not use Uber, but I know that the customer gets the information about the type of vehicle. Normally, people will check the vehicle that rocks up with the vehicle that is displayed on their phone. As I said, I do not use Uber; some of my best friends do. I have seen it done.

In relation to the signage, I think this is just another level of security. The member for South Perth made the point today about Hay Street. It also helps traffic flows because these vehicles, to be honest, are pulling over everywhere. If travelling behind them, at least it is known that they will probably erratically pull over at any time. That is probably another good reason. People know that if they are following one of those vehicles, it might pull over and create a bit of a traffic issue at any particular time.

Mr P.A. KATSAMBANIS: On this same issue, I tend to share the member for Dawesville's view that the best protective mechanism is for the customer to compare the numberplate of the motor vehicle they are about to get into with the numberplate given by the app and go from there. I note that the minister suggested that the signage, whatever type it takes, is likely to be on the rear windscreen. That is great for the circumstance that the minister described of vehicles travelling behind, but given that most of the time—I use Uber pretty regularly—the motor vehicle driver approaches the person waiting for them and they are looking at the front of the vehicle rather than the back, how will that further assist a potential passenger, a consumer, standing on a corner? What will they do—wait for the car to arrive, walk around the back and check the signage on the back of the car, or will there also be signage on the front of the car?

Ms R. SAFFIOTI: Like I said, minimal standards are prescribed. I think we could probably debate all night where the signage should be, but it was decided it would be at the rear because people are not hailing these vehicles to come over. Normally a person has booked the vehicle, they check that the car that rocks up is a white Toyota Corolla, then they might go around the back just to make sure it has the sticker on it. Then they will get in. That might be the way, otherwise —

Mr P.A. Katsambanis: Do you check the tyre pressure, too?

The SPEAKER: Member for Hillarys, come on.

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Ms R. SAFFIOTI: I love tyre pressure, so I check my tyre pressure all the time; thanks for asking.

Mr P.A. Katsambanis: You don't check a taxi or an Uber's tyre pressure.

Ms R. SAFFIOTI: I might do. If you want to go down this path, we can have a very interesting —

The SPEAKER: Member for Hillarys, some people are asking genuine questions. Give them the opportunity to do it.

Mr P.A. Katsambanis: This is a genuine question.

Ms R. SAFFIOTI: I think I responded to that question.

Clause put and passed.

Clause 4: Terms used —

Ms R. L.M. HARVEY: Clause 4 is quite lengthy. It contains a wide range of definitions, so we will probably be on clause 4 for a while. I refer to the “business of providing a prescribed passenger transport service”, defined as —

- (a) includes a business of a kind that the regulations provide is a business of providing a prescribed passenger transport service; and
- (b) does not include a business of a kind that the regulations provide is not a business of providing a prescribed passenger transport service;

Could the minister please explain what this definition means?

Ms R. SAFFIOTI: I will repeat the question: what does carrying on the business of providing a prescribed passenger transport service mean? It involves providing a service in an organised way on a repeated basis with the aim of generating revenue from the provision of the service. It does not matter if the person providing the service is doing so on a for-profit or a not-for-profit basis. A person who provides an on-demand passenger transport service that is not available to members of the public is unlikely to be carrying on a business. An example is if the on-demand service is available exclusively to members of a defined group such as a particular club or users of a particular service. If the service is made available to members of the public in addition to the club members, then the provider of the service may be considered to be providing an on-demand passenger transport service. Basically, it is trying to exclude from the wider definition the services provided to aged-care facilities or retirement villages, for example, in which a service is created for a certain group of people.

Mrs L.M. HARVEY: To get an understanding of that, would there be some prescribed regulations to determine whether a particular form of transport is in or out of the legislation and presumably the levy?

Ms R. SAFFIOTI: This clause gives the ability to prescribe a service into the future. It is trying to ensure that if a new type of business is established, it can be prescribed under this legislation into the future. It gives us that flexibility. What I said before in relation to what comes under this legislation still stands. This particular clause looks at the ability to prescribe a service into the future.

Mrs L.M. HARVEY: Just so I am clear, I had thought that there were clauses further along in the bill that cover non-profit and non-fare gathering services.

Ms R. Saffioti: Yes.

Mrs L.M. HARVEY: So we will get to that.

I go back to the beginning of the terms used. The second definition is —

approved medical report means a report complying with the requirements of the regulations for a medical report;

Can the minister please explain some of the requirements of medical reports that will be prescribed in the regulations? For example, what aspects of a person's health would need to be reported on as part of an approved medical report?

Ms R. SAFFIOTI: I have been advised that the current standard will apply under this clause. That is what will apply in the future, so there is no change to current requirements. A medical report will include, for example, the fitness to drive test, which is a national standard.

Mrs L.M. HARVEY: I am just going through the list of definitions. The next is —

associated booking service, in relation to an authorised on-demand booking service ...

The explanatory memorandum and the bill refer to the principal booking service. This definition is obviously needed for a reason, but under what circumstances would it be likely that an associated booking service would not need to seek its own authorisation?

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Ms R. SAFFIOTI: Basically, it allows for smaller operators to become associated with a booking service without having to be a booking service themselves. It gives flexibility to small, self-employed drivers, for example, to be associated with a booking service. I will go through the notes that I have, which refer to clause 27 of the bill. Clause 27 makes it an offence to provide an on-demand booking service without a valid authorisation. Clause 27(2) specifies that an on-demand booking service provider is not required to be authorised if they have an association arrangement with an authorised booking service for that service. Self-employed drivers who take bookings for on-demand passenger services directly from passengers or hirers, including in a rank-or-hail context, will be providing an on-demand booking service. An association arrangement is an arrangement between booking service providers that meets the prescribed criteria.

These arrangements will primarily be relevant in the taxi rank-and-hail space, where self-employed drivers arrange for the trip to occur directly with the hirer at the roadside, or take advance bookings direct from customers in addition to those dispatched to the driver by a taxi booking service. Association arrangements can also be used by on-demand charter drivers who are dispatched bookings from a booking service provider, which also allows drivers to secure their own charter bookings.

Mrs L.M. HARVEY: Just to understand a little further how this might work, I will give the minister an example and see if it is going to fit. The taxi service that I use is an informal arrangement with an individual who works on behalf of a couple of owners, with a collection of plates and a collection of drivers, but he also has an arrangement with Black and White Taxis. When I need a taxi, I ring my friend, who allocates the job to one of his drivers and they come and collect me. Will he be considered an associated booking service for the purposes of this legislation, or if he is taking my booking and the bookings of others and handing them out to his small collection of six or eight drivers, will he need to be an authorised, on-demand booking service?

Ms R. SAFFIOTI: I think in that example he would be a booking service, but he could have an association arrangement if he wanted to.

Mrs L.M. HARVEY: Just to further unpick that, could he have an association arrangement with, say, Black and White, as a brand, but continue with his own arrangement, or will he need to seek an authorisation to provide the jobs to his own collection of drivers in his network?

Ms R. SAFFIOTI: He would keep his own arrangements, but he would require that association and forward his records to the booking service.

Mrs L.M. HARVEY: I am just trying to understand how that might work. He will not be an authorised, on-demand booking service, so when I hop into one of his driver's cabs and pay the levy as part of my fare, who then is required to collect that levy? Will he need to have an associated arrangement with, say, Black and White or someone and then notify that other booking service of every booking he has? Obviously he has a client base he does not want to share. Will he need to become an authorised, on-demand booking service and collect the levy from his drivers himself?

Ms R. SAFFIOTI: I think the example the member is giving is trying to pick up the really small operators, who are sort of self-employed —

Mrs L.M. Harvey: He is a small operator.

Ms R. SAFFIOTI: But he seems to have a few cars, so my opinion would probably be that it would be more worthwhile for him to become a booking service because he would not want to disclose all his information, but he could do either, so it is going to be his choice. He can either keep his records for the levy or, for example, Black and White would keep those records. We will work through those examples, but he would have the choice of how he wants to conduct his business.

Mr V.A. CATANIA: Further to that question, what if an Uber driver is going to Mandurah and there is a taxi service there? Say if Uber develops an app—I think there is something like this in Melbourne—through which people can order, but there is maybe no Uber there and they put the service towards a taxi, so the taxi then picks up the actual fare and that person, will Uber be subject to the 10 per cent levy, or will it be charged at the point of contact with the individual who gets into the cab, or vice versa? In the future there may be some sharing arrangements between taxis and Uber. Who is going to be charged for that and will it perhaps rely on a private agreement between the two operators, or will it be charged by the government at the point the person gets in that transport service?

Ms R. SAFFIOTI: I think in that example, if it has been done through the Uber app and the payment is made through the Uber app, then Uber will pay the levy.

Mrs L.M. HARVEY: To be clear, I have read through the explanatory memorandum on the association booking service. Underneath that is a definition of association arrangement. It seems from what the minister is saying about the example I gave her that that operator, if he chooses to coordinate the jobs for, say, half a dozen drivers, will

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either have to have an association arrangement and pay a fee to Black & White Cabs, for example, if he does not want to keep the records of every one of those transactions, or he has to be an authorised booking service. With that comes the responsibility to keep all the transactions, to participate in collecting and forwarding the levy, and providing all the returns with respect to the levy that he has collected.

Ms R. SAFFIOTI: I think that is a valid description.

Mrs L.M. HARVEY: Clause 4 is very long. At line 13 on page 4 the bill states —

interstate driver authorisation means an authorisation issued under a law of another State or a Territory that —

- (a) authorises a person to drive a vehicle to transport passengers for hire or reward; and
- (b) meets the prescribed criteria;

Could the minister explain what kind of regulations sit around an interstate driver authorisation and whether Western Australia has reciprocal arrangements with other jurisdictions for entry criteria to become an authorised driver?

Ms R. SAFFIOTI: Is the member asking about interstate vehicle authorisations or driver authorisations?

Mrs L.M. Harvey: Driver authorisations.

Ms R. SAFFIOTI: This will allow us to authorise or recognise the authorisation of interstate drivers for a set period of time. I think it is similar for vehicles. For a set period of time there will be some recognition, but beyond a set period of time, they will have to become authorised in WA.

Mr V.A. CATANIA: Under “business of providing a prescribed passenger transport service”, it states —

- (a) does not include a business of a kind that the regulations provide is not a business of providing a prescribed passenger transport service;

Will buses transporting children—perhaps a school bus going from one end of the city to the other end of the city for which students pay a fee—be subject to the 10 per cent levy? Will that apply to buses that can carry, say, 12 passengers? Let me put it this way. What about a senior citizens organisation that has a bus that carries fewer than 12 or greater than 12 people, which transports a group of seniors who each pay \$5 to get on that bus to go to bingo down the road or to the other side of the city? Will they be subject to this 10 per cent levy? Is that what that definition is talking about?

Ms R. SAFFIOTI: That is not exactly what that definition refers to, but the examples the member has raised are picked up in other parts of the legislation. Just to confirm, regarding the two examples the member gave, the bingo bus is a community service that would not be picked up for the levy and vehicles carrying more than 12 passengers are not picked up—if that was the question.

Dr M.D. NAHAN: I refer to the definition of “community transport service” on page 3. Let us just say hypothetically that a senior citizens bus accommodates fewer than 12 people, with or without the driver—I am not sure. To go to bingo or wherever—they come to Parliament House often, to tell the minister the truth—they have the option of renting or buying a bus. If they rent a bus from Avis, do they have to pay the duty? If they take a commercial bus with fewer than 12 seats, do they have to pay the duty? If they own a bus, do they have to pay the duty and charge?

Ms R. SAFFIOTI: I think the answer is that none of that would be subject to the levy. We delve a bit deeper into the definition of “community transport service” at clause 8.

Dr M.D. NAHAN: Let us take this simple issue: senior citizens decide to go to Parliament House and they rent a bus that seats fewer than 12 people. There is no duty payable on that. Why is there no duty? Let us say a group of business people rent a bus through a commercial service that seats fewer than 12 people. Do they have to pay the duty on it?

Ms R. SAFFIOTI: That is an interesting hypothetical, but our advice is that because it is a community transport service, it is not included.

Dr M.D. NAHAN: Let us put aside the community, I just want to see whether there are loopholes in this process. That is all I am trying to explore. Let us say a group of businessmen want to come to Parliament House and they hire a commercial bus that seats fewer than 12 people. Do they have to pay the duty?

Ms R. SAFFIOTI: In that example, because the bus is being hired —

Dr M.D. NAHAN: Let us say they are chauffeured. It is a large van; that is all it is. I assume the cut-off is 12 people.

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Ms R. Saffioti: It is the cut-off.

Dr M.D. NAHAN: So below that cut-off, is the duty payable for a transport vehicle that seats fewer than 12 people?

Ms R. SAFFIOTI: It is not for over 12 people. It really depends on the arrangement. In another clause there is provision to apply to the CEO for exemptions. That is something we picked up in particular from the wedding car industry. We had to get a clause or an option to give the CEO of the Department of Transport the flexibility to exclude services, because some crossover and there are some that we particularly want to exclude. The wedding car businesses spoke to the member for Armadale and the department. They wanted to be excluded, particularly if that is the only type of service they operated. In the case of the member's example, if there are more than 12 people, it is definitely no. If it is fewer than 12 people, it would depend on the type of arrangement being structured, but it is hard to give a definitive answer.

Dr M.D. NAHAN: How would a group of people know? There are bus companies that provide buses that seat fewer than 12 people. They can be booked and take people wherever they want to go. There has to be some kind of clear demarcation of who pays and who does not and under what conditions. Let us say that a group of ordinary people book a commercial van for fewer than 12 people. I assume from what the minister has said that they will have to pay the duty on the fee for that van.

Ms R. SAFFIOTI: It will depend on the arrangement. It will depend on whether it is a charter service or whether they have hired a bus but have provided their own driver. It will depend on the circumstance.

Dr M.D. NAHAN: They hire the bus and the driver from the WA bus company—if it even exists—and it provides smaller vans.

Several members interjected.

Dr M.D. NAHAN: There is one; I know—Joey's bus service. They rent a bus for fewer than 12 people. Is it a commercial arrangement in the first instance? It is just for people in the community going to the casino. Do they have to pay a duty on the service provided?

Ms R. SAFFIOTI: Potentially yes, but, again, it would depend on a number of things, including the numbers, whether it comes under the community classification and whether they would seek a special exemption from the CEO, which they can do. It is hard to give a definitive answer because it is a bit of a hypothetical. It would also depend on whether it was an authorised booking service and the arrangement with the charter vehicle service operator.

Mr V.A. CATANIA: If a limousine or a van were hired or chartered to take fewer than 12 people to a funeral, would it be subject to the 10 per cent levy? If they paid \$500 for a limousine that seats six, seven or eight people, but under the 12 people threshold, would a funeral director be subject to this levy?

Ms R. SAFFIOTI: Funeral cars are excluded. We have also created the special ability for the CEO to exempt particular types of services. Funeral cars are exempted. We are trying to give flexibility under the legislation so that the CEO of the Department of Transport can exempt particular types of services and we do not unintentionally get any class that we did not intend to get.

Mr W.R. MARMION: Most car servicing providers have a free courtesy vehicle, but let us say that the provider decided to charge. If the bus seats fewer than 12 people—it would usually have eight or nine people in it—and it runs regularly every morning and every afternoon but does not have a distinct route and so it would go wherever the passengers needed to go, would the provider be subject to the levy?

Ms R. SAFFIOTI: No.

Dr M.D. NAHAN: I put it to the minister that it is very common out there. A lot of companies provide small buses on a hire basis, and they probably provide larger bus services at the same time, but it is very common for them to provide buses that would fall below the threshold. People buying that service need to know whether they will have to pay a 10 per cent duty on the fee payable without having to get an exemption from the CEO if they are part of a community group. If I go out with a group of mates and hire a bus for eight people, but which could fit up to 10, and I pay a fee for the driver to take me somewhere in the metropolitan area, do I or the driver have to pay a duty and to whom?

Ms R. SAFFIOTI: It depends on the booking service. The booking service has to be authorised and it collects the levy. It all relates to the structure of the arrangements and whether it is an authorised booking service. An authorised booking service pays the levy for the amount of revenue it collects across its vehicles over a period. That is how it is done. It is not imposed on the driver. It is imposed on the booking service and taken from the revenue it collects. This change will have impacts across the community, so we will provide guidance and further fact sheets for all sectors of the community to help guide them on their way through it.

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Dr M.D. NAHAN: Potentially, most bus companies provide small bus services for fewer than 12 passengers. Does the government plan to have them as authorised booking services?

Ms R. SAFFIOTI: If a company is carrying out on-demand bookings, yes, but, as we said, buses for more than 12 passengers are excluded.

Dr M.D. NAHAN: I understand the cut-off. If a bus company has small buses—let us say, vans—it has to pay the fee if it is a large company. The minister's answer is yes, if it is a larger bus company and well known, they will be identified by the CEO as an authorised booking agent and they will have to collect the 10 per cent fee for services rendered for the vans with less than 12 passengers.

Ms R. SAFFIOTI: Yes.

Dr M.D. NAHAN: Is there not a concern here that instead of doing that, we will provide an incentive? For instance, a group of people, instead of booking a bus or van from the larger bus company that is an authorised booking service, will go down to Avis and rent a vehicle and not pay the duty.

Ms R. SAFFIOTI: I suspect that option is available to people now. This is a new way of doing things and, yes, we will have to work through hundreds of scenarios, but that is what happens when we reform an industry. As I said, the Department of Transport will be there. They were going to do this gradually over time to make sure that the market adjusts. As I said, we have created this concept of the booking service to create a chain of accountability, and that is part of the whole equation. We have tried to make sure that we do not unintentionally pick up users whom we do not want to pick up. We have the flexibility to continually exclude. We have looked at the bus industry and buses for more than 12 passengers. We have looked at specific services, such as the wedding car industry. We have gone through and tried to do what we can. Of course, we have the specific power to exempt particular services to make sure that we do not pick up people whom we do not want to pick up.

Dr M.D. NAHAN: There is a 10 per cent levy. I recognise that in this business we have to provide a limit somewhere; I accept that. If the service is quite extensive, for instance, going out on a night on the town, someone can easily rent a minivan for \$500 or so for a group of people, so a 10 per cent levy for each person could be \$50.

Ms R. SAFFIOTI: I missed a key point. We are capping any individual amount to \$10 per booking.

Dr M.D. NAHAN: For 12 people—I understand that. It is \$50 if there are more than five people there.

Ms R. Saffioti: No, it is \$10 per booking, for the vehicle.

Dr M.D. NAHAN: Okay. Good. I understand the cap. I am trying to explore where the threshold is and if this 10 per cent levy will cause distortionary decisions in the business community. How can we get clarity with the cut-off? That is the key issue. We do not want people to have to go to the CEO or read a bunch of reports. How do they know what is applied and what is not?

Ms R. SAFFIOTI: I can understand the member's point. We have the big ridesharers. They are very clearly recognised. Taxis are also very clearly recognised. In a lot of the discussions with stakeholders, we went around that. That is a difficult area. That is why we made some changes over the past six to eight months, including the \$10 cap, to ensure that we did not unintentionally collect too much for specific types of services. There is also the 12-person rule and making sure that we had the flexibility of the CEO to exclude as well. I understand that this middle bit will take a lot of communication, guidelines and fact sheets. That is what we will do, and we will work with all the potential booking services out there to make that transition as easy as possible.

The member was not here at the beginning of the consideration in detail stage. One of the issues raised by the member for Bateman—he asked for clarification—is the staging of the introduction. Basically, there will be a transitional period when different elements are brought in over time to allow the market to adjust and to allow that communication to be effective. As I said, change is never easy, particularly such a significant change as this. We hope that by allowing for the staged introduction of the bill, having already worked with quite a lot of industry groups in excluding and giving the flexibility to the CEO, we do not unintentionally pick up any of those services that we did not envisage. All our modelling was based on the high-volume ridesharing and taxi services. I understand the hypotheticals and the scenarios, but, really, they can only be sorted out once we work with each of the individual groups, go through their individual circumstances and make sure that we do not unintentionally create any issues that we did not want to.

Dr M.D. NAHAN: Can the minister give some description of the community transport services? I understand the intent of it; they are probably non-profit community-based organisations. Can the minister give some indication of how she would describe those groups? They could be many and varied. Some of them could be football teams, which is a pretty good community organisation. It could be a senior citizens group. The senior citizens group in my electorate has a mini-van that it uses for many and varied purposes. I assume it would be covered by that. Is it based on whether they are commercial or not commercial? If there is any uncertainty, do they have to get the

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approval of the CEO to be defined as a community group? It should be straightforward but sometimes these things are not.

Ms R. SAFFIOTI: It is in clause 8, but I will go through it. Community transport services are excluded from the bill. A community transport service is a service that is not principally established for profit or commercial gain and is designed to benefit individuals or groups within a local community who are in need of some form of assistance, assist individuals or groups within the local community to participate to a greater degree in the life of the community or achieve some other form of community, charitable, educational, benevolent, religious, recreational, sporting or philanthropic purpose at the local level—for example, services provided by local governments to transport senior citizens, sporting clubs and others, and there is also the flexibility of a CEO as well.

Dr M.D. NAHAN: Let us say it is a non-profit organisation for senior citizens but they do charge for the service. So, a non-profit organisation owns the bus and uses any proceeds earned by putting it back into the community group, which, let us say, is an accepted community group. If they provide a commercial service in part, would that be treated as a community-based transport service?

Ms R. SAFFIOTI: I think it will depend on whether they are undertaking a purely commercial role in competition with others.

Dr M.D. NAHAN: I will describe the situation. They use a bus for their own purposes—many and varied, but mostly for their groups to transport their members around. But the bus is not fully utilised, so sometimes they allow one of the members, who has the authorised licence, to use it for commercial purposes. Those purposes could be many and varied but they are usually to transport people around for a fee. It would be very common for many organisations that have a bus for their use that is underutilised so they use it partly commercially. When they use it for commercial purposes, the proceeds go back to the ownership.

Ms R. SAFFIOTI: The vehicle is given to an authorised booking service.

Dr M.D. Nahan: I don't know.

Ms R. SAFFIOTI: I do not know. Let us assume, in the member's case, a vehicle is being used for a community group, but it lends the vehicle to an authorised booking service, ACME, down the road, and that authorised booking service would be subject to the levy when it uses the vehicle.

Dr M.D. NAHAN: The tax is levied on authorised booking services. If the senior citizens generally use the transport for their own purposes, which everyone accepts is a community purpose, and also use it for commercial purposes, it is not an authorised booking service; therefore, will it not incur the levy?

Ms R. SAFFIOTI: It depends. If they run a side service and run a booking service, they will need to be authorised.

Mrs L.M. HARVEY: To clarify the example the member for Riverton was articulating, some of these bus services owned by retirement villages are used for regular journeys but they take groups of people from a village to the local shopping centre, the community hall and that sort of thing. Some of them also have a fee-for-service component to them. A resident of a retirement village can book transport to take them, for example, to the doctor, to the hairdresser or other services in the community. That is a fee-for-service arrangement with the residents of a village and the bus that is owned. It is a service that is booked and a fare is levied according to where the individual has requested transport to. Would that fall under the remit of the legislation for the levy?

Ms R. SAFFIOTI: My advice is that that would not be considered to be subject to the levy. First of all, it is an auxiliary service provided to the retirement village. It is a cost for service; it is a courtesy process. It is also part of the community transport service, so it meets that wider definition as well.

Mr W.R. MARMION: On the associated booking service and the authorised on-demand booking service, can a taxi operator have more than one authorised on-demand booking service? Can it be associated with Black and White or every single one?

Ms R. SAFFIOTI: Yes. That is one of the, I suppose, changes that we will see. It is happening already in a sense. Drivers have different apps so the levy will be applied to which app or booking service people are using to make the booking under.

Mr W.R. MARMION: That makes sense and it gives the opportunity for competition in terms of what the booking fee will be. That is a good innovative solution.

The other loophole, as per the example the member for Scarborough described at the beginning, is if a regular mate rings up an Uber driver without doing it through the app, the driver then has a choice of using a cash system with people the driver knows very well versus booking it through the system. With that cash system, the levy will not be captured.

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Ms R. SAFFIOTI: That could be done, but it would be unlawful. But those kinds of things probably already happen in some cases. But, yes, anything could be done; it is just whether people abide by the law.

Mrs L.M. HARVEY: On a different definition, minister, on line 14 of page 5 the definition of “officer” reads —
in relation to a provider of an on-demand booking service, a passenger transport service or a passenger transport vehicle —

The definition refers to section 9 of the commonwealth Corporations Act 2001. Can the minister advise who that captures? Is that the directors or the secretary or the office-bearers of a company, or is it the CEO of a company or the shareholder beneficiaries of a company?

Ms R. SAFFIOTI: We are seeking further clarification, but our understanding is the first option that the member put: the CEO, office holder, secretary of the organisation.

Dr M.D. NAHAN: Line 3 of page 4—I think this is quite straightforward, but just to be clear—refers to courtesy transport service. I have read clause 9. Essentially, the government is trying to capture those businesses, in this case, that provide an ancillary transport service; for instance, motor vehicle companies or medical offices or otherwise. Could the minister describe how they will be delimited so they are defined as a courtesy as opposed to a business, and how will they be defined as eligible for the duty?

Ms R. SAFFIOTI: The definition of a courtesy transport service is a service that is not principally established for profit or commercial gain, that is provided in connection with a primary service other than passenger transport by vehicle, and is provided as a courtesy to the customers or patrons of the primary service. That would include services such as passenger transport provided by a motor vehicle repairer to take their clients to the train station or CBD, an accommodation provider that provides transport for the guests from the airport to their accommodation or to a nearby central location, transport provided by a childcare service to transport children who attend the service, and a tourism operator that provides transport from a pick-up point to where the tourism activity commences, such as a fishing charter business conveying passengers by vehicle from its office to the wharf.

Dr M.D. NAHAN: Just like I did with the issue of community groups, I want to explore whether the minister is at all concerned that the levy—for its duration at least; once it expires this will not be a concern—might lead businesses to put on courtesy transport services and compete with the on-demand services; for instance, hotels. Many places have hotel services that can pick people up at the airport and take them to the hotel, and the alternative would be on-demand services. The duty might induce hotels to provide the service directly, and therefore take work away from the taxis and other on-demand services.

Ms R. SAFFIOTI: I do not think so, because adding those services would be an additional cost to the hotel. I understand what the member is saying about the potential distortionary impact on decision-making, but I do not believe that example would happen because the absolute cost would still need to be borne by the hotel, in the example the member gave. So I do not think it will. As I said more broadly in relation to the levy, there will be a lot of different levels of competition out there, and the modelling and the numbers that we have based our assumptions on are really based on the collection of the levy at the major booking service level. So these other sorts of collections were never calculated or factored into our modelling.

Mrs L.M. HARVEY: For example, when someone books a holiday, they often get the option to select an airport transfer for an additional fee. The airport transfer is generally provided by an arrangement with the hotel. Would they be subject to the levy in those circumstances or would they be automatically exempt in the tourism category? Would those services need to be prescribed or would they need to apply for an exemption?

Ms R. SAFFIOTI: It depends on the type of service. I have used both. One is the courtesy bus that shuttles people backwards and forwards; it would be exempt. The other is when the hotel contacts a booking service to get a vehicle for the customer; I suspect that would not be exempt. It would depend on the nature of the service that is provided and who provides it. If the provider is the hotel, it would not run the authorised booking service but it is complementary to the service that it provides. It would depend on the service. When someone books, they sometimes do not know what is going to rock up. Sometimes it is just a taxi that has been booked for them; that would be an authorised booking service.

Mrs L.M. HARVEY: In some of these businesses that crop up in which a bus service is provided to a dozen hotels, and the hotels say, “I’ve got two transfers to the airport today” or whatever it might be, an operator is given the job to go from one hotel to another, collect passengers and ferry them to the airport. Would they be subject to the levy?

Ms R. SAFFIOTI: Potentially, yes, but again it would depend on so many factors, including the size of the bus and all those other aspects. Potentially, yes, but it is one of those areas in which we would need to work through the individual circumstances. Potentially, yes, but potentially no too; it depends on the nature of the service.

Dr M.D. NAHAN: We understand the difficulty here. These businesses are legitimate, they exist and they do compete with on-demand services. Can the minister give some indication how the government is going to deal with them? The minister said that the provisions will be phased in so there will not be a rush and that will give the government time to identify the issues and straighten them out. Around the world, including in Western Australia, courtesy buses are very common. Like the member for Scarborough said, they often drop people off at various hotels. They are an in-built part of the vacation system around the country so we need some indication about them, not only for them, but also to ensure that they do not spring up and take away demand for taxis. Often when people ride to the airport, they do not really care or know whether they are in a taxi or a courtesy bus; it does not matter. In this case, we are putting in place a levy that might push more people towards a courtesy bus and take work away from taxis. We have to have some kind of demarcation for the providers.

Ms R. SAFFIOTI: There are some of those competition issues now. We will take that on board and make sure we work with the industry. As I said, there will be a staged implementation to try to make sure that we go through the stages and do not create any unintended consequences.

Dr M.D. NAHAN: Has the government planned a process of intermediate review after a certain period? Because this is so complex, it will throw up issues that the government has not thought of in advance. I am not talking about four years after the levy has been put in place, but within six months, the department could perhaps review it and seek advice from people who are impacted so that they can go to the CEO and straighten out these issues. Is there some kind of communication or advisory process that people can get hold of to resolve uncertainties that will inevitably spring up?

Ms R. SAFFIOTI: As I said, it is going to go through stages. As we go through those stages, we will be working with different industries. Initially, it will really just be trying to understand who are the authorised booking services, who want to become the authorised booking services and who is unsure, and working with them to see whether they need to be an authorised booking service. We have some extra resources in the agency to help with the implementation. Over the past year—it is less than a year—we have tried to not include services that we did not intend to. We have already made a suite of changes. The bus industry talked to us. The wedding car industry talked to us. The charter industry talked to us in particular about the volume of the levy. That is all we have done. We can also make further regulations to make it clear what services are not subject to the levy. It will be a continued discussion. The levy is really about looking at the ride-sharing companies and the taxi companies. That is where we really want it to be.

Mrs L.M. HARVEY: I move on to page 5, line 30, where it states —

on-demand charter passenger transport service means an on-demand passenger transport service that does not include a rank or hail service;

Is this the category that currently captures small charter vehicles and limousines?

Ms R. SAFFIOTI: Yes.

Mrs L.M. HARVEY: Obviously the opposition has had some presentations from small charter vehicle and limousine operators. They are small businesses. They tend to charge a higher fare. Some of them might carry eight or more passengers, but the fare gets up there. The minister mentioned that there could be exemptions for people who cater mainly to weddings and school balls, but operators in that sector say that they cannot make a living out of just that. How will these individuals be able to avail themselves of some of these exemptions when the very nature of their business is that it has a mixed clientele—they cater to office Christmas parties, wine tours and a whole range of different things?

Ms R. SAFFIOTI: I understand the concern. The 2016 changes really had a significant impact on small charter vehicles. They were the changes in relation to the minimum fee of \$60. In a sense, those changes really put them on the same playing field as taxi services. That was a significant change in 2016. I understand why it happened, but I knew there were serious concerns there. In relation to how the levy is applied, as I said, the government had representations probably from the same people. There were concerns from some operators who just provide wedding services and those types of services, so that is when we looked at the potential for some specific exemptions. The member is right: many actually do not just have that type of business but also a wider business. They will not all be exempt from the levy, but we have capped it at \$10 so that it will not be an exorbitant levy per booking. In response to their representations, we capped the levy and have included an ability to exempt those operators that run very small, boutique services. An example would be vintage cars. All they do is weddings; they do not pick up people from the airport. That would be the type of category that would potentially be exempt.

Mrs L.M. HARVEY: I think the minister said that buses are capped at a 12-seat capacity.

Ms R. Saffioti: Yes.

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Mrs L.M. HARVEY: Limousine services will often have up to 16 seats in them. Is the minister considering providing an opportunity at any point for those boutique vehicles that really are unique in the sector to have an exemption from collecting the levy?

Ms R. SAFFIOTI: I think that is considered; that is why we have the power to do that. As I said, the industry association made representations and it was some of those boutique services, as the member outlined, such as the Roll-Royce wedding cars. There is the potential to do that. That is why we have the flexibility. That option came about as a result of representations from industry. I thought it was a valid argument that they put so that is why we created that power.

Mrs L.M. HARVEY: So there may be an opportunity for small charter vehicle operators with limousines in those particular boutique sectors to apply to the CEO for an exemption from the levy?

Ms R. SAFFIOTI: If they are boutique services and they do not compete in the normal commercial market out there, yes. The 12-seat limit is 12 seats; it does not matter if it is a limousine or a bus, if the member knows what I am saying.

Dr M.D. NAHAN: Just exploring something on page 8, the definition of “rank or hail service”. I know what it means, but is it not the case that rank-and-hail increasingly means nothing? It is defined in part as “standing or plying or touting for hire”. I assume there is a differentiation between taxis and other ridesharing things. People can hail with a phone, too. It is the advice you have received that there is a distinction of diminishing value, I suppose, and effectiveness? Instead of people hailing with their hand, they hail with their phone.

Ms R. SAFFIOTI: It is an interesting discussion point. There is no doubt that the value of rank-and-hail has probably changed over time. This was the whole discussion at the beginning: do we keep a taxi service, or do we not have taxis? I think the best way I described it before the member came in is that rank-and-hail is an anonymous transaction. People basically stand there and wave someone down, or they just go to the rank and jump in. It is an anonymous transaction and they do not have any previous knowledge of who the passenger is, so that is a particular type of service. That is why those taxis continue to have cameras because there is no pre-agreed commitment. I think there is still activity at the ranks and over time things balance out. Of course, the taxi ranks are still pretty popular at Optus Stadium and other events, such as leaving the races. There is still that option; they provide options for ridesharing and they still have the taxis as well. I was also just told that rank-and-hail work is still 42 per cent of the income for taxi work.

Dr M.D. Nahan: That is 42 per cent of the taxi work?

Ms R. SAFFIOTI: Yes, although that will probably be disputed by the taxi industry tomorrow! It is interesting. I think we will see continuing evolution in the market, in which rank-and-hail will continue to play a role. There is always debate over whether there is enough and where they should be, but the differentiation between the taxi service is an anonymous transaction. People walk in and that is why the cameras are there. Ridesharing is a pre-arranged agreement and there is knowledge of the driver and the driver has knowledge of the customer. It is an interesting discussion and, of course, with apps, people can be walking anywhere. It is an electronic hail, in a sense, but I think the ranks are very important. I do it myself; I hail a taxi, walking down the street, especially on the main corridors. I think there will be different movements of taxis and ridesharing across the community and continued activity of taxis at the key ranks.

Dr M.D. NAHAN: Is rank-and-hail an increasing proportion of the work of taxis?

Ms R. SAFFIOTI: My advice is it is little bit less than what it was.

Mrs L.M. HARVEY: On page 6, line 11, is the definition of “passenger”. I am curious as to why this definition has been crafted in the way that it has been. It states —

passenger includes a person acting in the capacity of controlled operations officer but does not include a person carrying out work or on duty in any of the following capacities —

Can the minister explain the caveat on that definition?

Ms R. SAFFIOTI: There is another definition that refers to “controlled operations officer”, and that is in relation to compliance activity. We will discuss that in more detail later in the bill. In relation to the three exclusions, I have been advised that they differentiate between a normal paying passenger and someone who is connected to the business to which that chain of responsibility and accountability does not stretch. It is basically trying to differentiate between a normal paying passenger and one who is somehow connected to the business or the operations to which that same line of accountability does not extend.

Mrs L.M. HARVEY: Does that mean that that definition clarifies the safety requirements being introduced in the legislation and who will be captured by it?

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Ms R. SAFFIOTI: I have been advised that it basically helps to define the role of the customer but also the obligations of the driver to that passenger, and excludes particular persons who are not to be classified as a passenger, for which the driver would normally have obligations and which are prescribed in the legislation.

Mrs L.M. HARVEY: My next question relates to line 28 on the same page. Could the minister explain this? It states a “passenger transport driver authorisation means” and there is a list of four things. Further on there are definitions for each of the individual items listed. I want to know the reason there is this definition here when there is a definition further on for all the other things that are listed?

Ms R. SAFFIOTI: I am advised it has been drafted like this because it is a collective term, and therefore throughout the legislation we do not need to keep specifying those four subclauses, we just have to say “passenger transport service”. It is the drafting methodology.

Mrs L.M. HARVEY: Just to be clear, when going through the different clauses of the bill where those particular authorisations are laid out in the drafting, we do not need to keep adding the specific authorisation we are referring to.

Ms R. SAFFIOTI: Yes, the member is correct, unless there is a special treatment.

Dr M.D. NAHAN: There is a geographic limit to the coverage. Is that covered later on in the bill? It is not in the definition. There is a geographic limit to the duty application.

Ms R. SAFFIOTI: It is later in this bill.

Dr M.D. NAHAN: That is good enough.

Mrs L.M. HARVEY: I refer to line 10 on page 8. It states —

responsible officer, in relation to the provider of an authorised on-demand booking service, means a person —

(a) who is nominated under section 29(4)(c) or the 13 regulations to represent the provider ...

Could the minister please explain what this definition refers to?

Ms R. SAFFIOTI: The responsible officer is someone from the booking service who is nominated to the Department of Transport and they are the point of contact for safety and day-to-day operations. The responsible officer must be a resident of WA—one of them must be a resident of WA.

Mr W.R. MARMION: We are dealing with clause 4, which refers to terms used, and there are a quite a lot there. I wonder why all the terms used in the bill are not there. I refer to clause 12, where there are some definitions of some other terms. Could the minister explain whether there was some discussion about whether those terms would be put in clause 4? I refer to “relevant financial interest”, “relevant position” and “relevant power”. Why were they not put in clause 4?

Ms R. SAFFIOTI: I am advised that it is because some terms are specific only to certain parts of the bill. As I said in the debate on the strata title reform legislation, I do not like to question parliamentary drafting, because, if I do, I will never get anything drafted again! I accept its drafting style.

Mr W.R. MARMION: I am not an expert on this, but I understand why the definition is there; that is obvious. But if there is a big list of terms, one might assume that it might still be there. In drafting, do they ever put the definition of a term in twice—once at the beginning with all the others and later in, say, clause 325, where it is used for ease of reference?

Ms R. SAFFIOTI: I have been advised that the definitions at the beginning of the bill are used throughout the bill, while the definitions in a particular part of the bill relate only to that part.

Mrs L.M. HARVEY: On page 8 of the bill, the definition of “taking a booking” states that it includes the hiring of a vehicle as a result of a rank or hail service. I presume that is for the purpose of the levy, or is it for the purpose of the definition of “provider of an on-demand booking service”?

Ms R. SAFFIOTI: This basically ensures that taxis are picked up in the definition for the application of the levy in particular. It expands the definition of “taking a booking” to include the rank-and-hail function.

Dr M.D. NAHAN: It is not frivolous, but on page 8, the bill indicates that the term “vehicle” is as defined in the Road Traffic (Administration) Act. I take it that that means that water taxis, if they spring up, will not be included in the duty?

Ms R. SAFFIOTI: Yes, the Leader of the Opposition is correct.

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Mrs L.M. HARVEY: At line 3 on page 9 of the bill, it states —

- (2) In this Act, a reference to a passenger or a hirer of a vehicle includes a reference to a prospective passenger or prospective hirer of the vehicle.

Can the minister explain what that means?

Ms R. SAFFIOTI: This is trying to ensure that passengers are not refused for whatever particular reason. A passenger is only a passenger once they are in the vehicle. This tries to expand the definition so that it precludes a driver from refusing the passenger service before they get into the vehicle. This is trying to extend the application of the rules for how a driver treats a passenger to before the passenger is actually in the vehicle—so, basically, after the booking is made.

Mrs L.M. HARVEY: I am not really clear on what the minister meant. I will see whether I have got this right. Obviously, the point of booking with the app is that there is a charge or a negotiated fee. I did not understand what the minister said. Can she explain that again?

Ms R. SAFFIOTI: The example that has been given to me is of a person who has an assistance animal but cannot do a booking and when the driver comes to pick them up, they will not let the person with the assistance animal in the vehicle. One is the definition. We will prescribe regulations to ensure that drivers do not exclude or reject passengers for particular reasons. This excludes that coverage to ensure that it is not just when the person is in the vehicle; it is making sure that if the person makes a booking, the driver cannot refuse the person because they look a certain way or for other reasons, which will be prescribed in the regulations.

Dr M.D. NAHAN: I refer to clause 4(3) on page 9 at line 6. Could the minister describe what that means, or the purpose of it?

Ms R. SAFFIOTI: This is just for clarity. Just because someone is driving the vehicle does not mean that they are the authorised booking service. It is for clarity to differentiate that just because someone may be driving the vehicle, it does not mean that they are the service provider under the definitions in this legislation.

Dr M.D. NAHAN: Just because someone is driving, owns or is running the vehicle, they are not necessarily covered by it?

Ms R. SAFFIOTI: Yes.

Clause put and passed.

Debate adjourned, on motion by **Mr D.R. Michael**.