

TRANSPORT (ROAD PASSENGER SERVICES) BILL 2018

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 241: Terms used —

Debate was interrupted after the clause had been partly considered.

Ms R. SAFFIOTI: I move —

Page 152, lines 17 to 22 — To delete the lines and substitute —

relevant journey means a journey that starts and finishes in the levy area (whether or not a part of the journey is carried out outside the levy area).

This definition makes sure that we are crystal clear that any journey that originates in or finishes outside the levy area will not be subject to the levy. This clarifies any confusion or any potential unintended consequence.

Mrs L.M. HARVEY: The opposition is supportive of this amendment. We articulated during all our second reading contributions that we did not think it was fair that people who commenced their journey in Bunbury, for example, and concluded it at Optus Stadium to attend a football game, which is one of the examples that was used, should be subject to the levy, particularly given that no buyback scheme was proposed for regional areas. We are really pleased that the government listened to the view that was put time and again by Nationals WA members and Liberal Party members during the speeches on the second reading and that the minister has seen fit to put this amendment on the notice paper to ensure that those people in regional areas will not be subject to a levy that, in nearly every case, would have been a maximum of \$10. We thank the minister for listening to our arguments and taking this action to correct what would have been a very unfair anomaly in this legislation.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 242 put and passed.

Clause 243: Relationship with *Taxation Administration Act 2003* —

Mrs L.M. HARVEY: We seek some explanation of clause 243 because it refers to a relationship with the Taxation Administration Act 2003 and regulations that may be drafted with respect to the Taxation Administration Act. The content of those regulations and the interaction with the Taxation Administration Act is not clear. Could the minister please explain this a little more? I suggest it is one of those clauses that our friends in the Legislative Council would refer to as a Henry VIII clause, and perhaps it would bear some explanation if it is likely to be accepted in the other place.

Ms R. SAFFIOTI: Modifications to the Taxation Administration Act will be made by regulations to simplify arrangements and account for the time-limited duration of the levy. Modifications will also be required to accommodate the role of the CEO of the Department of Transport in the administration of the levy. Several provisions will also require modification to ensure that the role of the CEO of the Department of Transport is appropriately accommodated. The CEO of the Department of Transport will be permitted to commence proceedings for offences against the levy provisions for the purpose of section 112 of the Taxation Administration Act, which currently allows for proceedings to be commenced in the name of the Commissioner of State Revenue. There was some discussion of who could be the collecting authority for the levy. Originally, it was thought that possibly the Office of State Revenue could be that collecting authority. That was not to be the case. The Department of Transport will take on that role. As a result, it needs to take on some of the roles and powers of the Commissioner of State Revenue.

Mrs L.M. HARVEY: I take it from the minister's explanation that the CEO of the Department of Transport could be appropriately empowered by way of regulation and that we will not be needing a legislative amendment to this legislation to ensure that that tax collection can occur.

Ms R. SAFFIOTI: Yes, that is right. It is time limited, so an amendment to the legislation will not be needed. We can withdraw by regulation the power given to the head of the Department of Transport.

Clause put and passed.

Clauses 244 to 264 put and passed.

Clause 265: Regulations —

Mrs L.M. HARVEY: I would like some clarity about whether certain aspects of the service provision can be covered by way of regulation. There is obviously legislation around equal opportunity, equality of access and those sorts of things. By way of regulation will other requirements be put on the industry—for example, ensuring that

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appropriate access to on-demand transport services is available to people who are hearing impaired and sight impaired? Another area I am interested in is ensuring that we have sufficient on-demand transport operators to service those people with disabilities, particularly in regional areas where often there is no other form of transport. By way of regulation, or perhaps through some other mechanism in the legislation, by putting conditions on authorisations can we ensure that there are appropriate opportunities for all the people with different needs to access the on-demand transport system?

Ms R. SAFFIOTI: Under the current provisions, non-discrimination against people with disabilities seeking access to on-demand transport will continue. The Transport (Road Passenger Services) Bill 2018 will continue to support the provision of on-demand transport options for people with disability, with unrestricted numbers of vehicles authorised to carry wheelchair passengers. In the regions, we will continue to monitor the number of passenger vehicle authorisations with wheelchair capacity that meet multi-purpose taxi standards. Monitoring will occur in particular during the transition to ensure that we do not decrease any access to those with disabilities. The current provisions will continue, but there will be a transition period and, potentially, more access for people with disabilities.

Mr W.R. MARMION: The minister may have mentioned this yesterday or the day before or whenever. In light of the time frame for when the bill will become an act, how far are the regulations progressing and what time does the minister anticipate they will come into play and will they be the entire regulations or will they come in in stages?

Ms R. SAFFIOTI: We talked a bit maybe two days ago about the staged implementation of the bill. We have a list of the parts that will be enacted and in what stages. The relevant regulations will be prepared in relation to the timing of the staged implementation.

Mr A. KRSTICEVIC: Who is the minister consulting on the formation of the regulations? Is she talking to the stakeholders? Are they having any input? Which stakeholders is she talking to? What input are they having and exactly what process is the minister going through on this?

Ms R. SAFFIOTI: A lot of the consultation is currently across government, such as WorkSafe, state revenue and technical experts behind some of the aspects of the legislation. We will also continue liaising with stakeholders about the policy behind the regulations. We will continue to liaise, for example, with particular persons of interest, such as those in the disability sector or other parts of the industry through the agencies, as well as directly with key stakeholders.

Mr A. KRSTICEVIC: Which stakeholders has the minister spoken to, not in terms of the agency, but rideshare organisations, plate holders, drivers—all the various key people in this industry? What discussions has the minister had with them and when has she had discussions about the regulations? Is she talking to a group at the moment and, if so, who is the group she is talking to about forming the regulations or are they being formed unilaterally through government?

Ms R. SAFFIOTI: As the member knows, there has been a lot of discussion about policy with taxidrivers, taxi plate owners, despatch companies and ridesharing companies. There has been a range of discussions about the policy that we are implementing through either legislation or regulation. Where we believe we have not consulted or sought stakeholder views sufficiently, we will make sure our policy is in line with potential industry input. As I said, in developing and drafting this, as the member knows, it is a very difficult policy to get a unified industry view on. The Motor Trades Association of WA is a good vehicle to continually liaise with because it represents different sectors of the market that are particularly affected by the legislation and can give more of an industry view. As I said, it is very difficult because there is not one spokesperson for taxi plate owners and not one spokesperson or group representing drivers. Despatch companies all very much have different views of the world. We will continue to liaise and I suspect the member for Armadale will continue to be that liaison point given his legal background and his contacts across the industry.

Mr A. KRSTICEVIC: I understand how difficult that is. Can the minister tell me how many plate holders and how many drivers she has spoken to as part of this? She said that she has spoken to some about this leading down to policy. How many has she specifically spoken to about the policy and the regulations and what that will look like to see whether it matches their understanding of where this is heading out of the thousands that exist?

Ms R. SAFFIOTI: I think we answered the question. I do not have the list, but I thought we provided an answer to a question either on notice or in the upper house that outlined how many hours of meetings and discussions we had with the regional operators, together with other meetings. There are numerous questions on notice. We can collect them for the member and give him a copy. As I said, we negotiated the policy. How that is implemented will be in legislation or regulation. If there are specific issues that this legislation or potential regulations throw up, we will contest that with certain sectors of the industry. I am sure the member for Armadale continues that dialogue. As I said, it has always been pretty tricky to get an industry view on any particular aspect. On the niche issues, yes, we can talk to those people who provide chauffeur or tourism services or to BusWA. There are some

specific issues that can be addressed quite easily because there is a unified view. More generally, in particular with booking services, the nature and size of the service really dictates what they believe the future should look like.

Clause put and passed.

Clause 266 put and passed.

Clause 267: Safety standards for providers of on-demand booking services —

Mr V.A. CATANIA: I am pretty sure this clause covers the fact that regional taxis will now have to have a camera. This was discussed in the second reading debate. One of the prohibitors on putting cameras in regional taxis has been the cost of somewhere between \$2 500 and \$3 500—I think originally it was \$4 500. The minister said to me, through the advisers and the member for Armadale, that the specifications are changing, which will reduce the costs for the camera to be installed to around \$500 for regional taxis. Is there potentially a way to give a subsidy to regional taxis to help out with that \$500 cost, whether it is a \$500 gift voucher or some other way, to ensure that this really does help regional taxis and, I think, the consumer at the end of the day? I think it is a good idea to have cameras in taxis for safety reasons. The other question is: Who will be monitoring that camera system; will it be the individual taxidriver, the company or the Department of Transport? There is no point having a camera if the footage is going to be wiped if something goes wrong. It has to have some legal framework around it, so that police or Transport can monitor it and can have a look at any incidents, which do occur from time to time with taxis. Firstly, is the amount of \$500 correct? Is that what the cost is coming down to because of the change of scope of the cameras? Secondly, is there a possibility of having a subsidy or gift to regional taxis to help with that transition and that cost? Thirdly, who will monitor the footage from regional taxis if an incident occurs?

Ms R. SAFFIOTI: I will answer the third part of the question first. The taxidriver has an obligation to make sure that the camera is operating. The booking service has the obligation to make sure that footage is collected in the correct way. As I have always said, I am very keen to make sure that we make changes where possible to assist with the smooth implementation of this. While the member was out of the room, we also changed the levy clause to ensure that the ride has to start and finish in the levy area for that levy to be collected, which means that the example of a Bunbury person driving up to Optus Stadium would not be caught in that. We have done that by way of amendment. We have had discussions offline about assistance with the installation of the camera. I have sought some approval on that. We are able to say that we will provide an assistance package for the installation of those cameras. We will work that through and have it ready in time for the upper house. We expect that it will probably be a \$500 grant for the installation of the camera. That way, that can also ease that issue.

Mr V.A. CATANIA: I thank the minister; I think that is a really good step in the right direction to try to assist regional taxidrivers, who are doing it tough. It is a tough industry out there. Added to the ring-fencing of regional Western Australia that the Nationals have been able to achieve, the government will provide that \$500 support to ensure that regional taxidrivers will not be out of pocket when this legislation is enacted. On behalf of the regional taxi industry, I thank the minister—that is a great result. I look forward to that being put into the legislation when it goes to the upper house.

Ms R. Saffioti: By administration.

Mr V.A. CATANIA: It will be done by administration. I appreciate that, minister.

Ms R. SAFFIOTI: We think we can access some funds. It is subject to the legislation going through, but we believe we can do that by administration and not by creating another funding pool. We can do that internally.

Ms L. METTAM: In that case, I assume that the government would be happy with just a dash cam. The feedback I have had from regional taxi operators is that the best possible price they could get for taxi cameras is about \$1 700, plus a two to three-hour installation cost, which is about \$2 000 if they buy in bulk.

Ms R. SAFFIOTI: They will need to meet a certain standard, but that is definitely not the advice we have on the cost of the cameras. The other thing is that they could be looking at the costing of the current standard, which also required an external camera. One of the big changes is that it now does not include the external camera. Before, taxis were required to have both external and internal cameras. I understand that the external cameras were often used by the WA Police Force when there was a disturbance on the street—I will not refer to any particular entertainment precinct! We are not requiring an external camera anymore.

Clause put and passed.

Clauses 268 to 346 put and passed.

Title put and passed.

Third Reading

MS R. SAFFIOTI (West Swan — Minister for Transport) [3.47 pm]: I move —

That the bill be now read a third time.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [3.47 pm]: On behalf of the opposition, I would like to make a contribution to the third reading debate on the Transport (Road Passenger Services) Bill 2018. As I said earlier, this bill has 346 clauses. The opposition regrets that in trying to fit with the government's time line in getting this bill through the Parliament, we were not able to sufficiently examine every one of those clauses. That does not do justice to what is a brand-new regulatory system that imposes a new regulatory structure for each tier of and all operators in the on-demand transport industry. A lot of work has gone into the legislation by people in the department. I would like to thank Paula Tomkins, Charlie Marks and Lisa Corbellini for the work they have done in pulling this together. As members of Parliament and as a former minister, I like to do justice to the significant effort that is put in by officers of the government and the legislative drafters in pulling together legislation like this and having them explain it to the Parliament so that the explanation remains on the record forever in *Hansard* and we get an understanding of the true intent of each clause. We were not able to do that. However, there is another opportunity to have further examination in the Legislative Council of the clauses that were not gone into in detail in this house.

This legislation imposes new very high standards that ensure the safety of passengers and drivers. With those high standards and duties comes new penalties for breaches, with penalties of up to \$3 million for certain breaches. Those sorts of penalties and consequences needed to be examined by the Parliament.

The legislation also introduces a new enforcement regime and allows officers of the Department of Transport to run controlled operations. The opposition highlighted that it did not think that the chief executive officer of the Department of Transport was sufficiently accountable with respect to controlled operations. Hopefully, when this legislation goes to the other place, the minister will put forward an amendment that will require the CEO, as part of the department's annual reporting obligations, to report on controlled operations so that we will know for certain whether there has been oversight of all control operations and whether there has been an outcome, and that the evidence that is gathered is gathered appropriately and can be used for prosecutions.

The legislation also introduces a plate buyback scheme for most existing plate owners, and a levy on the industry to fund it. Indeed, this has been very controversial. As I said in my second reading contribution, the opposition felt that it had been put in a position in which it had no choice but to not oppose this legislation because it would have been demonised as the people who had stood between some very financially desperate individuals and relief from financial stress that they are facing. This legislation has been put to them as the solution to all their problems. That is why the opposition decided to not oppose the legislation. I acknowledge that for those individuals in the department to come up with a scheme that is fair and takes into consideration all the different players in a sector in which many cannot speak with each other on any day of the week is no mean feat. It is always difficult to come up with these formulas. The real test will be whether the government has got that formula right. Indeed, many plate owners have said that the payout that they will get will fall well short of what they believe they had been promised. That is for the minister to explain to those plate owners. Given the time and the requirement of the government to get this legislation read into the other place by a certain time, which we are skating very close to, I will conclude my remarks.

MR V.A. CATANIA (North West Central) [3.52 pm]: I rise on behalf of the WA Nationals to congratulate the Minister for Transport, her advisers and the member for Armadale for the work that they have done on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. It has been a huge amount of work. Can I say that it has been good to personally work with her to get what I think is the best outcome possible for regional users and regional taxis out of this very difficult piece of legislation. I echo some of the sentiments of the member for Scarborough, the Deputy Leader of the Opposition. The process has been a bit rushed. It would have been nice to have had more time to scrutinise the legislation, but that is why we have the other place. I suppose that it can look at doing some forensic work on the legislation.

Firstly, the National Party wrote to the minister a while back—at the start of the year—to put forward its views, to potentially negotiate an outcome so that it could support this legislation. I believe we have been able to negotiate probably 90 per cent of what our party agreed to, and in turn it supports the legislation. The big one that we heard about today is that for those people who live in Bunbury or Muchea who travel to Perth Airport—because there are a lot of fly in, fly out people who live in Bunbury or in the south west who go to the airport, people who fly over from the east coast and who want to go to the cattle yards at Muchea—they will be able to catch a cab and not be slugged 10 per cent. That is a great outcome for those users who live in the outer fringes of regional areas that are close to metropolitan Perth.

Mr Z.R.F. Kirkup: Unless you are Mandurah.

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Mr V.A. CATANIA: The member for Dawesville can continue doing his Uber talks and all that.

That is a great outcome. The government and the minister have agreed to contribute \$500 for regional taxidriv­ers to comply with the requirement to put cameras in their cabs. I think that is a great outcome. It will limit expenses for those taxidriv­ers, but also provide safety for consumers.

On behalf of the National Party, I support the legislation. I think it is great outcome for regional WA. Congratulations to the minister for a very difficult task. It is not going to keep everyone happy, but I am sure we can work with her in the future to iron out some of the difficulties that will arise. If the National Party can play its part in assisting, it will come to the minister with some solutions. The National Party supports the legislation.

MS L. METTAM (Vasse) [3.55 pm]: I would also like to contribute to the third reading debate on the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018 and underline the fact that there have been some issues, particularly in regional Western Australia, about this legislation. The opposition is pleased that there has been a decision to reverse the Uber tax originally proposed for regional Western Australia. The Liberal opposition raised this matter in January this year. It is disappointed that the Western Australian Country Taxi Operators Association did not have an opportunity to meet with the minister or Dr Buti, the member for Armadale, on this matter, as there are still outstanding concerns about regional operators, particularly the additional administrative burden and the cost of compliance on those operators. We appreciate that there has been some acknowledgment of the issues raised about the \$500 levy. The feedback I have had is that the additional cost will be over \$1 500. I will continue to advocate on behalf of operators to see whether we can do something about that. At the end of the day, it is the cost of doing business that hurts small businesses in Western Australia. Regional operators need to be able to compete with the new entrants into the market.

We also appreciate, in response to issues raised on behalf of the opposition, the reversal of the decision to impose on drivers the responsibility to collect the levy on trips between regional WA and Perth. That is a really good outcome. That amendment was moved today. From a regional point of view, I am also concerned about the impact on vulnerable people who rely on the taxi service outside peak periods. That is something I will continue to advocate for as we see these changes happen in a deregulated market.

MR Z.R.F. KIRKUP (Dawesville) [3.57 pm]: I too rise to contribute to the third reading cognate debate of the Transport (Road Passenger Services) Bill 2018 and the Transport (Road Passenger Services) Amendment Bill 2018. I reiterate the concerns that I put during my second reading contribution to the bills. I still think that this legislation disproportionately impacts the community I have the honour of serving and the entire City of Mandurah more broadly speaking. I still find it unacceptable. I am certain that every single person who uses a taxi or on-demand service will find it unacceptable that this government is making a dedicated decision to impact them with a 10 per cent levy that will have no benefit at all for taxidriv­ers and taxi owners in my community. Once again, that is something that is reflective of a government that has very little concern or care for Mandurah more broadly speaking. Clearly, when we see situations like this, they are things that will impact negatively on services that I mentioned in my second reading contribution, such as Pat Thomas House, which spends more than \$3 100 on taxis, helping vulnerable women and children flee domestic violence and access vital government services. They are going to be charged 10 per cent more. We know that pensioners and people who seek treatment in, say, Perth-based hospitals like Rockingham Hospital or Fiona Stanley Hospital, do that by taking taxis or an on-demand service. Now they will be charged 10 per cent more. That is completely unacceptable. I think it will have a disproportionate negative impact on the good people of the City of Mandurah. That is unacceptable to me. I am surprised that the government has made a decision to impact my community so harshly once again, but I guess that that seems to be the routine of the state government. It is gutting services throughout my community and taxing people by charging them 10 per cent more to take a very popular service, be it a taxi or on-demand transport, right through my community.

MR A. KRSTICEVIC (Carine) [3.59 pm]: I, too, want to make a contribution to the debate on the third reading of the Transport (Road Passenger Services) Bill 2018. As was mentioned earlier, this is a very large piece of legislation, with 346 clauses, and we have not had a chance to go through it in the level of detail that we would have liked, obviously to try to meet the government's deadline to get it to the upper house. Let us not forget that it is 20 September 2018 and this issue has been on the table for many years now, so it has taken a long time from when this government came to power in March 2017 to get to this point. I remember very clearly that when the Labor Party was in opposition, it said how quick and easy it would be to fix this issue and that we should do something about it. Although it was apparently easy for a government to fix it, it has taken a long time for this government to get to this point with the legislation.

There will be a lot of regulations behind this legislation. We do not know what those regulations will be and we have not had a very thorough explanation in that respect. There are a lot of ifs, buts and maybes. It is very important

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to put on the record that we have not had a chance to go through this legislation in detail. It would have been great if the government had given us an opportunity to give this bill the level of scrutiny that the community expects.

There is no doubt that this is a very complex area. There are no easy solutions, and I knew that when we were in government. It is a complex area. We are dealing with an industry that is fractured and has many components. I am confident in saying that very few people in the industry would be happy with this piece of legislation, but some people will accept it, because they are in financial hardship and are experiencing difficulties and would like to move on with their lives. Others are not happy, and rightly so. As I have said before, there is no point in us arguing across the chamber about who said what, because everybody in the industry has their own story and their own experience about what they were told and what they think was on the table in the promises that were made by both us when we were in government and the now government when it was in opposition, about the consultation process as it progressed, and about how well people have been taken on this journey. I just wanted to make those couple of points.

I think there will be further issues. As we can see from this bill, disruptive technologies have created a lot of issues and a lot of heartache. It reinforces for me the fact that government needs to get out of the way. Government needs to stop trying to regulate and control businesses and stop trying to stay in this space when we are moving in a fast-paced world in which the private sector is very keen to move to the leading edge of the way it does business. The government has been very slow. This bill is very cumbersome and confusing. People who read this legislation will be confused. They will have some idea of the direction we are heading in, but it is by no means a clear direction. There are a lot of pitfalls for people moving into this sector. They need to make sure that they understand their obligations and responsibilities and what they are taking on, because there are many hazards in front of them. Hopefully, when the regulations come out, there will be a very strong education campaign to ensure that people understand all their responsibilities and the risks in the sector, no shortcuts will have been taken by the government and the industry will be supported as it transitions to this new world. We need to acknowledge the difficulties and heartaches experienced by the people who have suffered along the way. As a Parliament, we need to do better when we deal with these situations at a global level. It is not about blaming each other; it is about understanding the complexities of the situation and the world we live in. Sometimes playing politics with people's lives is not the smartest thing in the world. We need to work together in a more genuine fashion to try to get the best possible outcome for everybody concerned. The sooner we understand that, especially in areas such as this, where it is impacting on families at the lowest common denominator and on people who have invested in their superannuation in their retirement, the better. This legislation carries a big burden. It has a lot of sad stories attached to it, and we should not forget that as it moves through this house. We should acknowledge the fact that we have let a lot of people down along the way by not being better at what we have done, which maybe we should have done a long time ago, even before disruptive technologies came into this space.

MS R. SAFFIOTI (West Swan — Minister for Transport) [4.05 pm] — in reply: I thank in particular the staff of my office and the member for Armadale for all their work so far on the Transport (Road Passenger Services) Bill 2018. I acknowledge the work of the Deputy Leader of the Opposition and the member for North West Central. They asked a lot of questions, particularly the Deputy Leader of the Opposition, but that was fine because it did not become a shouting match or anything like that. That is what consideration in detail is all about. I will take on board the comment about the reports of controlled operations and see whether we can strengthen the reporting requirement so there is a bit more clarity. Given the member's third reading comments, I will take that on board.

I would have preferred more time. I had an understanding that something would happen last night but it did not eventuate. I was happy to sit very late last night, but that did not happen. I tried to answer questions pretty quickly so we could go through things. Hopefully, I got as much information out as possible. I will not make too many political statements at this stage, but if the member for Carine had been that interested, he would have stayed in the chamber for the discussion. Popping in and out and making some accusations is not how members should conduct themselves in such a significant parliamentary debate. He was in the chamber for a short time during which he just wanted to pointscore, not ask legitimate questions. As I said, I would have preferred to sit late last night.

Mr A. Krsticevic interjected.

The ACTING SPEAKER (Ms M.M. Quirk): Member for Carine, you are on three.

Ms R. SAFFIOTI: I am happy that we were able to go pretty solidly through the bill and I was able to provide answers when I could. I thank members for the way the debate was conducted.

Question put and passed.

Bill read a third time and transmitted to the Council.