

**TAXI AMENDMENT BILL 2016**

*Second Reading*

Resumed from 13 September.

**HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition)** [2.06 pm]: I rise as the lead speaker on behalf of the opposition to make some comments on the Taxi Amendment Bill 2016. It is a very interesting day in Parliament's life on which we deal with this bill, because we do not have a minister responsible for transport in Parliament today. The Minister for Transport quit last week, and we know why he quit —

Several members interjected.

**The PRESIDENT:** Order, members! Let the member on her feet have her say. It has to be relevant to the bill, of course.

**Hon KATE DOUST:** Thank you, Mr President.

The fact that there is no longer a transport minister is entirely relevant to the Taxi Amendment Bill. I think what we have seen happen over the last week has been amazing. I was away on urgent parliamentary business last week, acquainting myself with my new granddaughter, but I was able to watch online —

**Hon Donna Faragher:** Is she lovely?

**Hon KATE DOUST:** She is, indeed, gorgeous. She has already learnt to read the news. To see what was happening and unfolding in Western Australia —

**Hon Simon O'Brien:** Has she learnt about taxis? That is what this bill is about.

**Hon KATE DOUST:** No, she is too young for taxis, Hon Simon O'Brien.

**Hon Peter Collier:** What is her name?

**Hon KATE DOUST:** Her name is Kora Lily.

I really appreciate the assistance that members opposite have given me with my speech so far, but coming back to that, while I was engaged with my grandchild, I was able to watch the debacle in Western Australia unfold online and see not just one, but two ministers, go under the train, if you like, and quit. One of the reasons that former minister Dean Nalder gave for quitting was that he could not get an appointment with the Premier. He also said that he could not discuss policy. I do not know whether that is related to this legislation, because we know it has taken a lengthy period of time for this bill to come in. This is a classic example of the dysfunction and chaos that exists across this government. The government is coming to the pointy end of the electoral cycle and things are falling apart. Two ministers have quit in the past couple of days and today there was a spill motion in the party room. We on this side are very pleased that Mr Barnett is still the Premier of the state. We look forward to going to the 2017 election with Mr Barnett leading the show. I am sure that taxidriviers in this state also look forward to Mr Barnett leading the show because he also needs to be held to account for letting down taxidriviers in this state. This bill, as simple as it is in structure and design, is a massive let-down for taxidriviers. It does not cater for their concerns or deliver the outcomes that they hoped for—outcomes that should have been there given that this government stood by and allowed the industry to change so dramatically in such a short time.

We need to go back and look at some of the history. I have had the opportunity to look at this only very briefly, but I know there has been some pretty solid engagement with this government and Uber, the disruptor to the taxi industry in Western Australia. Back in 2014, which is probably about the time we first started hearing about Uber in this state, one of the first individuals who was out there lobbying for Uber in WA was a fellow by the name of Eacham Curry, who used to work for the former Minister for Small Business; Commerce, Hon Simon O'Brien. He was a lobbyist on Uber's behalf when it made its first entry into the state. At the state conference for the Liberal Party that year, it was reported that many Liberal members availed themselves of Uber rides to and from their conferences—I suppose just to test it out. Mr Tom White, a former staffer for the Leader of the House, Hon Peter Collier, also acts on behalf of Uber in its corporate area. I know that because Mr White met me in my electorate office more than 12 months ago with a gentleman from Uber to talk about what they hoped to achieve here in the state. I met them out of curiosity, to see what kinds of operations they were going to set up.

People talk about digital disruption and how it is going to change everything—disruption can be good; change can be very good—but I think that the way this government has managed it for this industry has not been positive and it has not done it in consultation with the industry. The government has allowed Uber to operate outside of the law. It has allowed Uber to operate to the detriment of those people who have paid significant amounts of money for their plates and who have invested, in a lot of cases, for their retirement. Uber has been

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allowed to creep into the industry and take hold, and we have seen the devaluation of the plates that people own and lease. Now the government has come in with a half-baked proposal to allegedly compensate those owners.

A number of debates have taken place in the other place. This issue was raised in this house as well. Hon Ken Travers, when he was the responsible shadow minister, would take up these issues on a regular basis. I know that the shadow Minister for Transport, Rita Saffioti, has also pursued this matter vigorously on behalf of the taxidriviers in our state. On a weekend a couple of months ago I attended a rally here at Parliament House that had been organised by the Transport Workers' Union of Australia, which was attended by a significant number of taxidriviers. I have been to a lot of rallies in my time, but the white-hot anger of those taxidriviers about the way that they have been treated by this government was palpable.

It will be very interesting to see how they translate their anger into election activity as we move forward. I think it will be very interesting to see what taxidriviers do in the seat of Bateman, for which the former Minister for Transport is the candidate. The Labor Party, of course, is running a very good young candidate in that seat, Mr Tomas Fitzgerald. I am sure that Tomas will take up the challenge to Mr Nalder. Of course, we have to wait and see whether Mr Nalder is going to continue, because we know he likes to spit the dummy a bit. When it looked like he was not going to get preselection for that seat, he talked about walking away. Now that he is no longer Minister for Transport and he has pretty much cruelled his future, it will be very surprising if he ever gets back to the front bench.

*Point of Order*

**Hon SIMON O'BRIEN:** I raise the question of relevance, and I do so in part to make sure there are not any more unfortunate reflections on a member in another place, because I do not think it reflects well on this house, the debate, or the member making them.

**The PRESIDENT:** We know that debate has to be relevant—there were fleeting references to the word “transport” in that dialogue, I agree—but I think there needs to be concentrated comment on the bill itself.

*Debate Resumed*

**Hon KATE DOUST:** Thank you, Mr President, for your guidance. I am sure that those taxidriviers will galvanise themselves to ensure that transport and taxis are a key issue throughout all electorates in Western Australia come 11 March next year.

**Hon Michael Mischin:** There are fleeting references to the word “transport” in your policies too.

**Hon KATE DOUST:** The member knows that I am not the shadow Minister for Transport, so let us get on with this. All we need to say is that the Taxi Amendment Bill 2016 has come too late and it is not enough. This bill is simply stage 1 of what the government has proposed to try to provide a remedy for taxidriviers who have lost significant amounts of money. I have been told in a briefing that this bill is really about addressing policy and administration and that there is a second bill—obviously that bill is now too late in the parliamentary cycle—that would pick up all of the other issues across the industry to bring it into the modern age. Of course, we will not be seeing that bill and it depends on who is in government next year whether that will eventuate. It is very interesting that when there was discussion about the second bill, even the second reading speech referred to having full consultation with industry. From what I understand and from the types of responses received from the taxi sector, obviously there has not been enough consultation on this first bill at all. That is fairly evident based upon the industry's views about the figures that have been allocated for compensation for the plates. Numerous media stories have discussed the impact, rise, and growth of Uber in the taxi industry, in which many taxidriviers have talked about the loss of income on a daily basis and the problems they have at taxi ranks. I forget the words that are used for that.

**Hon Sue Ellery:** Rank and hail.

**Hon KATE DOUST:** Rank and hail; thank you very much. There has been discussion about how those issues around rank and hail can be tightened. The problem the industry has now—given that the competitors in this industry usually operate via phone and they have apps—is that people do not need to have a formal, structured rank-and-hail system; they simply use their phones. They go into an app, press where they are and, if they are using Uber, up pops the details of where all the drivers are located and who the driver might be. Users can select the driver and it gives them an image of the driver. The app tells them how long the taxi will take to get there and I think it might give users an estimation of the cost. All those details are there for Uber but not necessarily for taxis. I suppose that is one of the downfalls of the taxi industry. Perhaps it needed to step up and address the issues around technology. I am sure it is doing that now; a couple of apps have come out. I do not use Uber here in Australia, and I have not. I know that information from having used Uber in America. It was quite interesting to listen to the different types of Uber drivers, be they in San Francisco or Seattle, talk about who uses them.

Here in Australia obviously things could have been done to improve the taxi industry. Uber has become popular because it is probably more easily accessible and, for a lot of people, cheaper than using a taxi. I am not saying

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that is a good thing or not. Anyone under 30, I imagine, would have an Uber app on their phone and would use it frequently. Anyone over 30 might still be more inclined to use a taxi. That is really about how people use technology. We have seen Uber come in. It has been assisted by the government basically allowing it to step up. The government has not challenged Uber enough and has enabled it to operate outside of the law of the state but enforced taxis to continue to operate under the legislation we have. We have had this two-tiered system, which over two years is now entrenched. Other types of operators have stepped into place. Shofer was set up in May this year. We have two varieties of Uber—Uber and uberX. A lot of issues around Uber still need to be worked through, and I do not think the government has thought to address those issues. Are these people employees or subcontractors? Are they small businesses? Under the Taxi Amendment Bill 2016, an allocation of money will be made to the Small Business Development Corporation to assist taxidriviers. I wonder whether at some point that allocation will be shared to assist Uber drivers, if they are a small business. There are issues around client safety. I know that people allegedly get all that information with Uber, but there are no guarantees and there are issues with insurance. There are pros and cons. Although it might be attractive, I do not think people have really thought it through.

People who opted in as Uber drivers in the first instance thought that they would make a lot of money out of it. Reality has set in, and people are not doing as well out of it as they thought they would—on that same coin, neither are taxidriviers, because we have seen this growth. Anyone can basically become an Uber driver, but not everyone can be a taxidriver. It is getting harder and harder for taxis. Taxi owners have paid up to a couple of hundred thousand dollars for a plate, and the last plate issued some time ago was \$160 000-odd. We have seen that significant drop. People have talked to me. One person had been holding onto his father's taxi plate and leased out the taxi as part of his father's retirement and superannuation plan, but with this dramatic change in the sector, the plate value has dropped to almost nothing, and the value for their plan is almost nothing. They ask, "Where do we go now?" They had banked on selling their plate at a time when they needed it to get back a decent allocation of money, and that has all gone. We see in some media stories that people took out loans to buy a plate at the peak, if you like. Prices have dropped to a very low figure, and they are still paying out their loans. I really do not know whether the money allocated will assist those people.

We will not necessarily oppose this bill. We think it could be made a lot better. We have two amendments on the notice paper to be considered in Committee of the Whole House, and we hopefully will be able to talk about better options through which the government might be able to provide some more assistance to people in this industry. When we come back in committee to look at this bill and what is termed "stage 1" of the taxi industry changes, we will see that the government really has gone for minimal change. However, the most significant change is enabling access to the taxi industry development account. As I understand it, some other changes canvassed in this bill in terms of hardship payments do not need legislation in play. The real change is about accessing the taxi industry development account so that compensation of \$20 000 per plate can be paid out to a metropolitan taxi plate owner and \$6 000 to a person with a restricted plate or either a peak-period or area plate. I understand that the hardship fund of about \$6 million will also come from that taxi industry development account, as will the \$1.5 million for the Small Business Development Corporation to assist taxidriviers as small business operators to become more innovative. I do not know whether that means helping taxidriviers to develop technology to compete on an even playing field with Uber. I am not too sure whether it is about that or about how they promote themselves. I do not know whether training will be provided or whether they will improve their skills as an individual small business. That might be something that the parliamentary secretary can explain to us in more detail. I hope so. I do not know how that will be paid out. Will the \$1.5 million pay for staff at the SBDC or be utilised in some sort of training package or app development? I am really interested to know how that money will be accessed and spent for those individuals. I also would like to know how they will know to go to the SBDC to get this assistance. Will the government write to every taxi plate holder and let them know that this opportunity will be made available to them and also explain the hardship fund? I note that a fact sheet has been delivered.

**Hon Alanna Clohesy:** That is the application form.

**Hon KATE DOUST:** This is the application form. I understand that this form is out there.

I would also like to know, given that this form is in English and that many of our taxidriviers may not have English as their first language, whether the Department of Transport has come up with a range of options to assist those taxidriviers or taxi plate owners who do not have English as their first language to access this information and to apply for the hardship fund? I am not too sure, because unfortunately I have not had time to go into the detail, what is defined as "hardship" for the purposes of this bill. I know that it varies from issue to issue. Recently I had to take a subcontractor to the tax office to work through a hardship issue. I know that the tax office have specific criteria for dealing with hardship for those purposes. Is the parliamentary secretary able to provide us with detail about the definition to be used in this instance for taxidriviers if they have to apply for this funding?

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It is a sad state when, through no fault of their own, these taxidrivers have had such a drop in value of the taxi plates they own. Who would have predicted two or three years ago that people using an app and new technology would bring a different model into play in the marketplace and have such a disastrous impact upon the many hundreds of taxidrivers in our state? This issue is happening across Australia. New South Wales and Victoria have had to put in place payment schemes to assist taxidrivers with hardship funds to varying amounts. South Australia's fund is about \$30 million, and the New South Wales fund is about \$250 million; I am not too sure of the Victorian amount. This is an issue that is happening not just around Australia, but also around the world. We are seeing some quite interesting protests in other places to get government to acknowledge the difficulty or these types of disruptions to that sector of the market. I referred to this example in another debate earlier this year. When I was on holiday in January, Paris taxidrivers, who know how to protest really well, blockaded the airport and the main roads out of Paris. It lasted for a few days. They got farmers engaged and farm trucks were overturned and tyres were burnt. There were reports of taxidrivers pulling people out of Uber cars and beating up the drivers. It was full-on.

**Hon Michael Mischin:** It warms the heart, doesn't it?

**Hon KATE DOUST:** That is interesting, but the French know how to protest. They are great role models in that regard.

Several members interjected.

**Hon KATE DOUST:** No. I am not; I am just saying that the French have a tradition of protest and it is accepted in their society.

**Hon Michael Mischin:** Yes. It usually ends up with people losing their heads.

**Hon KATE DOUST:** Yes, but that was a long time ago; they are a bit more modern now. Anyway, I was going to say that the reason the French protests got to such a high degree of agitation was that the government had ignored the taxidrivers' difficulties and an alternative type of public transport had established itself outside the law. It was allowed to do that and the government had not listened to taxidrivers, so the industry took extreme action. It lasted about a week. Other parts of the community were involved. I think a couple of million taxidrivers were involved throughout the country. I remember seeing the figure and thinking how unbelievable it was that so many were involved. At the end of that week, the government came out with a package to accommodate taxidrivers for the losses they had suffered with this change in their industry.

This type of problem is happening all around the world, but in Western Australia the government has been slow to act. It has not engaged appropriately with the industry, which is partly why this proposal is before us today. I think if the government had engaged properly and perhaps had had more empathy with the dire situation that many taxi plate owners find themselves in, the figure that is listed would be more than \$20 000. That is really the Labor Party's argument. We think that a fairer system should be put in place to acknowledge the losses that these plate owners have suffered. We do not think that \$20 000 is enough and the amendments we propose to this legislation seek to improve it. For the many hundreds of taxidrivers throughout the state, this is a very emotional issue that is causing a lot of stress because people are struggling to make dollars every day. This issue was brought to us because of a dysfunctional and chaotic government, with a minister in charge who did not know what he was doing. He has now fallen on his own sword for other reasons, but he has left a mess for taxidrivers.

It is not just our side of politics that thinks this government has not gone far enough. Even some government members have called upon the government to up the ante and improve the offer on the table for taxi plate owners. The member for Carine, Mr Tony Krsticevic, and the member for South Perth, Mr John McGrath, called on the government for a better package to be put in place. I also read comments by Mr Frank Alban about the type of package and I think that even he thought more needed to be done. I admit that I was quite surprised to learn that he came out and called for that, but that is good. Even government members are concerned about the figures in the Taxi Amendment Bill 2016 to assist taxi plate owners. The minister of the day, Mr Dean Nalder, made a commitment certainly to Mr McGrath and Mr Krsticevic that he would have a better package or another tranche of legislation by 30 November to fix up the rest of the taxi industry. We now know that that will not be the case. We do not know what will happen because there is no minister. We do not know when there will be a Minister for Transport. We do not know whether a new Minister for Transport will want to change this legislation. We do not know what type of consultation a new minister would put in place.

**Hon Peter Collier:** Why don't we pass it today and then we won't have that problem?

**Hon KATE DOUST:** Is the Leader of the House going to be the new Minister for Transport?

**Hon Peter Collier:** No.

**Hon KATE DOUST:** Does the Leader of the House want to share something with us?

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**Hon Peter Collier** interjected.

**Hon KATE DOUST:** The legislation will go through. We do not oppose it; we are just very concerned that it is not fair, not balanced and not the right amount, and it will not provide the degree of comfort to taxi plate holders that the former minister thought it would. Admittedly, it takes up the vast chunk of the taxi industry development account. I understand that that account currently has about \$30 million. The bill will enable taxi plate owners to draw down on that money for various allocations, be it \$20 000, \$6 000 or the hardship fund, which I understand is up to about \$75 000. I do not know whether that will be any amount up to \$75 000 for each individual case, or whether it is just \$75 000.

**Hon Alanna Clohesy:** It's not in here.

**Hon KATE DOUST:** No. It is something that perhaps the government needs to provide more detail on.

**Hon Jim Chown:** That'll be part of the stage 2 reforms.

**Hon KATE DOUST:** The hardship fund is still not resolved.

**Hon Alanna Clohesy:** They have not started the stage 2 reforms.

**Hon KATE DOUST:** No. We are putting this bill through, but people are hurting financially. If the government has not even started stage 2, it is highly unlikely that it will be through sometime next year. Members opposite will probably not be in government so it will fall back onto a new, different government.

Several members interjected.

**Hon KATE DOUST:** Hopefully, a more efficient and appropriate minister will resolve these concerns for taxi plate holders. Given the levels of stress and difficulty that have been expressed throughout communities and in the media, I cannot believe that the government does not have a better plan in place. It is not as though this issue has arisen in just the last few weeks. The government has had more than two years. It introduced a green bill in 2015. This bill was introduced into the Legislative Assembly in May this year. I do not understand why it was not a key priority for the minister if the government wanted to address the financial difficulties that individuals are in. I do not understand why it was not dealt with at that point. Again, it is just a standard indictment on this government. It is supposed to be the great champion of small business. If we say that taxi plate owners are small businesses, it is another component of small business that the government has let down. These taxi plate owners, who have now lost a great chunk of value from their plates, will struggle to continue to make payments on their loans or make payments on their rent or mortgage, and to raise their families. The stress must be absolutely unbearable and this government has not addressed the hardship component. The government will give taxi plate owners \$20 000 per plate, but it will not deal with the hardship component. That is on the never-never.

**Hon Jim Chown:** I've actually given you some incorrect information.

**Hon KATE DOUST:** What a shock! How unusual!

**Hon Jim Chown:** Do you want to hear the correct information or not?

**Hon KATE DOUST:** Sure.

**Hon Jim Chown:** Hardship applications —

**The PRESIDENT:** Order! It is customary for the parliamentary secretary who is handling the bill to provide that information in his summing-up speech. If you think it is very helpful, you can make a very short contribution by way of constructive interjection, but you cannot make a speech from your seat.

**Hon KATE DOUST:** Thank you, Mr President. It has been such a tumultuous day, I think we have all forgotten the rules. That is certainly why the government now has this bill in this place; it forgot about the rules and let Uber in.

[Quorum formed.]

**Hon KATE DOUST:** I forgot what I was saying. Shall I go back and start again, to remind myself?

**Hon Jim Chown:** Start with dysfunction of the industry.

**Hon KATE DOUST:** That is right; I was talking about hardship. The parliamentary secretary was going to tell me what he is going to do. However, I think we will wait for his reply, because we need him to speak very clearly and to put on the record what the government is going to do. As I was saying, it was about former Minister Nalder, in one of the classic examples of not thinking things through and not thinking about the whole package and the ramifications. I got bailed up outside the lift by a journalist one day. She was talking to the minister at the time and she said to me, "This is Minister Nalder. Kate, why don't you say something nice to

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him?" I did. I said, "Dean, make up your mind, mate, and stick to it." That was just evidenced. I do not know. We cannot say that this legislation is going to fix the problem. It is a quick fix; it is short term and transitional, and it is an absolute tragedy that this government has not thought to do more in this bill to try to provide financial relief to those taxidriviers who have been harmed because the government allowed Uber to operate outside the law, to grow and to basically destroy the long-term work of taxidriviers to develop their clientele, if you like. As I said at the beginning, change can be very good and technology is very appropriate in our modern digital age, but we have to make sure that people operate within the law. That is what this is about. The government allowed it to happen differently. I am not going to cast any aspersions about why the government allowed Uber to operate as it did. One day I hope to look at the 500 Club donations and maybe then I will find the answers, but the government allowed Uber to operate to the detriment of the industry in Western Australia.

The bill that we are dealing with now is simply a short-term solution, and, sadly, WA taxidriviers are not going to get the big fix. They are not going to get the total package of changes that they need and that should be in place now. I do not understand why the government could not do this. It had two years. It had more than a year after the green bill was introduced for comment. It just goes to demonstrate the laziness and chaos that existed in that office, the lack of engagement on the part of that minister and the lack of empathy and concern for a very significant part of our market in Western Australia and a very significant number of people who work in the taxi industry. We need to hold to account not only former Minister Nalder, who neglected to do what he should have done and tried to do the right thing by taxidriviers, but also the government, which allowed this to occur by stealth. Taxidriviers are now going to have to pay for that over the long term. They will have to try to readjust their lives because this government did not step up for them and manage things properly.

As I said at the beginning, on the surface the bill is relatively straightforward. It will do a couple of things. It will remove the cap on the number of plates that someone can own, which currently is five. After this bill is passed, there will be no cap. It will provide for a compensation payment of \$20 000 per plate for metro taxi plate owners and \$6 000 per plate for peak-period and area restricted taxi plate owners. It will also provide for other moneys to be tapped into for the hardship fund and through the Small Business Development Corporation. They are very simple changes, but the bill does not go far enough. In our view, the government has had ample time to put in place a range of other measures that could have allowed the industry to expand, to become more modern and to be perhaps more competitive with the new players. There have been two or three new options. I do not think we have Hailo here yet. I know that Hailo operates throughout Europe, but I am not sure about the United States. However, a variety of different options will come through. At the end of the day this bill is a classic example of how the government has not managed things properly and how it could have done so much more for taxidriviers.

Hon Jim Chown, I do not know the best way to deal with these taxidriviers. I know how heartbreaking it is to deal with subcontractors who have been ripped off when they have worked on government projects. I know how distressing it can be for those individuals who have lost everything. I imagine it would be a similar situation for those taxidriviers who have seen the value of their taxi plates drop from a couple of hundred thousand dollars down to 30 or 40 grand. That would be absolutely soul destroying, and I do not know how they will come back from that. The government could have done much more for those people. I firmly believe that come next year there will be a massive galvanisation of taxi operators and that they will express their anger at the government's mistreatment of them over the last couple of years and its lack of concern and empathy, or consideration if you like, about the real value that should have been applied when determining an appropriate compensation level for taxi plate owners.

I am not going to say any more about that, because we have two amendments to deal with in Committee of the Whole. When we get to those amendments, we will have further discussion on the levels of compensation that should be applied. With those few words, it will be interesting to hear from the parliamentary secretary on a couple of the matters that we have canvassed. As I said earlier, the opposition will not be opposing the bill, but it will certainly be trying to get the government to engage better on the compensation figures and to perhaps provide some response about whether it is prepared to increase those amounts so that taxidriviers will be in a much better place.

**HON SALLY TALBOT (South West)** [2.46 pm]: I grew up using taxis. My parents were probably the last generation to never hold drivers' licences. Because my father spent the whole of his professional life doing a long commute into the City of London from the place where we lived in the UK, he and my mother got through the whole of their lives without drivers' licences. Whenever we had to shop in neighbouring towns or had doctors' appointments and that sort of thing, we always used taxis. Therefore, I have always taken a particular interest in how the taxi industry operates. I am often reminded of this in contemporary circumstances as I move around the south west and look at the way various taxi services operate, particularly in major regional centres. Non-metropolitan members of the Legislative Council who are following this debate will be very familiar with that lifestyle, one in which we land in a town—maybe we have flown in and we need to use taxis when we get

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there, or we have arrived in a town in a different way and we do not have our own vehicle—and are heavily reliant on taxis as a regular form of transport. I have to say that in the south west we are particularly fortunate because especially in Denmark and Albany, which is where I use taxis the most, we have a fantastic service. The drivers are reliable and friendly, particularly in Denmark; I probably have more to do with them there than any other single group of taxidrivers. They are fantastic and they end up almost as family members because they go above and beyond what we would usually expect from taxidrivers in terms of picking up people, waiting for them and making themselves available when needed.

Although I can say I have personal experience of that, and my family has personal experience of that around the south west, a lot of people who live in places such as Albany and Denmark rely on taxis to maintain their lifestyle. When somebody gets to a point in their life when they no longer want or are able to drive it is very likely that if they are to maintain an independent style of living, they will rely quite heavily on taxi services. Again, I say that for many, many people in the south west—I am sure this is true of other regional centres in Western Australia—taxidrivers become almost like family members.

In making my contribution to the debate on the Taxi Amendment Bill 2016 today, I want to advocate on behalf of a particular group of taxi operators. I have to say that although many problems are shared by all taxidrivers, particularly those outside the metropolitan area, what is happening to the taxidrivers in Mandurah is of particular concern. I really feel for Julie and Greg Murray, who run Mandurah Taxis, for the run-around that this government has given them over the past few years. As our lead speaker pointed out when kicking off this debate this afternoon, when I talk about a run-around, I am talking about people being pushed to the brink of endurance as far as their everyday livelihoods go; people finding themselves uncertain about whether they can meet next month's mortgage payment and whether they can afford to keep employing people. Their whole professional life and, therefore, their personal life, is thrown into a complete upheaval, not because the Liberal-National government has a clear precise and well-articulated agenda or policy for —

**Hon Sue Ellery:** Anything.

**Hon SALLY TALBOT:** — taxis or, indeed, for anything, as Hon Sue Ellery notes. There is no clear agenda here. Nothing here is being driven by a plan or an overarching policy objective. It is just a mess, and it has been a mess for years now. If we go back over the last couple of decades, we will see that the last time Labor was in government, we went to enormous lengths—it was supported by the taxi industry—to make sure that the taxi industry was able to move with the times and respond to not only changing demand patterns but also changing technology. We wanted to make sure that our settings for metropolitan and non-metropolitan taxi services were appropriate, relevant and of assistance to people trying to run businesses in this area. Hon Graham Giffard chaired an inquiry into the taxi industry generally in about 2003.

In 2004, Hon Ken Travers was at that stage the Parliamentary Secretary to the Minister for Planning and Infrastructure, Hon Alannah MacTiernan, who, of course, will be joining us again in this chamber next May. When Hon Ken Travers was her parliamentary secretary, he specifically inquired into regional taxi services. He travelled all over Western Australia, from Albany to—I am not sure quite how far north he went; I know he went to Geraldton. He produced a comprehensive report. I do not think there would be any disagreement from people in this place who followed that process that, through those inquiries and through the very capable leadership provided by the minister through those eight years, Labor was able to help the taxi industry make the necessary transitions that were driven by things such as customer and technology demands and reduction in red tape. Labor helped the taxi industry, which I think is fairly characterised—at least outside the metropolitan area—as a small business sector, to be responsive to community demands.

Over the last couple of years, all that momentum that was built up during those years has been completely undone. After reading the material that I have put together from these regional taxi services, and most particularly from Mandurah Taxis, why the government was making such a mess of this was a source of enormous mystification. It was a mystery why the government was making such a spectacular disaster of trying to implement some much needed reform in responding to changes in the taxi industry such as the commencement of on-demand services. Of course, we know the answer to that now. The Minister for Transport, in whose name all the documentation for this bill stands, was not focused on the job of Minister for Transport; he was focused on satisfying his ambition to take over the top job, which today he spectacularly failed at doing. The casualties here are the people affected by the spectacular failure in the job he has done over the last two years. The victims of this spectacular failure are ordinary working people trying to run decent small businesses all over Western Australia, but I am most angry about the effect of the Liberal-National government's incompetence on small businesses in regional country towns. It is very sad.

I think that there will be something of a sense of relief felt by the owners of regional taxi services today, because one thing they do know today that they did not know last week is that it is not them. They have done their

**Extract from Hansard**

[COUNCIL — Tuesday, 20 September 2016]

p6181e-6199a

Hon Kate Doust; Hon Simon O'Brien; President; Hon Dr Sally Talbot; Hon Sue Ellery; Hon Peter Collier;  
Deputy President; Hon Alanna Clohesy; Hon Lynn MacLaren; Hon James Chown

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absolute best and busted their guts to work with this government but nothing has worked. Now they know why. It was not a failure on their part. It was a total, abject and spectacular failure on the part of the government. That really has to change. I would like to say that it will change today, although now we have heard that the Liberal–National government has no intention of appointing new ministers. What do we do? We hobble through the rest of this week. I am afraid that I will have to tell people such as Julie and Greg Murray from Mandurah Taxis that things will not change until 12 March next year when the Labor government comes back in and we can start to fix this mess. For their sake I hope it is not true, because it is no exaggeration to say that many of our regional taxi services are limping from day to day, hoping that the government will come to its senses and put some firm plans in place. I am not confident that that will happen.

I take this opportunity to acknowledge the work that people such as Greg and Julie have put into fighting this fight over the last couple of years. Because we are professionals in this field, we all know that when we take up a campaign and are engaged in arguments, discussions, a lobbying process and meetings where we have to represent our point of view and get stakeholders on side, it is enormously time-consuming. This is not their core business, yet because of this government's complete ineptitude with handling this reform process, it has had to become their core business. That is a complete distraction from earning them and their employees a decent living and, as importantly, providing a decent, reliable and efficient taxi service for their communities.

Let me take members through some of these particular issues. I have to pay credit here today to David Templeman, the member for Mandurah, in the other place. David always represents his community with enormous gusto. He is an extremely effective advocate for his community. I thank him on behalf of not only Mandurah Taxis but also other taxi owners outside the metropolitan area for the work that he has done to bring these issues to the attention of the government in the other place. But it is up to me to try to do it here, and that is what I intend to do in the rest of this debate.

The taxi service in Mandurah has been operating since 1959. I happen to know how old most people in this place are, and that is before about half the members in this place were born. That is how long Mandurah Taxis has been operating, so it is not a newcomer. It started in 1959. The current ownership took over in 2006 and it is now the largest taxi service operating in the Peel region. It is a 24-hour service and it is loved in Mandurah. As members probably remember, even if they do not take a particular interest in the Peel region—Mr President, you are one of the local members, as I am—when a taxidriver was murdered a few years ago, there was an enormous outpouring of grief in that community. The victim of that terrible attack used to drive multipurpose taxis and he really became part of the big family of the Mandurah community, as do a lot of taxidrivers.

Julie and Greg's business has been recognised with several awards. In 2009, Mandurah Taxis received the Count Us In WA Disability Services Commission award. In 2010, it was a finalist in the National Disability Awards. In 2015 and 2016, it was a finalist in the business category of the Alcoa Peel Chamber of Commerce and Industry Inc awards. In 2015, Julie was a finalist in the corporate and private category of the Telstra Business Women's Awards. In 2015, Mandurah Taxis was a finalist in the transport and tour operator category of the Perth Airport WA Tourism Awards, and in 2016 it was nominated for a disability support award for regional excellence. This is a rolled-gold service. This is the real deal. This is an operation that forms part of the very soul of the Mandurah community.

The first thing I want to talk about is this metropolitan boundary, the Main Roads department boundary. For a taxidriver travelling north from Mandurah, the boundary starts at Singleton. The boundary is there because of the government's mismanagement of the way the taxi industry is changing. I seem to remember that Hon Ken Travers' report recommended the boundary be dissolved. For various reasons, that did not happen. As a result of recent changes, we now have a much worse outcome than could have ever been predicted 12 or 13 years ago; that is, that boundary now operates as a one-way boundary. It cannot be permeated driving north but it is porous driving south. Let me explain what that means. A taxidriver in Mandurah working for, say, Mandurah Taxis cannot take a job in Rockingham. A Mandurah taxidriver cannot drive to Rockingham to pick people up because of that boundary. They are not allowed to operate north of that Singleton boundary, but a service like Uber or Shofer operating in the metropolitan area can travel south; that is, they can cross that boundary with impunity. What is happening? How would members feel if they were operating a small business in Mandurah and the government allowed this to happen and made no moves to address that fundamental inequity of markets? Honestly, if this was happening on a bigger scale, at a state level, it would be contrary to the Constitution of Australia to have those kinds of trade barriers in place. It would immediately be brought to the attention of the High Court and it would be overturned in the blink of an eye—yet this government is happy to see that happening to taxidrivers in the Peel region. It is absolutely iniquitous.

Apparently the previous Minister for Transport was told—we cannot work out who gave the minister this advice, although we can make a pretty good guess—that regional operators are not impacted by the reforms in stage 1, and presumably stage 2 as well. He was told that none of the measures considered in this bill will impact regional

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operators. That is absolutely and completely wrong. The asset owned by people like Julie and Greg has now been valued by the ANZ Bank at zero. Their asset has diminished to the extent that it is officially classified as zero.

**Hon Alanna Clohesy:** From \$300 000.

**Hon SALLY TALBOT:** It has diminished from \$300 000.

Julie and Greg told us that the ANZ Bank made it very clear that they have an unsecured debt and they are being closely managed, yet the minister has been informed that regional operators would not be impacted by the reforms. The first stage of reforms, which started on 4 July 2016, as Hon Kate Doust noted, are anti-competitive in the purest sense. Surely, even a person who subscribes to that kind of economic philosophy that a lot of people on the other side of the chamber think is dangerously pure will be offended by the effects of their actions. A member of the Liberal–National government will be offended by the effect of the actions of the conservative government in directly impacting on the capacity of individual players to play competitively in this market.

The impact on Mandurah is that new entrants to the market, including Uber, Shofer and individual operators, are being granted access to the Peel region and the Mandurah market, and all around Mandurah—as I said, anything south of the Singleton line—while Mandurah Taxis has to continue to operate in the area. The current act prevents them from operating outside the area. What is the effect? Obviously there is still plenty of work in the Mandurah area—work that the providers Uber, Shofer et cetera do not want to take up. It is the work with people with wheelchairs; all sorts of people who do not fit that easy model. The younger cohort of people have embraced Uber but there are plenty of people outside that cohort who need taxis to wait for them. There are people who want to be able to call a driver, as we do in Denmark, and say, “Where are you now because I’m here and I want to go there?” The local driver will take the booking and if she cannot do it, she will find somebody else who can. None of that fits into the on-demand market arena. That is what Mandurah Taxis is left to pick up. It cannot make a viable go out of that. It is crazy to take the cream off that market. It is the worst sort of corruption of an economic market that one can imagine—skimming the cream off and leaving the small business operators with the stuff that is less profitable. I do not know why members from the government benches are not jumping up and down and trying to get some of this fixed.

We have a double standard. Very few Department of Transport compliance officers operate in Mandurah. Mandurah and the Peel region have always had issues, even before such things as Uber and Shofer, with illegal operators and operators who are not registered. It has always had issues because compliance officers were not on hand to do what they are paid to do—that is, enforce the regulations and insist that people who do not have the appropriate accreditation do not operate as taxidriviers. The Department of Transport has been cherrypicking the issues it deals with. The Department of Transport chooses the issues it will act on as though Mandurah was part of the metropolitan area—for instance, complaints management, data collection and vehicle standards—but if that line is crossed in Mandurah or outside the metropolitan area, all of a sudden the department is not interested in the issues. Under that heading are things like fare evasions, driver assaults and vehicle damage. Listen to those two lists that I have just given members. The department is very quick to crack down on taxidriviers if it is things to do with complaints management, data collection and vehicle standards, but if the problems directly impact on the wellbeing and livelihood of the taxidriviers, such as fare evasions, driver assaults and vehicle damage, it will say, “Sorry, you’re too far away; we’ll just treat you as though you are operating outside those enforcement and compliance mechanisms.” It is just not good enough. It undermines not only principles of fairness, which my side of politics will always stand up for and fight for, but also the Liberal–National government’s conservative credentials about wanting to ensure a level playing field for the market. One does not win either way. It is a tragedy that the victims are the people who are trying to operate these businesses and the people who want a reliable taxi service.

Julie and Greg have put in their submissions, both to the opposition and to people in the government who they are trying to get to listen to them, that they regard themselves as having two sets of very important customers. This is a lovely way to put it and really warms my heart towards their cause—if nothing else had, this would have done it for me. Julie and Greg see themselves as serving two very important customer bases. The first is the taxidriviers who lease vehicles from them. These drivers are part of the community of Mandurah whom Julie and Greg are looking after. The second cohort, of course, is the passengers, the people who use the taxi service who are, to use Julie and Greg’s words, “the people we need to look after.” Julie and Greg want to carefully manage both those groups, but they are not being allowed to because of the way in which the government has bungled this process of change.

This is a very sad situation. My heart goes out to people like Julie and Greg, and to the other owners of taxi companies and owner operators in places such as Bunbury, Albany and Denmark, where people have been running good businesses for a number of years. They have worked cooperatively with government. They have made changes and are responsive to the demands of drivers and the community and now, all of a sudden, this government has dropped the ball and hung them out to dry. I really hope that Julie and Greg and others in the

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south west do not have to wait till 12 March for a solution. The one assurance I can give them, because I am not sure that this government is capable of taking up this challenge, is that on 12 March it will be fixed.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [3.11 pm]: We find ourselves in an extraordinary situation. Opposition members have puzzled over the reasons that this government so badly botched the handling of this issue. Of course, all has been revealed in the last week or so. I ask members to cast their minds back to 2014, when Uber appeared on the scene in Western Australia brazenly announcing it intended to breach the laws and operate outside the legal regulatory framework that applied in Western Australia. In December 2015, the government announced its intention to deregulate the taxi industry. On 19 May 2016, the government announced that deregulation would commence on 4 July, and that it had the beginnings of a package of assistance for the taxi industry. I use the words “beginnings” advisedly because the package before us in the bill today is by no means acceptable to anybody as the total answer. The government announced that in order to give effect to the deregulation that started on 4 July, it needed to have its legislative framework in place by 30 June. Despite the fact that the Taxi Amendment Bill 2016 had been introduced in the other place in May, it was not brought on for debate until 8 September. The opposition could not understand why the government let five sitting weeks go by between introducing the legislation and bringing on debate.

**Hon Peter Collier:** We only got it last week.

**Hon SUE ELLERY:** It was introduced into the Parliament on 19 May.

**Hon Peter Collier:** Their standards aren't as high as ours.

**Hon SUE ELLERY:** The Leader of the House should let me finish. I suspect that it is not about the standards in the lower house, but about the state of the government. Irrespective of which side government members took in the leadership battle, there has clearly been a complete breakdown in communication and in the relationship between the Premier and the Minister for Transport.

**Hon Jim Chown:** You wouldn't call it a leadership battle; that is really an extension of the truth.

**Hon SUE ELLERY:** It has been called all sorts of things, Hon Jim Chown.

**Hon Jim Chown:** Only on your side!

**Hon SUE ELLERY:** I am happy for government members to keep talking about it—please feel free to interject.  
[Quorum formed.]

**Hon SUE ELLERY:** I was making the point that the opposition could not figure out why the government took five sitting weeks between the bill coming before the lower house and the commencement of debate. That has been revealed quite clearly in the last week or so. I was making the point that whichever side government members took in the battle that has been conducted before our very eyes, it was clear that the relationship between the then Minister for Transport, Dean Nalder, and the Premier had completely broken down. Communication between the two had completely broken down. This has been described in various ways. We have had some direct statements made by the various protagonists describing the reasons for that breakdown. Some government members have given direct messages to the media and others have used social media. It got to the point on Sunday that I had to put my phone in another room because I was obsessively reading what was on it. I did not think that was good for my equilibrium, so I put my phone in another room, but that lasted about 15 minutes before I had to get it again. We had extraordinary scenes in which the former Minister for Transport described the Premier's erratic and illogical decision-making, and one member of this place described her colleagues as cockroaches and rats. We had another member of this place—presumably deemed to be one of the cockroaches and rats, but I do not know—describe a degree of arrogance and bullying.

*Point of Order*

**Hon PETER COLLIER:** This point of order has been brought up earlier in the debate—that is, the relevance of these personal slurs to the actual —

**Hon SUE ELLERY:** I did not make them!

**The DEPUTY PRESIDENT:** Order, members! There is a point of order before the house.

**Hon PETER COLLIER:** In particular, I refer to the relevance of the member's comments to the bill. What people on this side of the chamber say about one another has no relevance to the Taxi Amendment Bill.

**The DEPUTY PRESIDENT:** The Leader of the House has a point on relevance, and I ask members to understand and respect the rule on relevance.

*Debate Resumed*

**Hon SUE ELLERY:** The point I am making is that one reason the opposition says that this bill is inadequate is the complete breakdown in the relationship between the Minister for Transport and the Premier, and that it is concerned about the length of time it has taken to resolve what is literally a bread-and-butter matter for the people whose incomes are being so poorly affected. We have read stories in the media about people who cannot make their house payments because the assistance package, which this legislation only begins to touch on—this is not the complete package—cannot come into effect until the bill is passed. It is entirely legitimate to ask why the government took five sitting weeks before the bill was debated in the lower house. The bill was read in to the other place on 19 May, but the government did not prioritise the legislation until 8 September. When I looked behind why that happened, I assumed it was the normal explanation I would reach in these matters; that is, after eight years this government still cannot manage its legislative agenda, but now it has clearly been demonstrated that something else was going on behind it. It is a reflection of the complete breakdown of communication between the minister and the Premier, which saw members of the government making extraordinary descriptions of each other over the last three or four days in particular.

At the very least, as I said, whichever of the protagonists we believe, the former Minister for Transport believed that he could not get serious one-on-one discussions with the Premier about important areas in his portfolio. The Taxi Amendment Bill that is before us today is a very important area in his portfolio because it is a baby step towards addressing a problem that has been in our community since 2014 when Uber effectively arrived and said that it was going to act outside the law and the government had no idea how to respond. It is now apparent, I think, that the mum-and-dad owners of taxi plates who make up a significant part of the taxi industry are not just the victims of the introduction of Uber; they are victims of the dysfunctionality of this government. They are victims of the breakdown of communication between the Minister for Transport and the Premier. They are victims of the erratic and illogical decision-making, described by the former Minister for Transport, of those who make decisions about whether legislation is made a priority in Parliament. They are victims of this and are not just victims of the introduction of Uber, which has happened all over the world. They are victims of a dysfunctional government that has been frozen and unable to act because it has been so consumed by its own internal feuding about who should or should not be the leader, who should or should not be able to speak to whom, who should or should not get a meeting and who should or should not be able to make decisions about when legislation is brought forward. It is an extraordinary thing. This is nothing to be proud of because the mums and dads who drive taxis and own taxi licences have literally not been able to make house mortgage payments because this assistance package has been very long in coming together.

We began with the announcement of an assistance package in May that would facilitate the transition to a deregulated industry from 4 July. In order to give effect to that, this bill had to be dealt with by both houses by 30 June, yet debate on it did not start until 8 September. What hope do taxidriviers have about the end of this exercise? This is only the first part of the legislation that we will deal with to address taxi issues. How can the government ask taxidriviers to have faith that it will deliver deregulation in an orderly and methodical fashion when, to date, it has been a complete debacle and a policy nightmare? Whatever side members opposite were on today, they have nothing to be proud of in how they let the relationship between the two key policy decision-makers, the Premier and the Minister for Transport, disintegrate to the level that it did.

The compensation package set out in the legislation is by no means an end to the solution. The package contains \$20 000 for each taxi plate, and removes the ownership cap of five taxi plates, as part of a two-year \$20 million adjustment assistance fund, and there is \$6 million for a hardship fund. Out of that, \$75 000 can be added to the \$20 000 for those who rely on taxi plates as their sole source of income. In addition, \$1.5 million will be set aside for financial advice. The whole package is now before Parliament. However, we know that commitments were made by the former Minister for Transport in the other place, commitments that I will refer to in a minute. I assume that the policy decision to bring in a second tranche of legislation in November is still in place and endorsed by the government and that it has not backed away from it. I will be interested to hear the parliamentary secretary explain exactly the status of steps towards that second tranche of legislation in November, because we have a limited time frame of sitting hours. I will be interested to learn when the parliamentary secretary thinks that the second tranche of legislation will come before the Legislative Council, because we have to provide these people with real certainty—far more certainty than they have at the moment. We have heard some media stories about people who are desperately struggling to make their household mortgage payments. This tranche before us now is only a temporary measure; it will help them make their immediate mortgage payment and it will help some clear the backlog of mortgage payments, but it is no total solution going forward. I look forward to the parliamentary secretary setting out exactly what the program is to get legislation into and out of both houses in November.

I will refer to a couple of other matters. I want to talk about the introduction of Uber. I have never used Uber. It has been interesting to hear how some have described Uber's introduction into our community as deregulation by stealth, but I think if we look at its impact, we see that it has been more like deregulation by hand grenade.

**Extract from *Hansard***

[COUNCIL — Tuesday, 20 September 2016]

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Hon Kate Doust; Hon Simon O'Brien; President; Hon Dr Sally Talbot; Hon Sue Ellery; Hon Peter Collier;  
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The term “stealth” suggests some kind of slow, creeping and secretive progress, but that is not what happened. Uber’s absolutely devastating impact on the rest of the industry happened overnight. Uber is an extraordinary company that takes great pride in blatantly operating outside the law.

The structure of the industry itself is not one that can be dealt with easily. There are plate owners, leaseholders, taxidriviers, taxidriver management companies and dispatch companies. The most common characteristic of the industry is mum-and-dad investors, many of whom use taxi plates as a form of superannuation and as a way of moving out of one particular part of their workforce to take a slight step down in the intensity of their workload.

[Quorum formed.]

**Hon SUE ELLERY:** I was talking about the structure of the taxi industry and how it is very much a mum-and-dad, small business industry. Therefore, when there is a seismic shift in the structure of the industry, such as there was with the introduction of Uber, it is really important that the government uses all its levers to manage the reaction to that and support the industry in an orderly, methodical and careful way, which is the complete opposite of what we have seen from this government in managing this transition. In the two years since Uber appeared, there has been increasing uncertainty, increasing lawlessness with other ridesharing organisations entering the industry, a government that has been frozen and unable to figure out how to respond and a government that still has not, by the measure of its own members—I will talk about them in a minute—dealt with this issue properly. Sections of the industry have been pitted against other sections of the industry. Although it is fair to describe the reaction, particularly of young people, to Uber as embracing, it is important to note that the market was sending a message; people were sending a message about what they saw as gaps, perhaps, in the service offered by standard taxi companies. Uber filled that gap and, as a consequence, people have embraced it. The interesting thing that I have observed as an occasional taxi user is that I can now book a Swan Taxis taxi using an app on my phone, which I could not do before, and it can send me a message when the taxi is just 400 metres from my house, which did not happen before. That is a good thing. I give a tick to the way that Swan Taxis, in particular, has responded to the changes in the industry. But I cannot give a tick to how the government has responded to changing the regulatory framework and I cannot give a tick to the way that Uber treats its drivers. I know we would not tolerate that kind of lawlessness with the wages and conditions of anyone else. If that is the way we are going to proceed, we are in for a seismic shake-up not just in the transport industry, but more generally.

The interesting thing I note is that the other area in which there has been an Uber-equivalent movement into an industry is around Airbnb. I have used Airbnb and I continue to use it. I have not used Airbnb to book private accommodation, but I have used it to get a competitive price for the equivalent of a hotel room in a resort. My observation is that when I first started using Airbnb two years ago to do that, the prices were competitive. I could book a hotel room at a resort in Broome for 10 days for something like \$2 000 less than I would have paid if I had gone through that resort’s online booking page. Two years later, the prices are exactly the same to use Airbnb to make the same accommodation booking. It levelled out the market, if you like, and there is no financial advantage that I can see. There might still be an advantage in booking accommodation in private homes, but that is not something that I want to do. As a result of Airbnb’s incursion into the tourism industry, resorts have matched its prices. The service is exactly the same and now the price is exactly the same. However, it has not had that kind of devastating impact on the workers that I have been able to observe. The hotel rooms are cleaned by the same people earning the same amount of money, because I checked at the hotel I stayed at the first time I did it. But we cannot say that for the drivers who are employed by Uber, Shofer and the others.

I want to refer to the point that has been made by members of the government in the other place about how this is still not a satisfactory package. I will quote from the uncorrected *Hansard* of 8 September. I note the comments of the member for South Perth, John McGrath, who said —

We also want an outcome. We know that \$20 000 is not a lot to help most plate owners, but we have to find the best way through this. If this legislation is not passed today, at least give \$20 000 per set of plates now—straightaway. It is the minister’s job to sort out where we are going in the future. I am calling on the Minister for Transport and my government to come up with a better deal for taxidriviers and taxi plate owners.

Mr Krsticevic, the member for Carine, said —

When I saw we were offering a \$20 000 adjustment package and a hardship fund of up to \$75 000, I did not think that was anywhere near enough. To be honest, like the member for South Perth, if that was the only thing the government was putting on the table today, I would not be supporting the bill. However, I am conscious of the financial position of many people in the taxi industry and I am conscious that that \$20 000 plus—potentially \$75 000—is at least a starting point. But it is nowhere near enough.

He went on to say —

I have said to people that I would like them to have access to it —

That is the \$20 000 plus and up to \$75 000 —

as soon as possible ... I think plate owners need this money now; they need to get it as soon as possible. I think also that it is not enough. We need this levy. We need to put more money in the coffers and make sure we make that adjustment to whatever it is.

In response, the then Minister for Transport, the member for Alfred Cove, Dean Nalder, said —

A few members have acknowledged that the government has been looking to do a lot of other things to try to make this process easier, more equitable and fairer for everybody.

He also said —

Under our laws, there is a maximum of five licences, and we wanted to make sure that operators could get the \$20 000 for all five.

I have not highlighted in my notes his exact quote, and I will stand corrected if I incorrectly paraphrase him, but he gave a commitment that he was continuing to work with the taxi industry and with members of the government to try to come up with an extension of the package and that that package would come back to Parliament in November.

As I have said, I am keen to hear from Hon Jim Chown exactly where we are at on that point. We do not want to hold up the legislation unnecessarily. We want it to pass as quickly as possible. I have been told behind the Chair that the government has an amendment similar to an amendment that has been put on the supplementary notice paper by the opposition. I am interested to hear what that is and I hope that we can see it today so that this bill can pass quickly. I would not like the fact that there has already been inordinate and, frankly, inexplicable delay in the government getting this legislation through the house to result in a further hold-up for those people who are literally struggling to make their mortgage payments getting even the \$20 000.

I conclude my remarks by saying that the government has handled this in a sloppy and deplorable fashion from the beginning. Instead of providing certainty and allaying the fears and, literally, the financial difficulties that taxi plate owners have found themselves in, the government has done the opposite. I could not find an explanation for that. I now think I know the explanation. It was the complete breakdown in the relationship between the Minister for Transport and the Premier. It was a kind of decision-making paralysis as a result of people focusing on whether they thought their seat was going to be saved, whether the eastern suburbs seats had been abandoned and whether someone was a rat or a cockroach, or whatever else people have been described as being by members of the government.

**Hon Robyn McSweeney** interjected.

**Hon SUE ELLERY:** That is not my language; that is language from the government's own side.

**Hon Liz Behjat:** Who said that?

**Hon SUE ELLERY:** Hon Liz Behjat on her Twitter page referred to a spring cleaning.

**Hon Liz Behjat:** "A very bright light was shone into every corner and at the end of meeting nothing undesirable in the room. Time to move on and win election!"

**Hon SUE ELLERY:** I encourage the member to keep tweeting. I think she is doing a great job.

**Hon Alyssa Hayden:** How about we talk about the bill?

**Hon SUE ELLERY:** I understand that Hon Alyssa Hayden has an even brighter future as a result of today's proceedings and I look forward to seeing how she goes in that.

I have been making the point that we could not understand why five sitting weeks elapsed between the bill being introduced into the house and the government prioritising the debate to begin. I think the events of the last week or so have demonstrated exactly why that happened. It is because government members were too caught up in their own internal feuding.

**HON ALANNA CLOHESY (East Metropolitan)** [3.38 pm]: It is very important for me to speak on the Taxi Amendment Bill 2016 today. Even though the bill, like many other bills that come before this place, is relatively small, it will have a major impact. It is only small in terms of the number of pages, but it will have such a dreadful impact on people I know, people I care about, people more widespread in the industry whom I also care about and some people who are close to me that I feel very strongly about it.

**Extract from Hansard**

[COUNCIL — Tuesday, 20 September 2016]

p6181e-6199a

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Deputy President; Hon Alanna Clohesy; Hon Lynn MacLaren; Hon James Chown

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Other members have mentioned that the government has bungled the management of the taxi industry, particularly over the last two years, with the introduction of ridesharing apps and services. However, of course, we know that it goes back much further than that to way before the introduction of the amendments to the Taxi Act. Members may remember the gruelling time we had looking at those amendments. They were really extensive amendments and a lot of them were very welcomed. However, those amendments to the Taxi Act took a long time in coming and not once—never, ever—did they mention ridesharing applications or services, and it was two years ago. In itself, that explains this government's level of incompetence in being able to manage the taxi industry well and its lack of foresight and plans to ensure the long-term success of the industry and its members, particularly those groups of people who are often referred to as mum-and-dad investors in taxi plates. It demonstrates the way in which this government has treated them with utter disdain and continues to do so with the Taxi Amendment Bill 2016. As I said, this bill is small but it packs a big punch in its negative effects on people. Let us have a look at some of those impacts. Although the bill is small, it tries to provide what is known as adjustment assistance grants under new part 3A. These are grants for people who are affected by changes to the industry, as outlined in the regulations. I will get to the regulations in a minute. It seeks to provide an adjustment assistance grant of \$20 000 for unrestricted taxi plates and \$6 000 for restricted taxi plates.

This bill is in response to the so-called deregulation of the taxi industry. As we find in the explanatory memorandum and the second reading speech, the so-called deregulation of the taxi industry occurred through changes to the Taxi Regulations 1995. I am interested to know whether this chamber had the opportunity to look at those changes to the taxi regulations that brought about the deregulation of the industry because I fear that it did not. The taxi amendment regulations that were tabled today by the parliamentary secretary to the no-Minister for Transport seek to address two parts of the Taxi Regulations that are about camera surveillance. If we thought that the so-called deregulation of the taxi industry, or the on-demand transport service, was ever going to be fair, the regulations that were tabled today point very clearly to the fact that none of it is fair, including the regulations tabled today. Who will come off second best? It will be taxi plate owners, taxidriviers and people who use taxis regularly. I put people who use taxis regularly into two groups. Firstly, there are people who do not have a big income but are forced to use taxis because there is no public transport available. They will use taxis for multiple small trips from their house to the shops, from their house to the bank, from their house to the chemist and from their house to the general practitioner. Secondly, people with disabilities are forced to use multipurpose taxis because of the lack of accessible public transport. I will get to the way in which this group is particularly disadvantaged very soon but, first of all, I want to talk about the taxi industry.

The taxi industry has been let down extraordinarily by this government's mismanagement. As I mentioned, the changes to the taxi legislation not only took a painful length of time to get through, but also, although some of them were important, they did not reflect any of the changes that were forthcoming around ridesharing applications. The government has mismanaged the CBD taxi rank strategy. The government has mismanaged the Taxi Industry Board. The government has mismanaged the area of taxi complaints. The government has mismanaged a whole range of other regulatory environments that taxis are forced to come under and yet, for all this time, the taxi industry—the taxi drivers, plate owners and dispatch companies—has acted in good faith. People from the industry have come to the government time and again to say, "We would like to improve the industry this way" or "We would like to improve the industry that way", but the government has let them down entirely by mismanaging the whole process from Barnett through to Minister Buswell through to Minister Nalder through to there being no minister. All this time, the industry has tried its best to get the minister to provide it with information about the best way to manage and regulate the industry, to no avail.

In addition, the taxi industry has tried to participate in good faith in the current so-called reforms to the taxi industry—the green paper's so-called reforms to the taxi industry—and have its say by responding to the green paper. As far as we can see, none of the high volume of responses that were received is reflected in the bill or the regulations that brought about the first stage of deregulation to the industry. None of what people from the taxi industry called for is in either the regulation changes or the bill. The government let them down entirely and gave them false hope that change could possibly occur for the better in their industry through a so-called consultation or green paper process. It led them down that track and left them there. The industry had the good faith to respond and the government ignored it. This is another indication of the Barnett government's mismanagement of the taxi industry. The government ignored those people.

I have another point about why we are in what seems to me to be a crisis for the taxi industry in particular: at the same time as the government tried to manage a way through its bumbles, it let the taxi industry wither on the vine. This all occurred within the context of an economic downturn. We know that within the context of an economic downturn, a lot of service industries suffer. The hospitality industry suffered and, indeed, the taxi industry suffered hugely as a result of the economic downturn. The economic downturn was not the industry's fault. The blame for that, in part, can be laid at the door of the government that did not respond and was not flexible enough to diversify the economy to ensure that we were not hit as hard economically as we are now

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experiencing. The economic downturn has come around and the government has let the taxi industry wither on the vine. Again because of incompetence and a failure to act, we now have a two-tiered system. Other members have talked about that, so I will not go into it in detail, but it certainly means another whack on the taxi industry. Those who have been hit hardest, of course, are families who may be one-plate owners or small business operators. Let us face it: the taxi industry is not a high-earning industry in the first place and those people have scraped together their hard-earned money to be part of the industry, to buy a taxi plate, which I remind members only two years ago or thereabouts was valued at \$300 000. That taxi plate is now valued at \$5 or less. We heard Hon Sally Talbot talk about the impact of that on a taxi management company in Mandurah. We have an adjustment assistance package of \$20 000 for plates that only two years ago were valued at \$300 000.

I do not deny that the adjustment assistance package is important, but I question why the government is burying its head in the sand about the real impact of its mismanaged deregulation on families and individuals in the community. Let us take for example, Bill. Bill is not his real name. He is a taxidriver who I know very well. He is 65 years old and he has wanted to retire for a couple of years now, but he cannot because his retirement nest egg, his taxi plate, which cost him around \$300 000, now has no value. He is not the only person in this situation, but he is a good example of the real-life impact of the government's mismanagement of the taxi industry. He is ready to retire. He has been a working man all his life. Physically, he is ready to retire; physically, he needs to retire. He cannot retire because, in two years, his retirement nest egg has been devalued by \$300 000. He is a single man. He has no other form of support. He may now be eligible for the age pension. This is not the life he had planned for himself. We know how difficult it is to live on the age pension in Western Australia, particularly because of the increases in user charges and fees brought about by this government's mismanagement of both utilities and public transport. That is the life he now faces because he has lost \$300 000 in two years.

I want to point out the impact of deregulation and the lack of information that people have about their rights and their responsibilities. As I mentioned, deregulation occurred sort of by stealth through the amendments to the Taxi Regulations. I will take that up further with the parliamentary secretary to the no-Minister for Transport to see exactly what they are. People in the industry are saying to us, to me, that they have no clear understanding of what that means; those changes to the regulations have not been communicated by this government or by the no-Minister for Transport. In fact, they do not know who they should contact or which minister they should contact about that. I think that has happened continuously over the last eight years.

The next point I want to make about deregulation is that the government claimed it wanted to create a level playing field for taxis, chauffeur vehicles and other on-demand transport such as ridesharing services. Of course, all that the government has achieved from its policy incompetence is a much greater unfair sector than we started with. For example, there is not a level playing field when taxis have to pay \$3 to depart the airport but other on-demand transport does not. People might say, "It's only \$3; does it matter? It is still a level playing field." Of course it matters. It matters if a driver makes a number of trips from the airport a day. It particularly matters when a driver's income has dropped dramatically through the mismanagement of this government because of the introduction of ridesharing services that had a free run for a significant time. That is not a level playing field. Secondly, taxidrivers are still required to have their vehicles inspected and to pay for that inspection. That is not required of other vehicles in the on-demand range of services. Again, it is not a level playing field.

Taxidrivers are required to have uniforms. That requirement is contained in the regulations of the Taxi Act, which we debated at length not less than two years ago. That is not required of other drivers in the on-demand transport sector. Taxidrivers are required to undergo training in their roles, particularly those who drive multipurpose taxis. That is not required for other services in the on-demand transport sector.

Regulation 13B of the Taxi Regulations 1995 refers to the requirement for cameras to be installed in taxis. Cameras are not required to be installed in other vehicles in the on-demand transport sector, but they are required to be installed in taxis. Let me just say that I think cameras are an important safety feature—I am not bagging cameras—but cameras have to be installed in taxis but not in other on-demand vehicles. The regulations that were tabled today will delete the regulations that provide for a camera surveillance unit subject to subregulation (2)—that is, a camera surveillance unit that was first installed on or after 1 July—to have been installed in any other vehicle within five years before a relevant time and, under subregulation (2)(b), to make sure that it was installed in the same position in the vehicle as was approved. I refer to that so members know that is going to happen. Again, the impact of that on taxidrivers, taxi plate owners and management companies will be big.

Let us talk about the level playing field a bit more. Taxidrivers are required to comply with the formal complaints process of the Department of Transport. That is not the same for ridesharing services and other services in the on-demand transport sector. Therefore, it is not a level playing field for taxis and taxi service operators—those people who made significant investments over the years. It is not a level playing field for those who chose to invest in multipurpose taxis—those taxis that are specially modified to ensure access for people who use wheelchairs. It is not a level playing field for them. This is another example of the government's

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mismanagement of this whole industry over time. This government promised \$500 000 a year in vehicle modifications for multipurpose taxis. It has significantly underspent on that budget line item every year since the introduction of the \$500 000 promise. In 2012 the government promised that 150 multipurpose taxis would be on the road. Currently, around 99 to 100 multipurpose taxis are on the road. Those multipurpose taxis are subject to the same deregulation as taxis that are sedans. This government promised a fleet of new London cabs would hit the road and that a trial would be undertaken to test how accessible they were. This government trumpeted that those cabs would assist in improving the accessible taxi component of the market, but, uh-oh, those taxis are not wheelchair accessible. Only people who can transfer from their wheelchair to a seat can use them. Those London cabs are also part of the new deregulated world order for on-demand transport. They have to compete against vehicles that do not have any of those requirements on a not-so-level playing field.

I have a few concerns about the taxi amendment regulations and the detail of the Taxi Amendment Bill 2016. In the Committee of the Whole, I look forward to getting some clarification from the parliamentary secretary to the no-Minister for Transport on a number of factors about how the assistance grants will be implemented.

**HON LYNN MacLAREN (South Metropolitan)** [4.03 pm]: I rise to speak to the Taxi Amendment Bill 2016 on behalf of the Greens. I agree with opposition speakers that these reforms are long overdue and that the government has missed an opportunity to lay the foundation for on-demand and ridesharing transport. The honourable member who spoke just before I did laid out quite specifically that only two or three years ago we consolidated the taxi acts. That was the opportunity that we had to tackle modernisation of the taxi industry. This delay has caused hardship, as has been described by the members who spoke before I did.

I understand that these reforms take time and require comprehensive consultation. People would have to have been sitting under a rock to not know that the taxi industry in the city is upset with this government. On several occasions people in that industry have come to Parliament in numbers and rallied to demonstrate their concern about the distress they are facing through the changing times in their industry. For some reason, the important work of modernisation has been put off and now, in the very last weeks of the Parliamentary sitting of this term of government, we have only stage 1 of a two-stage process that we now know will not continue until next year, potentially when a new government has taken office. Is it really so hard?

I think it is fair that members thus far have criticised ministers for transport. They certainly could have done better for the taxi industry. As a Green in this place, I do not really understand what the reticence has been to tackle this reform. I hope it has not been due to a perceived idea that the taxi industry is a supporter of one side of politics. I would hope that is not the case. When this bill first came up, it reminded me of when, as a research officer for Hon Jim Scott, we were doing research on the taxi plate reform for peak-period taxis. At that time the Labor government was driving a very important and long-overdue reform and it did not do it very well. It did not do it very quickly and it had troubles with consultation. Even after it was done, adjustments affected peak-period taxi owners. That was some time ago; it goes back to 2003. One would think that through that process, the government would have developed strong consultation systems with the taxi industry. I recall that committees were set up at the time. When the stage 2 bill comes to us and we potentially have Hon Alannah MacTiernan in the chamber with us, I have no doubt that she will be able to relay how difficult it was for the government at that time—I believe she may have been a minister—to achieve that reform. Of course, that depends upon whether she is, indeed, in that position in six months' time when we see stage 2 of this reform.

I really want to express my appreciation for the briefing I received today from the officers. We are dealing with a small bill and it is not very complicated. I support the payment of compensation moneys to taxi plate owners. In Western Australia we do not have a lot of money to share around. The minister has got the taxi industry to agree to allow the funds from the —

**Hon Jim Chown:** It is TIDA.

**Hon LYNN MacLAREN:** Yes, the taxi industry development account, which is known by the acronym TIDA. The TIDA funds will be distributed to taxi owners to the extent of \$20 000 per plate or group of plates. The moneys in that development account are there for the purpose of developing the industry. There is now \$32 million in that fund. When people who are dependent on driving a taxi for their livelihood are struggling at a time of industry change, of course we want to free up those funds to help them. For that reason, I support this part of the Taxi Amendment Bill 2016. I think that this bill has been delayed, as other members have said. It is critical that people get help as soon as possible and, clearly, the funds are earmarked for them. If they agree that that fund is to be wrapped up and paid out to those drivers, it is a good thing and we should be doing it as quickly as possible. Of that, \$20 million is earmarked for this transition phase of the modernisation and adjustment of the industry. An amount of \$6 million has also been allocated over two years for hardship payments, and I understand \$1.5 million will be given to the Small Business Development Corporation to assist the taxi industry to develop innovative solutions to modernise the industry. I understand that if the taxi industry supports this—we know it has paid into

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that fund so it is appropriate for it to use it in this manner—the remainder will be given to projects that are currently funded by the department. That is it. There is no more money.

When stage 2 comes, who knows where the future government will find any additional funds to assuage the concerns of taxidrivens. The government will, basically, have to go to the election with some kind of promise that it will find money somewhere to make it better for these families who have been dependent on the taxi industry for their livelihood. That remains to be played out. We have six months to see that played out, and it is obvious to all who can see and hear that the events of today and the disruption in the transport ministry is playing not a small role in this whole problem. It is a shame we do not have the benefit of another former Minister for Transport Hon Simon O'Brien in here; I know he is away on urgent parliamentary business and we need to deal with a full notice paper, so I understand why he does not want to make any comments, but it would be good to benefit from his experience in that portfolio. I do not want to belabour the point. I want to say that we support moving along. We support stage 1. We would like to have seen stage 2. We support modernisation. I could give members an entire speech on ridesharing and the next stage, which is to deal with on-demand transport, which is where this state should be by now. The rest of Australia seems to have marched ahead on these reforms. It is telling that there have been problems in the ministry and we did not get here sooner.

The taxi reforms we would like to see include a new act for on-demand transport and ridesharing. We would like safety and accountability tracked. We passed that bill in 2013 for licensing. How are we going with that? Are we achieving our goals with safety and accountability? It would be good to have an update from the minister about how the taxi industry is going with that and whether any changes are necessary. Conditions for not only ridesharers but also taxidrivens need to be fair and reasonable. Other states have achieved these reforms already, so we should be able to learn from those other states and implement the reforms as soon as possible. Of course, we would like to see the taxi industry establish long-term viability. We saw the evidence that when Uber was introduced into Western Australia, the number of taxi rides increased. Overall, people had more interest in using taxis and Ubers. They did not draw away from the industry; it accelerated it. With other industry players coming on board, such as Shofer, GoCatch and IndiGo, and Hughes expanding its services, it is clear that the transport industry is thriving. We can see that that is a positive thing and that these reforms and modernisation should benefit everyone. Because the government has been so intricately involved in controlling taxi plates, it needs to make sure that it manages that transition well.

Finally, in these new reforms, we should never forget that people with disabilities need access to a reasonable subsidy so that when they take a ride, whether in a taxi or an Uber, they are reasonably compensated. We do not accommodate people with disabilities on public transport. We have a duty to accommodate them in these privately driven cars. In the next tranche of stage 2 reforms, we need to ensure that all those are bundled in so that we can achieve this and move on with other business. My heart goes out to all those people who have invested in plates for their superannuation and retirement funds. It is a time of uncertainty, but they are not alone. People who have invested in property, for example, for their superannuation are also facing uncertainty. I hope they will take some comfort in knowing they are not alone, but in this case, the government is prepared to assist them by providing them with some funds out of the \$32 million.

Amendments to the bill circulated by the opposition indicate that it wants to establish a taxi plate buyback scheme. That could be of some interest, but I would hesitate to do anything in a rush or without adequate consultation with the people who will be impacted. I am also very concerned about the suggestion that we increase the amount of money given to each taxidriver. The proposed increase is something like \$162 000 to each of those people. It would be great to have that money to give to them, but this bill does not state where that money would come from. If we had some certainty about where that additional funding could come from, we might look at supporting those amendments. In the meantime, we know that \$32 million can be shared among the affected taxi industry people. That is what this bill does, which is why it has our support.

**HON JIM CHOWN (Agricultural — Parliamentary Secretary)** [4.17 pm] — in reply: I thank Hon Kate Doust, Hon Sally Talbot, Hon Sue Ellery, Hon Alanna Clohesy and Hon Lynn MacLaren for their responses and their support of this bill. Those members have discussed a number of issues across the floor. I make it very clear that ever since the introduction of Uber, the reform of the taxi industry has been a priority of this government and the ministry.

**Hon Sue Ellery** interjected.

**Hon JIM CHOWN:** Regardless of what members opposite think, I have been involved in some of the discussions and ongoing briefings for a number of years. It is a two-stage transition because the government considers this to be an absolutely critical industry for the metropolitan area. It involves not only taxi operators and plate lessees, but also 10 million to 12 million people per annum who utilise the industry. The introduction of Uber in 2014—it was introduced in the United States in 2009, so it took quite a few years to get here—has

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changed the face of the industry. It is a regulated industry, yes, but it is now moving forward to what we call a level playing field. We will do our absolute best for that industry and part of that transition is the bill before the house today. There will be some assistance packages, as stated in the bill; I will get to those in a minute.

I refer to the time line, which members opposite seem to have some issues with. The time line to have the bill in this house was not dissimilar from that of any other state in this nation on this matter. I am sure members would be aware that on 24 July 2015 a green paper was put out to everybody who participates in the industry. Over 5 800 responses to that green paper were received by the ministry and the government.

**Hon Sue Ellery:** Will you take an interjection?

**Hon JIM CHOWN:** In a minute, if you do not mind.

Extensive consultation has taken place. Consultation was between the Department of Transport—the experts in the industry—and the industry itself. A number of meetings were engaged in throughout this process up until where this bill has landed today. I will now take the member's interjection.

**Hon Sue Ellery:** Can the parliamentary secretary explain to the house why the legislation was prioritised after the deregulation date of 4 July? Why was the legislation not put through the house before that deregulation date?

**Hon JIM CHOWN:** It is a good question. I will get back to the member on it.

**Hon Sue Ellery:** Thank you.

**Hon JIM CHOWN:** I am more than happy to.

People talk about declining value in plates. It is correct that there has been a decline in the value of plates. I cannot state whether plates were worth \$300 000 or around that value. The figures I have here are quite astounding. In 2012, 13 600 000 taxi trips took place in the metro area. That was at the actual peak of the mining boom. That was the peak of the Western Australian economy—probably in the last decade. In 2013, that number declined to 13 076 000 trips. That was a decline of 3.8 per cent. In 2014, there was a further decline to 12 616 000, and another decline of 3.5 per cent. Uber actually hit the market in 2015. As Hon Alanna Clohesy said quite clearly, the taxi industry was in some decline, along with every other service industry, due to the economic environment. In 2015, the number of taxi trips declined to 2 729 000, which was a 15 per cent decline. One can absolutely assume from those figures that some of that decline was due to the introduction of Uber using technology and applications to acquire inroads at the expense of the traditional taxi industry. There is no doubt about that at all. This government has taken all that on board and is putting this legislation forward in a very measured manner to do its absolute best. This industry and the traditional taxi industry will end up with a viable industry from which they can earn an income and service the requirements of the metropolitan area going forward.

There was some discussion about a lack of enforcement of the current act and prosecutions. I will take a bit of time on that matter because I believe it is a relevant point for discussion. A writ of mandamus was made against the Minister for Transport by some industry members for taking inappropriate action, including prosecution action, against Uber. That was in the Supreme Court on 3 May 2016. On 23 May 2016, the unsuccessful applicants initiated an appeal against the decision in the Court of Appeal and have yet to progress it any further. The department has commenced 46 prosecutions against uberX drivers for alleged offences under the Taxi Act 1994. These prosecutions relate to either operating a vehicle without taxi plates or failing to comply with a lawful requirement of an authorised officer. To date, only one of these has progressed to trial. Finding that the driver was guilty of the offence, the court imposed a fine and substantial costs, and made a spent conviction order. The driver has since appealed the conviction and the Magistrates Court has deferred the trials of the prosecutions against other drivers pending the outcome of the appeal. In other words, if the appeal is upheld, there will be no real reason to carry out further prosecutions against the others. If the appeal fails, the department will ensure they go to court and are processed as such.

Recent amendments to the Transport Co-ordination Regulations gazetted on 5 August 2016 allow for infringement notices with modified penalties to be issued to unlicensed omnibus operators or those who do not comply with their conditions. This allows compliance officers to issue infringements rather than prosecute people in court. The infringement penalty for each offence relating to a public vehicle being operated without the appropriate licence authority is \$500 for an individual or \$1 000 for a body corporate. The penalty is \$200 for not complying with licence terms or conditions. After reading that, I can see I made a mistake about prosecutions. Please refer to my final statements on that matter.

**Hon Sue Ellery:** Are you going to be the minister?

**Hon JIM CHOWN:** I do not know.

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**Hon Sue Ellery:** That is disappointing.

**Hon JIM CHOWN:** I have seen the tweets from Ken. I have had the hand of death put over me already!

**Hon Sally Talbot:** Is Ken your campaign manager?

**Hon Sue Ellery:** Treat this like a job interview!

**Hon JIM CHOWN:** No.

**Hon Sue Ellery:** It's not going great but you could lift your game!

**Hon JIM CHOWN:** As the Leader of the Opposition should well know, being a parliamentary secretary is a bit like swimming with one hand tied behind your back.

**Hon Sue Ellery:** It is very hard, I know.

**Hon JIM CHOWN:** But we will do our best.

**Hon Sue Ellery:** Imagine being a minister! You would be great, though.

**Hon JIM CHOWN:** There was some discussion about the innovation assistance package of \$1.5 million. It is available over two years to the Small Business Development Corporation to provide advice and guidance to taxi plate owners and lease plate holders.

**Hon Kate Doust:** Is it just additional money to pay for staff at SBDC to provide that service or is it money that will be directly given to taxi plate holders?

**Hon JIM CHOWN:** I would assume at this stage it is to give them advice about the changes in their industry and if they need assistance in running an industry. As the member said, because it is a service industry, in the future these people will have to operate their taxis as a service industry in the full sense of the word.

**Hon Kate Doust:** Why does the SBDC not offer that service and advice now?

**Hon JIM CHOWN:** It probably does, but the extra money will enable it to provide further assistance to the industry as required, as this transition takes place.

In regard to whether the application forms are in English or other languages, if they cannot understand English—even though there is a requirement to speak English to have a taxi operator's licence—they can get interpretation assistance.

The hardship fund is designed for Perth metropolitan plate owners who rely on taxi plates as their sole source of income and have suffered financial hardship arising from an inability to derive income and an inability to meet loan repayments for plates as a result of the reforms. Potential payments will be assessed against eligibility criteria and calculated against social security safeguards. These payments will be limited to unique plate holders. An individual who owns multiple taxi plates will only be entitled to payments for one plate. Six million dollars will be available for this fund over two years. Applications for this fund opened on 13 September 2016.

There was some discussion about Julie Murray from Mandurah Taxis. Julie has had a number of meetings with the Department of Transport, and certainly with the ministry, on the issues that concerned her. As a regional-based taxi operator, she is probably the only one in regional Western Australia who has been impacted by Uber. There were discussions about problems operating in Mandurah from a competition perspective. Stage 2 will certainly look at changing the boundary to embrace some of her issues. My understanding is that the valuation matter related to the ANZ Bank is hearsay. I am fairly sure that Ms Murray has not presented any papers to that effect either to DOT or to the ministry. This bill applies to metropolitan taxis only. Mandurah Taxis is a regional taxi operator. Discussions are underway on stage 2 of the legislation to expand the boundary past the Mandurah area. In my opinion, that should occur because Mandurah is part of the greater metropolitan area. When that happens, it will be part of stage 2 of the legislative package and the Mandurah area will be embraced by the provisions in this bill.

Debate interrupted, pursuant to standing orders.

[Continued on page 6210.]