

# Australian Taxi Drivers Association

TAXIS  
Mobile

**The only taxi driver's association that works...**

**Response to Questions on Notice  
Select Committee on the NSW Taxi Industry**

**Wednesday, February 24, 2010**

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Ms Rhiannon

Q1 Network Assistance to Driver Alarms

Networks do respond to Alarm Activation by drivers, but with varying response times, and most frequently with the question loud and clear over the loud speaker – “ is everything all right, are you OK ?”. In the event of an assault, with a knife at your throat, the driver's answer is not exactly a reliable indication of what is the situation. From direct personal experience, an attempt at a subtle message from the driver, as to the intended drop-off so that assistance might be rendered at that point, or on the way, is totally ignored or not understood. Proper training might be a solution.

Classically, when communication is established through the “query” routine, the response is to go to a Police Station and make a report, or in the “minor” event of the crime of fare evasion to make a PAL report. All of which is futile and time wasting.

Essentially, assistance is not rendered. Sometime there are messages to all network taxis that T1234 has an M13 at location xyz , with an advice to call “Query”. Possibly the Network may advise 000 of a problem, but I have never experienced Police attendance.

Fundamental to the problem is the awareness, by taxi drivers, that there is no follow-up to an activation, be it false alarm, fare evasion or assault. The whole exercise of downloading is an expensive farce, and without result.

Should the taxi driver properly be considered as the employee of the operator, with the network exercising a supervisory role, then the proper application of Occupational Health and Safety Legislation would apply to safeguard the driver.

Q2 Technological changes and the need for operators to subscribe to a radio network.

Originally, the requirement for an Operator to be connected to an Authorised Radio Network was to assist in providing a safer working environment for the driver, by enabling direct radio communications with the network base. The despatch of work was seen as a symbiotic and complementary use of the facilities. Over time, and reasonably, the major function of communications, now no longer purely “radio”, is for job despatch.

The advent of camera recordings has been a modifying variable, and especially so as regards whether the objective is simply a recording of events, and a slightly more intensive recording of “serious” events with a view to post-hoc analysis of a major event.

The ATDA believes that connection to a specialist monitoring unit trained and skilled in emergency response is a basic responsibility owed by the employer operator to his employed taxi driver, and also in his own interests as an "owner / driver". That connection should be "state-of-the-art" in speed, reliability and storage and should be audio-visual with live (24 frames per second) recording and transmission of alarm events. The purpose of connection must be to positively assist drivers in an emergency situation, and to retain evidentiary recording of all events that may be the subject of prosecution as a criminal or civil offense.

There is no particular logic in having that monitoring function fulfilled by a commercial entity now primarily concerned with the despatch of taxi jobs. Where the entity was a co-operative of owner drivers, with concerns of a wider nature, and specific taxi related skills, there may have been a justification. Not any more.

### Q3 Other Alarm Systems

The ATDA is working with a commercial supplier of security systems, Say Security P/L, to develop a comprehensive taxi security system. Such a system need not be functionally dependant on connection with a taxi network, but rather be monitored by a specific security service. On-line streaming of an alarm situation together with audio, and complete storage back-up with the facility of easy, remote downloading is ideal. In-car display is considered an important deterrent.

More detail are supplied in response to Ms Sharpe's question 4.

### Q4 Flow of fees from Networks to TIA and Taxi Council Limited

The Network Fees, which incidentally are remarkably close and consistent amongst Sydney Metropolitan Networks of widely differing sizes, are not transparent. Even the Cook Inquiry ( still not made public) could not obtain a break down of the fee components. Some years ago, there were notations on operators' accounts of a sum, of about \$21 per month that were allocated from the overall fees towards the Taxi Industry Association.

Certainly there is a flow from the obligatory network fees of each taxi operator per taxi ( about \$ 6500 pa) which go to obligatory membership of the New South Wales Taxi Industry Association. That Association has as its members most of the NSW Taxi Networks and The NSW Taxi Council Limited, and the NSW Taxi Council Limited is also a member of the Australian Taxi Industry Association.

Control of these several groups, and of Cabcharge Australia, rests with common personnel, albeit with differing locations at any one time.

As relative outsiders, we can only surmise ; the Legislative Council may well wish to require more precise details from the NSW Taxi Council Limited.

Whatever the legal relationships, it remains clear that from the bailment fees of taxi drivers there is obtained, by compulsory levies on disenfranchised taxi operators, the funding of organizations which control the taxi industry.

### Q5 Commuter benefits of an absence of absentee taxi license investors.

The ATDA is of the view that there would be no immediate consequential reduction to the delivery of taxi services to commuters should absentee ownership of taxi licenses cease. The commercial objective of having an income from maximizing the number of bailed cabs on the road will continue to be balanced by perceived demand for services by taxi drivers. Certainly the standard twelve hour bailment keeps cabs on the road, having once started a period of bailment, but the initial decision remains whether or not it is worth taking out a cab in a Monday night.

The quality of services provided will be improved with an increase in numbers of owner/drivers, and even where the taxi is operated "one-out" by the owner, that service level will be optimized.

More globally, consideration can then be given to a day / night license such as would maintain current fleet numbers but potentially increase total fleet operations at critical demand occasions.

Q6 Taxi Operating Licenses to be held only by active taxi drivers.

The ATDA is unequivocally of the view that all taxi licenses be henceforth issued and or transferred only to persons actively engaged as the primary driver of the licensed vehicle, and that a condition of such issue be that, subject to reasonable explanation, the primary driver operates the taxi for at least four day or three night shifts a week for 45 weeks a year.

The simple reason is that we wish the taxi industry to be operated by professional taxi drivers, and that optimal passenger service flows best from an "owner / driver"

MS Sharpe

Q1 Eftpos System as an anti-competitive "regulation by stealth"

Regulations imposed by the State of NSW are possibly beyond the ambit of Section 45 of the Federal Competition Act, and behaviour by a corporation consistent with State Regulations may not be anti-competitive. Thus the mandating of a specific eftpos terminal, or the slightly more sophisticated approach of mandating functions which only one supplier is capable of integrating, can bypass otherwise anti competitive behaviour.

Whilst Cabcharge refuses to make its account card or magnetic coded ticket readable or accessible by other eftpos devices ( and that is a commercially reasonable decision ), the effective market dominance of the Cabcharge Payment System would be ensured and perpetuated by a regulatory process which requires processing of which only the Cabcharge terminal is capable. To link the TTSS into that sequence is to drive the industry dog by the disabled tail, and to mandate a meter linkage to an eftpos is to make the desired integrity of the TTSS a mandate for monopoly.

Comments made that the tax invoice / receipt should show all fare details – and in particular the different components of distance and waiting time as well as tolls and extras – inextricably drives an in-cab system of an integrated meter / eftpos / e-tag.

That may well be desirable, but in reality mandates only the one, Cabcharge, system.

Certainly, in lesser environments, in Queensland and Victoria, the respective Regulators have been duped into acquiescence. It should not be so in NSW.

There are other issues regarding the effective transparency and accountability of the current dominant system. A driver can now "log-in" to the eftpos with any four digit 'driver' number and any valid ABN ( even that of Woolworths). There is no check of the single use of an ABN by a single driver. Where does that cause GST liability to reside ?

For e-tag tolling to be integrated is not a function of the toll tower 'talking' to the e-tag and advising the toll. E-tags only send an ID, they are not receivers. What would be required is a GPS connection with vehicle time/location connection to the eftpos. Not difficult , but again system unique and mandating one solution.

That is what "regulation by stealth " implies and how it supports and consolidates a monopoly.

## Q2 WATS booking system inadequacy.

Generally all Network Booking systems, including the Zero 200, pass on to drivers, one at a time, the job offer from a passenger, just before the pick-up is due.

For the standard fleets this is about six to seven minutes prior to the booked time; for WATS the advance may be longer. But even where a passenger gives long term pre-advice, of several hours or even days, the booking does not go out to drivers such as would enable them to plan ahead their day's work.

For regular so-called "private bookings", the driver and passenger have an opportunity to plan ahead, and much of the work is covered in this way.

For a disabled passenger, life is not able to be lived on a whim, especially not so far as specialist transport is concerned. He or she must plan ahead. He or she knows well in advance of their transport needs. That the taxi booking system relegates those needs to a dysfunctional despatch system is a disgrace.

What is needed, and is now available, is a system in which a forward job offer is immediately made available to drivers, at the time the 'booking' is made. Reality is also that the current system can only offer a job to a driver in a taxi, on the road. The WATS driver would also be appreciative of a system from which he can access job offers away from the taxi, at home perhaps, in the relatively hours per day he is permitted to be off the road.

## Q3 Difficulties in Obtaining WATS Licenses

Nominally a WATS License may be obtained from NSW Transport & Infrastructure for \$1000. However there are such conditions and prerequisites that make this less than a reasonable pathway to providing a WATS service to the disabled.

A business plan must be submitted and approved which substantiates the level of likely wheelchair work to be undertaken by the applicant. In the first instance this involves both touting and soliciting for hire on the part of the applicant – and both are illegal. It calls for demonstrable proof of experience in operating a taxi, and presumes again a 'one-out' operation.

The essential recommendation from the Zero 200 to support an application are only forthcoming after a driver has been driving a WATS for six months; and one of the very few opportunities to drive come from bases operated under his umbrella.

To operate a WATS requires accreditation and the attendant costs of that qualification. The license is not granted until a vehicle certification can be obtained. Thus there is the extra cost of having a WATS vehicle ready to roll, without any long term security of usage as a WATS. There is no transparency or provision of performance standards other than "preference must be given to a WATS booking".

The whole experience is a daunting one, and needs be re-enacted each year. There is no certainty, and even when a driver appears to perform above average pick-ups, there is still an axe hanging over his livelihood.

## Q4 Improprieties in Specifications for Taxi Security Systems

Concurrent with the sittings of this Inquiry, NSW T&I had gazetted the new specifications, on February 5th They are no longer malleable as a draft.

In their introductory comment, and as a part of the new specifications, it states that :

*" ... has reviewed all NSW taxi security system specifications and combined them into one document."*

There are no details on approval other than that an ATIS regulates compliance. There is no approval process.

There is no inclusion of download procedures, leaving only the inconsistencies of an outdated set of Guidelines.

There is the fundamental breach of the Security Industry Act 1997 No 157 as regards licensed personnel.

The requirements for vehicle interfaces for vehicle entry triggers is inconsistent with a continuous recording system otherwise permitted.

There is no detail of what must be done in the event of a malfunction.

The Duress Alarm Audio "listen in" is unspecified in duration, or whether it should be recorded.

The notion of recording one frame per ten seconds, and on alarm or trigger of one frame per second, without an audio overlay, puts drivers lives at risk. The level of information is inadequate for effective response.

Absolutely and horrifically there is no requirements for transmission of images.

The antique Guidelines have (para 40) a mealy mouthed "Should be capable of transmitting...". Some of the systems out there can transmit, others can permit a "look-in" from a control room.

But in this new and all embracing document there is no mention of transmission , nor to whom, nor of what.

**As an individual taxi driver and as an officer of a taxi drivers' association I am dismayed, angry, and fiercely condemnatory of the NSW Government and NSW T&I. I believe that the activities of NSW T&I are negligent, improper and deserving of the strongest criticism possible by this Inquiry.**

In response to the specific questions :

A) The minimalist nature of the now current specifications of the camera system components can be met by a less than \$500 package of off-the-shelf items. The quality of installation and operation can be ticked off by an ATIS without the requisite Security Act qualifications. The bizarre and intricate connectivity between cameras and duress alarm which affirm taxi network control is an unnecessary add-on.

At this stage of development a total package, for the life of the vehicle, including five cameras, installation, maintenance, monitoring and downloading of \$150 per month is the model to which development is focused.

The chief complication is that Taxi Network fees incorporate, but do not specify, costs related to taxi security. It will be difficult to unbundle the existing cost structure. However, the net cost savings to the Operator flowing from reduced Insurance costs, reductions in driver fare evasions and assaults, and the ability to provide evidentiary proof in the prosecution of an offense, are compensatory marketing factors.

B) I personally have a passionate interest in the development and installation of an effective taxi security system which protects drivers and passengers alike. I will have no limit as to the extent I will promote such a working system to taxi operators.

C) Say Security P/L is the primary developer the planned system.

D) To the best of my knowledge Say Security has been an operating security services company for over ten years

E) Modules of this system are in the process of being installed , subject to those States approval processes, in other Australian States

Mr Ajaka

Q1. Initiatives to improve working conditions for WATS drivers.

The current license conditions require that a WATS vehicle be on the road for 365 days a year for ten hours a day. Even should stand-by vehicles be available to replace an off-road vehicle for purposes of maintenance or break-down, and other than for a WATS only Network Fleet ( such as LIME), the former requirement is a practical impossibility.

Nobody can guarantee 365 days a year on road performance.

For the latter requirement, given the "one-out" economics of WATS it is a totally unreasonable requirement that a human being work seven days a week, all year, for at least ten hours a day.

Given also the widespread perception that there is a "quota" of wheelchair work to be done by a WATS, and notwithstanding evidence that the annual determination of continuance of a license is based on all round performance, it appears that the fact of a WATS doing 217 jobs a year is a matter of prime consideration by T&I. ( Refer to letter to Mr Harkan Er attached).

That preference be given to WATS work is desirable, but the vast funds available, and continuing to be available to Networks from the Nexus Plates, should be directed at paying either or both the "lift fee" and "dead running" costs where the nearest available WATS is more than a certain distance from the WATS job.

The evidence from LIME that a \$20 lift fee influenced WATS performance should be heeded as the basis of a realistic lift fee.

Q2 Safety and Security of Taxi Drivers.

The ATDA is of the view that the new Taxi Security Specifications are a backwards step in that the minimalist requirements are fundamentally unsound and will promote a cost-saving result rather than an enhancement of driver safety. They are manifestly incomplete as the whole of the "downloading" aspects are not included.

From direct personal experience alone, the current system provides no assistance nor effective action to download whatever recorded information may be available to a driver, in "minor" assaults, fare evasions or traffic offenses.

We require a comprehensive new system such as we have noted and recommended for the last five years, and as per our attachments to the Inquiry and duplicated herewith.

A critical point is that both driver and passenger need to be identifiable and accountable.

Q3 WATS Driver Incentive Scheme

The erroneous perception amongst drivers is that the Scheme only applies to M50 jobs booked through the networks. I shared that perception.

\$8.47 or the GST net \$7.70 is demonstrably inadequate, as LIME evidence supported, and does not cover the average time to unload which the driver cannot charge for, unlike the situation in a standard taxi. It fails to cover not only that cost, but is not therefore an real incentive to do extra work in any event. It certainly is welcomed by the drivers, but it is an inadequate response to their needs. As above, it should be \$20 and there should be a "dead running" fee payable from nexus funds and not from operator accreditation fees.

The payment to the taxi driver is another issue in itself. The underlying assumption is that the driver is the operator, and that is the effective state of the WATS fleet. There are some instances of bailment of the WATS vehicle, and to the extent as the payment (eventually) goes to the operator's network account, the driver does not always obtain the benefit. We are working with one such driver whose payments for WATS 'incentives' have been withheld by the operator to an amount of about \$8000.

#### Q4 National Training and Competency Standards

The ATDA supports a national standard for training and competency, and also is of the view that standards for all aspects of the taxi industry should be national, uniform and consistent with best practice. We note again that TAFE type training is not available in NSW or possible as there remains an illusion that taxi drivers are not employees.

Whilst the NSW Taxi Council remains the sole provider and beneficiary of copyrighted material which appear to be the sole usable material in NSW, the issue of appropriate driver training is in doubt.

There is a report from one of the MOT's many consultants which unequivocally praises that training course. The ATDA does not support the findings.

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#### MYTH BUSTING

There is an illusion, perpetuated by recent advertisements from the Taxi Council Limited, that the NSW Taxi Industry is based on single plate licensees driving a single taxi as their livelihood and career, and that the ownership of a taxi plate is a major personal investment, akin to Superannuation, which the State must protect; ensure long term stability and value increases, and assist by locking fare increases to plate "values".

From data supplied by the then Ministry of Transport to IPART, and published by IPART in its 2009 Review (PP55) there were 5174 Licensed taxis in Sydney. 479 were WATS and 4288 were "leased taxis". Without much mathematical skills, that leaves 407 taxis driven by the driver who owns the plate.

That is not really an indication of commitment to the industry by plate owners. Nor, in reverse, should the industry consider it has much of an obligation to those absentee plate-owing landlords. Their investment is a commercial risk, like any other investment; it deserves no greater support than any other investment.

Certainly, there is a feature of the industry that in Urban NSW some 2047 Operators of about 5400 in the whole of NSW only operate a single vehicle. But the vast majority, about 1600, operate a vehicle whose plates are leased at close to \$28,000 a year. Ownership remains a dream.

That return on the plate holders investment continues, notwithstanding the recent "reforms" to be a Government guaranteed investment. All that follows is that about \$3.00 per average fare is guaranteed by Government to be paid to absentee plate holders.

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Should the Select Committee require any further information or details, the ATDA is ready to assist.

Michael Jools  
President ATDA  
Wednesday, February 24, 2010