

Additional Questions on Notice
Inquiry into NSW Taxi Industry

From John Ajaka MLC:

1. The Transport Workers Union of New South Wales (TWU) covers a diverse range of transport industry sectors which total 13 in number and has well established historical coverage of taxi drivers. This coverage is included in the Rules of the TWU as approved by the appropriate industrial body – the NSW Industrial Relations Commission (IRC). The current system of contract determinations for taxi drivers came about as a result of the work of the TWU and dates back to 1984. This action brought the taxi industry into line with other transport sectors where the contract determination system is well established.

The TWU continues to represent bailees/employees in relation to breaches of the contract determination and in relation to the variation of contract determinations in the NSW IRC. These determinations comprehensively cover the relationship between bailors/employers and bailees/employees, including rates of payment, entitlement to annual, sick and long service leave, payment of fuel costs, provision of uniforms and various other matters. The TWU also completes an industrial rights presentation at the taxi industry induction training sessions. Furthermore the TWU lobbies government in relation to issues that arise within the taxi industry, most recently lobbying the government in relation to the new system of annually renewable taxi plates.

The TWU has made a number of serious attempts to organise the industry using traditional and tailored strategies. There are a number of issues that make organising the industry so difficult, which include:

- Most drivers are not aware of their rights;
 - Drivers are fearful of enforcing their rights as it may mean that they risk their future chances of receiving shifts;
 - The industry has a high turnover of drivers;
 - For many drivers English is their first language; and
 - Many drivers do not come from countries which have a prominent trade union movement.
2. It would not be inappropriate to categorise the current 15 minute spot in the Taxi Council Silver Service programme as training. It is a brief presentation highlighting some key provisions applying to the bailees'/employees' work and their relationship with their employer/bailor. There is a short question and answer session that forms part of this 15 minute presentation. We argue that providing an appropriate industrial rights training session to participants of the Silver Service training programme would help address some of the issues that prevent empowerment and union participation in the industry.
 3. The feedback is mixed and understandably existing taxi plate holders expressed concern about new plates coming onto the market and deflating current values. The TWU expressed

this concern to the state government and felt the final policy response provided a good balance between protecting the investment of the incumbent plate holders, the needs of the public and bailees that wished to operate under their own licence. We continue to monitor this situation.

4. Under the proposed national framework potential drivers will need to pass eight competency units before they receive their taxi licence. These units are as follows:

- Use of a taxi's communications systems;
- Skills and knowledge required to drive a taxi safely;
- Ability to operate Wheelchair Accessible Taxis;
- An understanding of occupation health and safety standards to be followed when operating a taxi;
- An ability to identify and describe local major roads, services and attractions;
- Completion of a workplace induction for the transport industry;
- Skills and knowledge to operate a taxi meter, calculate fares, handle payment transactions, and maintain accounting records; and
- Provision of customer service to taxi passengers.

As well as these new National Taxi Driver Competency Units, Ministers agreed that from 1 July 2010 all new taxi drivers will need to pass an English language test.

The TWU recognises that the vast majority of taxi drivers provide an excellent service, but also recognises that regulators need to make sure all drivers have the skills required to do their job to the highest standards; particularly from the point of view of customer service and OHS.

The TWU support the Transport Ministers' comments that basic written and spoken English is essential if drivers are to carry out their duties in a safe and effective manner. The TWU also believe that the proposed training regime should ensure a better customer experience for locals and tourists alike and provide a better OHS understanding by drivers. We do note that there is no provision for driver education in relation to their industrial rights which is essential to help reduce the incidence of exploitation of bailees/employees. We would suggest that some form of industrial rights training is essential to round out the proposed training standards.

From Trevor Khan MLC:

1. The TWU is broadly supportive of such steps as it would be expected OHS and customer service benefits would flow but we would note that if implementing such a standard required capital expenditure by taxi plate owners we would be concerned about the impact on their businesses. In relation to employees/bailees developing such a standard could potentially assist in the discharge of their duties. We do note however, in relation to this submission, that we are unsure how such a measure would impact the disabled and therefore the TWU would consult with disability groups on the development of such a measure before providing a final view.
2. The TWU shares the concern of the NSW Taxi Drivers' Association that bailees/employees can be in credit to their bailor/employer but find themselves without funds for the necessities of life in the time between generating the income and receiving it. The TWU believes that a consumer has the right to receive a receipt that details their costs, lists which network the taxi they are riding in is with, the cab number and driver number. Provided any system of identifying the driver on receipts ensures privacy we would be comfortable with such a change. The TWU also believes that there should be flexibility in the system of payment machines allowed including the use of EFTPOS machines.

3. The TWU would argue that such a system of capturing tolls makes sense and would add to customer service. The TWU also acknowledges that it is not that simple due to the issue raised by Mr Mollenhauer in relation to the Harbour Bridge and Sydney Tunnel which are charged but not incurred during the passengers' northbound trip. Therefore such a system would need to be refined to account for these situations. The TWU support comments that drivers should be able to choose the tag they wish to use. The TWU does not want a monopoly created by the introduction of a system that is compulsory in all taxis. In relation to better notification of tolls through increased signage and the provision of ready reckoners where the toll is graduated; the TWU supports such initiatives to provide better customer service and help prevent disputes between taxi drivers and the general public.
4. As per the comments of Mr Bradley most modern meters allow for the addition of the toll and the TWU also notes Mr Mollenhauer's comments in relation to hand written receipts. To add to customer service the TWU would support a system of ensuring that meters that provide for the input or capture of tolls become the industry standard provided the policy is implemented with consideration of the cost to the bailors/employers, the bailee/employee and the general public .

Questions on Notice from witness testimony at the Select Committee on the NSW Taxi Industry:

From Trevor Khan:

Page 62: Mr Khan referenced the Taxi Council of NSW Submission in relation to the fixing of EFTPOS machines to vehicles and the inputting of driver details and the inputting of driver details. He then asked for the union's position on that proposal. Mr Mulholland took the question on notice and feels response 2 above deals with this question.

Page 63: Mr Khan asked a question about stopping in no stopping zones. Mr Mulholland explained to Mr Khan that this a difficult issue because there is the safety of the public and the drivers to consider.

Response to the question on notice: The TWU also recognises the difficulty for drivers to avoid stopping in these zones and doing their job efficiently. The TWU also notes that there are exceptions for taxi drivers in certain CBD no stopping zones and that the RTA has a detailed policy in relation to this policy issue, sets out criteria where exceptions apply for taxi drivers, the signage used and the mechanism for having new exceptions for taxi drivers approved. The TWU response to this issue would be to address it with the appropriate government department where taxi driver feedback highlights certain no stopping zones which should have a taxi driver exception.

Page 65: Has the TWU made any submission to the NSW State Government in relation transit lanes?

Response to the question on notice: No.

From John Ajaka Chair:

Page 71: How many of your members in total are taxi drivers? Could you also indicate total number of members? Also of those members who are taxi drivers could you indicate how many are driver operators?

Responses to the questions on notice: There are 70 taxi drivers from an overall membership of over 36,000 drivers which is reflective of the industry and issues raised in other responses. It is a very difficult industry to organise . To our knowledge only one member is an owner/operator. This is to be expected with our body focussed on the bailee/employee.