

**Submission
No 67**

INQUIRY INTO NSW TAXI INDUSTRY

Organisation: Pedestrian Council of Australia Limited
Name: Mr Harold Scruby
Position: Chairman/CEO
Date received: 22/02/2010

As discussed, we will send you copies of correspondence, reports and photographs, so you can get an idea of the extent of the dangerous practices and offences committed by taxi drivers throughout NSW.

It is at epidemic levels.

You have advised me you will bring this information before the members of the Inquiry.

Below is information regarding seat-belts.

Attached is a video clip entitled "Sleepy Cabbie". It also highlights the extraordinary potential for harm, not only for the driver, but to all passengers, when an occupant is unbelted.

Please bring to the attention of the committee that when Victorian taxi drivers blockaded Tullamarine and the CBD in 2008, over safety reforms (following the stabbing of a driver), NOT ONE DRIVER OBJECTED TO BEING REQUIRED TO WEAR A SEAT-BELT

<http://www.abc.net.au/news/stories/2008/04/30/2231434.htm>

<http://www.heraldsun.com.au/news/victoria/cabbies-in-safety-victory/story-e6frf7kx-111116200520>

It's been compulsory for taxi drivers in Victoria to wear seat-belts for over a decade.

They are even required to wear seat-belts in countries like China and Dubai (which have nowhere near our Road Safety record)

Yet NSW taxi drivers do not even have to wear them when there are no passengers in the cab.

Legislation requiring NSW taxi drivers to wear seat-belts must be enacted without any further delay.

As you can see, requests for WorkCover to intervene have fallen on deaf ears. We tried to convince WorkCover that a passenger in a taxi (which is public transport), who is required to take the taxi by his/her employer during working hours, is at serious risk in a vehicle where there is an unbuckled occupant (the driver). As you can see from all the correspondence dating back to 2003, all they ever do is pass-the-parcel.

Let's hope your Committee can get some results.

Further correspondence re illegal parking will follow.

Many thanks

Regards

Harold

Harold Scruby
Chairman/CEO



**Special Minister of State
Minister for Commerce
Minister for Industrial Relations
Assistant Treasurer and
Minister for the Central Coast**

Ref: 2002/023115
WC01719/03

Mr Harold Scruby
Chairman/Chief Executive Officer
Pedestrian Council of Australia

4 DEC 2003

Dear Mr Scruby

I refer to your email correspondence concerning the wearing of seat belts by taxi drivers in New South Wales.

I note the Council's concerns about taxi drivers wearing seat belts while performing their work on New South Wales roads. With few exceptions, the wearing of seat belts whilst driving is compulsory not only in New South Wales but throughout Australia.

While the wearing of seat belts whilst working should be considered as a risk control measure as part of any risk management strategy utilised by road-based companies for the protection of employees, it should be noted that WorkCover is not the lead agency for the investigation of driving offences. Rather, the wearing of seat belts in passenger vehicles is covered by the Australian Road Rules, administered in New South Wales since their introduction in 1999 by the Roads and Traffic Authority and enforced by NSW Police.

In this regard, I note that your correspondence was also addressed to my colleague, the Hon Carl Scully MP, Minister for Roads, and copied to the Minister for Police, the Hon John Watkins MP. I have no doubt that my colleagues will be in a position to more appropriately address your specific concerns.

Thank you for bringing the Council's concerns to my attention.

Yours sincerely

John Della Bosca MLC



Ref: 2004/000476
GM00399/04

Mr Harold Scruby
Chairman/CEO
Pedestrian Council of Australia Limited

- 4 MAY 2004

Dear Mr Scruby

I refer to your electronic communication regarding truck drivers loading and unloading goods from the drivers' side of vehicles whilst on busy roads and highways.

The *Occupational Health and Safety Regulation 2001* requires that an employer must identify foreseeable hazards that may arise, assess the risks of those hazards and eliminate the risks. If it is not reasonably practicable to eliminate the risks, an employer must control the risks.

Further, occupational health and safety legislation does not give specific direction on the use of trolleys or reflective clothing in the loading or unloading of vehicles. The use of personal protective equipment, such as reflective clothing, is based on a risk assessment conducted by employers in consultation with their workers. The correct use of trolleys would also be based on a risk assessment undertaken by an employer and would include the necessity for instruction and training.

With regard to the use of seat belts by taxi drivers, the use of seat belts comes under the Australian Road Rules, which are administered by the Roads and Traffic Authority (RTA) and enforced by the New South Wales Police. Enquiries regarding the wearing of seatbelts should therefore be directed to the RTA.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jon Blackwell', written over a horizontal line.

Jon Blackwell
Chief Executive Officer

WorkCover. Watching out for you.

WorkCover NSW 92-100 Dannison Street Gosford NSW 2250 Locked Bag 2906 Lisarow NSW 2252
WorkCover Assistance Service 13 10 50 DX 13057 Website www.workcover.nsw.gov.au



PEDESTRIAN COUNCIL OF AUSTRALIA

Safety – Amenity – Access – Health

MEDIA RELEASE

Tuesday 8 July 2003

PCA Asks Ministers Della Bosca, Costa and Scully to Amend Laws to Force Taxi Drivers to Wear Seat Belts (Passenger Safety Also Seriously at Risk)

The Chairman of the PCA, Mr Harold Scruby, has written to Ministers John Della Bosca, Michael Costa and Carl Scully, asking them to immediately introduce regulations which will require taxi drivers to wear seat-belts.

Mr Scruby said: "In a farcical publicity stunt, the taxi industry yesterday launched a new infants' safety capsule which will sit on the roofs of taxis and be subsidised by advertising. This of course is a commendable road safety initiative. But what the taxi industry was not advertising is the fact that taxi drivers do not have to wear seat-belts themselves.

"This is extremely dangerous, because in the event of a crash, an unbuckled driver (or passenger) can become a lethal weapon and kill or seriously injure other occupants of the vehicle. No passenger should be forced to face this potential risk, particularly as Australians have an "egalitarian" propensity to ride in the front seat of taxis, where such risks would be greatly enhanced.

"Additionally, taxi drivers themselves spend up to 12 hours a day, 7 days a week on the road. Even if they are not the cause of a crash, because of their enormous exposure to potential crashes, they are in a much higher category of risk, which is greatly exacerbated because they do not wear seat belts. This ridiculous anomaly must be fixed immediately.

"Apart from writing to the abovementioned Ministers, the PCA will also be writing directly to WorkCover, requesting that they also investigate the matter to ensure the rules are changed so that taxi drivers (and their passengers) are provided with a safe working environment." Mr Scruby said.

Mr Scruby added: "Seat-belt laws have been an utter farce. Following the deaths of 2 young men at Ingleside several months ago, who were killed while travelling unbuckled, in the boot of a VW Polo, we will also be asking whether the Regulations have yet been changed ensuring that motorists can only carry exactly the number of passengers in a vehicle as there are seat-belts available. We will also be asking whether the Regulations have been changed so there are now demerit points and stiff penalties for carrying passengers on the roof of a car, in the back of a utility or in a trailer." Mr Scruby added.

(A COPY OF THE LETTER TO THE MINISTERS IS ATTACHED)

Further information:

-----Original Message-----

From: Pedestrian Council of Australia

Sent: Monday, 7 July 2003 4:04 PM

To: The Hon Carl Scully MP; The Hon John Della Bosca MP; The Hon Michael Costa MP

Cc: The Hon John Watkins MP

Subject: Taxi drivers and seat-belts

Importance: High

**The Hon Michael Costa, the Hon John Della Bosca and the Hon Carl Scully
GMT - Sydney NSW 2000**

cc: The Hon John Watkins

Dear Ministers

For years, the PCA has been concerned by the extraordinary anomaly (amongst many in the ARRs),
<http://www.walk.com.au/pedestriancouncil/Page.asp?PageID=540>

<http://www.walk.com.au/pedestriancouncil/Page.asp?PageID=548>

which permits taxi drivers to drive without wearing seat-belts.

Over the years, I personally discussed the matter with one of the former D-G's of the Department of Transport (who now prefers to remain nameless) about this anomaly, on many occasions. Even he could never understand why they were given this dispensation and was equally amazed the Regulation was never changed, particularly when one considers the enormous amount of advertising the RTA puts into the wearing of seat-belts and the extremely harsh penalties for not wearing them (6 per person during holiday periods). He always claimed the position was untenable.

What makes the issue even more untenable, and this is based on the position long held by senior members of the RTA, is that if someone is not wearing a seat-belt, they can become lethal missiles within the cabin of a vehicle involved in a crash and as such cause death and/or serious injury not only to themselves, but to other occupants of the vehicles. Paul Willoughby has in fact expressed this view to me on a number of occasions and even corrected me when I have argued that one only compromises one's own safety if one does not fasten one's own seat-belt. I accept his view (except in circumstances where the offender is the sole occupant of a vehicle).

As such, even if the taxi industry could argue that their drivers may be unsafe because, in the event of an attack, they may find it difficult to unbuckle, the argument is not sustainable when a passenger or passengers are present for the reasons stated above.

But equally as important, there must be a risk assessment. It seems there has never been one undertaken. Most taxis drive 12 hour shifts, some 5 to 7 days a week. They would be on the road 30 times longer than the average motorist and their exposure to injury through a crash would be obviously many times greater than that of your average motorist. It is also far more likely that the risk of injury is far greater from the results of a crash than from an attack.

And how utterly absurd is it to see taxi drivers driving around the state, looking for fares, without any passengers, and still not wearing their seat-belts? Yet this is the law (which for reasons such as this is frequently described as an "ass").

If you look at the copy of yesterday's state road toll (attached), it is clear that drivers are at greatest risk and it is in this area that the authorities must target their awareness, enforcement and legislative strategies.

Taxis are considered to be a form of public transport, which we support. Taxi drivers have come under some severe criticism in the media recently. They must present an image which is that of safety, not only for themselves but for their passengers.

For all the reasons above, we ask that you immediately amend this regulation as soon as possible.

And of course the regulations relating to passengers in all vehicles being required to wear seat-belts at all times. The anomalous regulation which saw 2 young boys killed at Ingleside recently must be changed to state that a driver can only carry as many passengers in a vehicle as the number of seat-belts permit. It must become a very serious offence to carry any additional passengers, and in particular on the roof, in the rear of a utility and in a trailer (see above links).

Regards

Harold Scruby
Chairman/CEO

Pedestrian Council of Australia Limited
"The Walking Class Heroes"



Ref: 2004/000476
GMD0399/04

Mr Harold Scruby
Chairman/CEO
Pedestrian Council of Australia Limited

- 4 MAY 2004

Dear Mr Scruby

I refer to your electronic communication regarding truck drivers loading and unloading goods from the drivers' side of vehicles whilst on busy roads and highways.

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Yours sincerely

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Jon Blackwell
Chief Executive Officer

WorkCover. Watching out for you.

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NSW Auditor-General

Enforcement of Street Parking Report – November 1999 - Excerpts

Executive Summary

Audit Findings

The audit opinion is based on the following findings.

Accountability

Responsibility for enforcement is devolved to Local Area Commands (LACs) of the Police Service and to certain councils when authorised by the Commissioner of Police. But devolution is not matched by appropriate arrangements for accountability.

For example:

- there is no measurement of the success, or otherwise, of enforcement (because objectives have been interpreted rather than developed from due process) either at the LAC level or the corporate level
- the role is often performed in a perfunctory way rather than being by adequate strategic planning either at the corporate or local level
- surveys to determine the level of compliance with the law have not been undertaken by the Police Service and councils generally. But where undertaken by others, surveys indicate the law is often and regularly breached and on occasions without fear of infringement
- while considerable data is held; particularly by the Infringement Processing Bureau (IPB), the information is neither organised nor accessed in a contemporary manner for management purposes
- PPOs are not subject to performance criteria or to an adequate review of their performance
- the supervision of PPOs by their superiors is often not adequate (due to a combination of Restorative Justice influence, numerous complaints, which need to be addressed by supervisors, and inadequate resourcing, that is human, technological and physical).

Recommendations

The following recommendations are designed to improve the efficiency and effectiveness of enforcement, fine collection and the public understanding of the law applicable to parking.

It is recommended that:

The Government

The Government initiate a review of the current enforcement arrangements with a view to:

- clarifying the objectives (and their relative priority) to be achieved from enforcement
- the allocation of responsibilities for the enforcement of street parking between the Police Service, councils and/or other organisations

The Police Service

The Police Service (and the councils to the extent applicable) undertake a review of the enforcement arrangements to improve the economy, efficiency and effectiveness of operations. The review to address issues such as:

- establishing effective accountability arrangements for enforcement services and the outcomes to be achieved
- the introduction of technology and other aids to assist the enforcement role including the retrieval of relevant information for management/strategic purposes
- compiling an appropriate set of indicators to measure performance
- providing clear and comprehensive guidance to staff on the law and the exercise of discretion to ensure consistency in the application of the law
- the optimum level of human resources required to provide an efficient and effective service
- achieving prompt settlement of penalties without the need to take default action
- the identification of opportunities to improve settlement of fines due.

Ministry for Police



NEW SOUTH WALES

Mr H Scruby
Pedestrian Council of Australia Ltd

UNBATED

RECEIVED APPROX 25/6/98

Dear Mr Scruby,

I refer to our previous meeting concerning various pedestrian related matters and Police Service policy. The delay in replying is regretted.

I have received sufficient advice from the Police Service to provide a response to the matters which you raised at the meeting.

In regards to vehicles parking on footpaths, the Police Service advises that they continue to enforce this particular regulation. However, the primary role of the Police is to protect life and property and the Police must deal with thousands of incidents a month, so not all incidents of unlawful activity can be equally and simultaneously policed. In responding to offences, priority must be given towards those which are of a more serious and life threatening nature. The public would react most unfavourably if there was a re-direction of Police efforts away from the more serious offences. Nevertheless, if a vehicle is an obstruction, then members of the public can make a complaint and the Police will act.

DELETED SECTION: IRRELEVANT TO ISSUE

Finally, you also raised the issue of vehicles stopping in no stopping zones. The Service advises that the primary role of parking restrictions, and their enforcement by parking patrol officers, is to ensure traffic flow. Therefore, it is the practice to actually direct vehicles occupied by a driver to move any vehicle illegally parked rather than compound the problem by continuing the obstruction or other offence while an infringement notice is prepared and given to the driver. This is particularly the case where no stopping restrictions are in force. In regards to taxis, I am advised that the Motor Traffic Regulations do provide for taxis to stop in certain no stopping areas in order to set down or pick up passengers.

Yours sincerely,

Les Tree
Director General