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**REPORT OF PROCEEDINGS BEFORE**

**SELECT COMMITTEE ON THE NSW TAXI INDUSTRY**

**INQUIRY INTO NSW TAXI INDUSTRY**

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**At Sydney on Wednesday 3 February 2010**

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**The Committee met at 9.30 a.m.**

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**PRESENT**

The Hon. J. G. Ajaka (Chair)

The Hon. G. J. Donnelly  
The Hon. T. J. Khan  
Ms L. Rhiannon  
The Hon. P. G. Sharpe  
The Hon. R. A. Smith

**CHAIR:** Welcome to the second public hearing of the inquiry into the New South Wales taxi industry. The Committee welcomes the opportunity to examine an issue of such importance to the people of New South Wales. Today we will be hearing from a range of stakeholders, including the Australian Taxi Drivers Association and disability advocacy organisations. A copy of the hearing schedule is available on the table at the back of the room. Before we commence I will make some comments about procedural matters. In accordance with the Legislative Council guidelines for the broadcast of proceedings, only Committee members and witnesses may be filmed or recorded: people in the public gallery should not be the primary focus of any filming or photographs.

In reporting the proceedings of this Committee, members of the media must take responsibility for what they publish or for what interpretation they place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available from the secretariat. Committee hearings are not intended to provide a forum for people to make adverse reflections about specific individuals. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. I therefore request that witnesses avoid the mention of individuals unless it is essential to address the terms of reference. Any messages from attendees in the public gallery should be delivered through the chamber and support staff, or the Committee clerks. I remind attendees to turn off their mobile phones. I welcome our first witness from the New South Wales Disability Council, Mr Dougie Herd.

**DOUGLAS DOUGAN HERD**, Executive Officer, Disability Council of New South Wales, affirmed and examined:

**CHAIR:** Do you have a short opening statement to make either to expand on the comments that you made in your submission or to provide additional information? There is no need to repeat your submission as Committee members have read it.

**Mr HERD:** With your indulgence I will take a couple of minutes to say a few words supplementary to what has been said in our written application. First, I offer the apologies of Andrew Buchanan, chair of our council, who wanted to be here but who cannot because he has to be in New Zealand. On behalf of the council I commend Parliament for taking the time to look at wheelchair accessible taxis and where they fit into the taxi transport network. It is clear from our submission and from many others that we regard wheelchair accessible taxis, and taxis generally, as part of the public transport system. Having read the submission of the New South Wales Taxi Council it is clear that taxi transport plays a significant part in moving people around the State.

For people with disability—like me and other people—we make a point in our submission that I hope is understood. We regard taxi travel as essential in some people's lives. Some of us require door-to-door transport. Let me illustrate that with a personal example. This morning I travelled here by wheelchair accessible taxi, even though I live almost on the platform of Ashfield railway station, which is an easy access railway station. However, I could not get to Parliament under my own steam at this end of that journey, although I favour public transport, because at the moment none of the stations in the vicinity are wheelchair accessible, although currently they are being upgraded. Even if they were, on a day like today when it has been raining I cannot get up a slippery hill in my wheelchair under my own power.

For me to be here to do my job as a public servant a door-to-door transport facility is an absolute requirement; it is not a matter of personal choice. I will claim my travelling expenses for getting here and therefore I will not be out of pocket. On this busy Sydney morning it was raining and there was a crash on the Anzac Bridge, so this morning's journey cost \$45 as we travelled at two kilometres an hour. That is something that weighs heavily on the minds of people with disability, most of whom live on disability support pensions and who therefore do not have a lot of disposable income or complete access to the public transport network and who, like me, may be dependent on a door-to-door service. They find that even with the Taxi Transport Subsidy Scheme they are not able to afford taxi travel all the time.

There are, therefore, people who live with restricted opportunity. They do not have the same opportunity to travel in the same way as members of the general public currently travel, even though there is enshrined in the Disability Discrimination Act and the United Nations Convention on the Rights of People with Disabilities an absolute right to be treated with no less favourable treatment than other members of the community. We have not yet got to that position. We want to encourage the Government, the industry and the community to work together to do all that they can to improve the taxi services available to people with disability.

As we state in our written submission, over the past five years there is clear evidence that there have been significant improvements in this niche of the industry. However, we also say that we have to accept that in New South Wales we have started from an historically low base. There is room for improvement and there is work to be done. In the view of our council it needs to be understood that people with a disability have a right to be treated equally. It is enshrined in domestic, State and international law. If, as the taxi industry rightly says, it wishes to be understood as an essential component of the public transport system it must treat all members of the public equally and fairly. That is our starting point.

**The Hon. PENNY SHARPE:** Thank you for coming here today. NSW Transport and Infrastructure started a review of network performance standards. Obviously the Government is trying to find away to ensure that the key performance indicator [KPI] benchmarks are set at the right levels. I am interested in any comments that the Disability Council has about the KPIs that we are measuring, whether they are set too high or too low, and whether anything currently has been missed in the KPIs relating to wheelchair accessible taxis and services generally for people with disabilities?

**Mr HERD:** My recollection, which I have to say is sketchy, is that the standards were a long time coming. They have been the subject of some debate between the community and the industry for some time. I think they have been in place now for just over two years. It is therefore probably a good time to ask whether

they are doing what they are supposed to be doing. For us the key question is not so much about what the standards may or may not state in any particular area but how they are policed and enforced. How do we ensure that whatever we agree as a community is being done by an industry that even its principal representatives describe as fragmented and almost wholly privatised? That is not necessarily a bad thing but it means that it is difficult to ensure that the work that is supposed to be done is done.

I cannot think of any standard that I would remove and I cannot make any suggestions about performance standards. I think questions need to be asked, legitimately, about the quality of the in-service training for drivers periodically as time goes on. By fortuitous coincidence the taxi driver that I got this morning told me he happened to have been awarded Wheelchair Accessible Taxi Driver of the Year for 2009. That was helpful for me, not just because I am appearing before the Committee this morning but also because he told me that he had been a wheelchair accessible taxi driver for 15 years. On average he does five to six wheelchair jobs each day and he is proud of how clean his taxi is. This morning he made a special point of drawing my attention to its cleanliness.

He believes that his 15 years of experience and his attention to customer service are what made him last year's taxi driver of the year. He is really chuffed. By and large, I do not think the standards make much difference to his performance but it is necessary to have them. We can be reasonably sure that new entrants to the trade—people with less experience of doing wheelchair work—will not have the equality of service that that man was able to offer me this morning. In as much as it is possible to say anything of this type, this morning's performance was as good and as seamless a performance as I get from wheelchair accessible taxis. I have plenty of other stories that contrast with that and I can give them to you if you want.

**The Hon. PENNY SHARPE:** I assume that you are familiar with the training that is given to wheelchair accessible taxi drivers. What do you understand that to be? Do you think that additional work needs to be done?

**Mr HERD:** It has been a subject of some controversy for a number of years. People with disability who were good trainers were involved in the training system. There is a question about whether or not—and I am trying to choose my words as carefully as I possibly can—some of the key activities associated with wheelchair accessible taxis are located in the same territory. The providers of the network, the operators of the 0200 line, the providers of the training and the people who recommend which taxi you might want to buy all seem to be pretty closely connected—more closely connected than I could ever be in my life as a public servant. Notions such as the perception of a conflict of interest would be drawn to my attention if my life were as closely organised as the relationships of some of those wheelchair accessible taxis.

I think there is a lot of benefit in having people with disability who have experience as trainers, as awareness raisers and as passengers involved in the training. However, they should be paid. People who are delivering the training should have experience of running the industry but they should also be highly regarded as trainers.

I think the quality of training needs to be looked at even though I am sure the people who are currently doing that are doing the best job they can. I do not mean to be unreasonably critical of anybody as an individual, but I just think we need to have a look at that because it could probably be refreshed.

**The Hon. PENNY SHARPE:** With regard to rank and hail hirings, in your submission the council makes the comment that someone waiting in a wheelchair on a corner is very unlikely to be able to get a cab. I am interested in what you believe are the reasons for that and also how we could better measure that in terms of failure to pick up.

**Mr HERD:** The answer to your first question is a simple one: The reason you are unlikely to do it is that 90 per cent of taxis are not wheelchair accessible, so your chances that a wheelchair accessible taxi will come along your street at any given point in time in the day are frankly not even 1 in 10—they are less than 1 in 10. I have an anecdote that I hope will illustrate. Last Thursday I was at an undergraduate course at Sydney University and called a taxi using the 0200 number and then waited on City Road. The taxi took a little while to come and then there was a bit of a hoo-ha when it arrived. Ultimately I sent it away because by the time the door was opened there was already \$17 on the meter, which I thought was less than desirable. Whilst I was waiting for my booked taxi it just so happened that two or three wheelchair accessible taxis came along City Road. I am reasonably sure they came along City Road and were free because it happens to be a route between the city and the airport. If, however, the same thing had happened to me, let us say at the University of Western Sydney, I

think I would have been waiting to the end of my life for a wheelchair accessible taxi to just happen along the road. You just would not do it if you were a wheelchair taxi user.

It is entirely because 90 per cent of the cabs are not accessible. That leads one to a different question, but I make the observation because it is simply true. If I was still living in my home town of Edinburgh I could do what you do when I want to get a taxi. I could go out of the building and wait for one to come along the road because 100 per cent of the taxis in Edinburgh are wheelchair accessible.

**The Hon. PENNY SHARPE:** We heard evidence yesterday about the preference for moving towards a universal fleet as probably the best way of closing the gap and giving people the most flexibility. Would you agree with that?

**Mr HERD:** Can I elaborate on that idea because we would agree with you, I think. We are interested in outcomes. I am sounding like I am studying management from the 1980s when I say that! My apologies. If we all believed we could achieve equal outcomes for people with disability with just one wheelchair accessible taxi we would not be fixated on numbers. We all know that that is not possible. We think this is a bigger question than just wheelchair accessible taxis. If what is said by the industry itself about playing its part as an integral part of the public transport network is true, we should all sit down and ask ourselves what we want door-to-door transport to do for the whole community in New South Wales, not just wheelchair users. If half the number of people travel by taxis as opposed to the number using CityRail, we should ask ourselves what a taxi is in the twenty-first century. Just because it started out in London a gazillion years ago as a Hansom cab and just because it has been revised and has to have a particular turning circle does not mean to say that we need to go down that route. But putting a bunch of Holden Commodores and Ford Falcons on the road does not necessarily equate with providing an essential part of the public transport network.

We need to ask who uses transport of this type in a population that is ageing; how do we use that transport; where is it going; what is the potential for growth; and, therefore, what kinds of vehicles suit us? It might be that if we started from scratch—fantastic new idea!—we might not come up with the current vehicles we are using as the ideal type. That is a strategic long-term question that I think we all need to ask. Redesigning taxis is not just about making them wheelchair accessible, it is a much bigger and more satisfying question than that, I think, because a taxi that suits everybody will benefit the community as a whole. It is probably likely to be more fuel efficient, and that would not be a bad thing.

**The Hon. PENNY SHARPE:** Your submission talks about the issues for visually impaired people. This is actually the first time this Committee has heard any evidence about that. Would you share with the Committee the views of the council about training, which is part of it, but also the issues particular to people with visual disabilities?

**Mr HERD:** They include not just Commissioner Graeme Innes of the Australian Human Rights Commission, who has had his fare refused because he travels with a guide dog. It is something that almost invariably arises when our council meets every month. The member of our council who is blind and comes up from Geelong, and therefore travels by taxi from the airport to get here and back to the part of the city she lives in, tells us some story about taxis not stopping for her in the street. She has had problems with inaccuracies with the fare. She has been unable to identify drivers who have treated her rudely. She has not had access to information. She has therefore found it difficult to complain. She has not been certain about the fare; she has to trust, if she is travelling on her own, that the fare that is reported is real. My guess is that most of the time it is, but my guess is also that some of the time it is not. There are also questions about the experience a driver may have in supporting somebody who is blind to get out of a taxi. It is perhaps not something they would do every day of the week and they have not had the disability awareness training that would enhance the experience. We have been told over a number of years by lots of people with a vision impairment, whether they are completely blind or partially sighted, that sometimes they feel taxi travel is problematic for them.

If I could sidestep for just a minute, it is in the nature of this discourse probably for me to whinge and tell you what the problems are. I should have made it clear that it is our belief that most of the time most taxi drivers and most taxi companies do a good job. They are working very hard in difficult circumstances, particularly at the current time when I am sure there is a downturn in trade for them. We want to place on record our absolute confidence in the majority of taxi drivers, who do a difficult job and do it well. But it would be wrong of us to tell you like Pollyanna that there are no problems. There clearly are. If I may comment on one of the other submissions, it states there are relatively few complaints. The reason there are relatively few

complaints is absolutely clear. It is because people are frightened they will be identified as troublesome customers and that if they make a complaint once they might get some response from the system.

I am fortunate in that I am not dependent on taxis. I drive, I use public transport, and I am also stupid enough to not care if somebody does not like what I say. But not all people with disability are in that position. They feel vulnerable and if they think that by making a complaint there is some risk that they will not get a good service next time, even if that is just a perception and not real, they will not make the complaint. So we hear things and I am sure other non-government organisation representatives will tell you that they hear things that the taxi trade will tell you through their official systems that they do not hear. I think that is the reason they do not hear them.

**The Hon. PENNY SHARPE:** Do you think therefore that we need to look at the complaints handling mechanisms and perhaps find other sources for making those complaints? Does the council, for example, make complaints on behalf of people through the official complaints channels?

**Mr HERD:** We do not but some non-government organisations do. The simple answer is yes, it would be good to have an independent complaints system guaranteeing anonymity in which you could express your view, except you do not need to be a rocket scientist to work out who the complainant is. You move from A to B and complain about the bad experience of moving from A to B and somebody somewhere can work out that it was Dougie Herd who started at A and got to B and was pissed off. I can shrug my shoulders and say "fine", but if you are living in Penrith and you have a doctor's appointment, and a taxi is really hard to get in any case, once they have been three-quarters of an hour late and you want to complain about it you might think, "I've got to go to the doctor next month, so I won't", even if you have an independent complaints service. Having an independent and autonomous complaints service would be good but it is not so simple. We have to devise a means by which the industry actively welcomes feedback from its customers. My guess is that most of the time when people are encouraged to give feedback they will give positive feedback. Sometimes the system needs to hear bad news.

**Ms LEE RHIANNON:** I understand the Department of Transport and Infrastructure has been aware since about 2006 that about a quarter of Sydney's modified wheelchair taxis breach government standards. I have heard that in some of the modified taxis there is insufficient room for many people in wheelchairs. There even was one conversion where the steel ramp was positioned behind the head of the person in the wheelchair. Can you give us some background about where we are at in resolving that issue?

**Mr HERD:** My understanding is that one of my colleagues attended about three months ago a meeting convened by the department to look at how we could make sure all taxis comply with the standard and do not encroach into the pyramid or cube, or whatever it is called—the footprint. I understand that a report has been prepared and that work is being done to ensure that no taxi in the future will do that. I think it is the Tarago that has the problem. I am pretty sure I have sat in that and you can feel yourself going forward a bit. It is the intention of the Ministry that no taxi in the future should be licensed with that problem. I could be wrong; I understood the problem was being fixed, but that information is four months out of date now. There are some taxis that do not comply. I am assuming we will not have more of them, but I understood it was resolved as an issue. I could be wrong.

**Ms LEE RHIANNON:** I may have missed something but I thought when you were explaining you said it would not happen with new taxis. Is there any requirement to fix the taxis that do not comply?

**Mr HERD:** Not that I am aware of. I do not think that decision has been taken. I am not a technician. It may not be possible to revise some of these taxis. I suspect that the problem with the Tarago with the ramp that hits you in the back of the head is there is not the space inside the vehicle to make an adjustment. If you can technically make the change it is probably as expensive as buying a new car. I think I read in the New South Wales Council of Social Service submission—I should not say what they are going to say—a suggestion that such taxis should be identified and that people should be advised; that it should be made clear when they make a booking that these taxis do not meet their needs. That kind of happens in an informal way, so when you call 0200 they ask you if you have a manual wheelchair and whether you can fit into all taxis. I am fortunate in that I can say yes, but that places a responsibility on the passenger to know whether or not the taxi they are going to get into is compliant with some regulation, and that ought not to be the case. If I were a visitor to the city and I had just got off a plane at the airport I would have no idea. If I come from Bangladesh and I am on holidays with my children I do not know if the Tarago or the Ford is compliant. I think there is some onus on the system to say to passengers we are trying to make sure that the taxi comes and fits your needs.

**Ms LEE RHIANNON:** If you have the knowledge, would you explain more about the metal on which you bump your head? It is extraordinary that people have to put up with what is potentially life threatening.

**Mr HERD:** My guess is somebody decided a clever design. It is a clever design. It is basically a ramp that goes out the back of a taxi and it is fine when you are looking at the space that is created and the way it goes up and down, and all the rest of it, but once you put a human being in a wheelchair in it there is not quite so much space and it can hit the back of your head. I think it is only a problem on one design of taxi and I am hoping that if this inquiry were to do nothing else it would ensure that that design cannot be put on the road in the future.

As a simple straightforward statement of policy I think we should all agree that there should be no wheelchair accessible taxi licence to operate on the streets of New South Wales unless it is compliant with the specifications that have been agreed through the State's consultative processes in conjunction with the Australian Federal Government. It is that simple. If there happen to be some taxis that are currently on the street that predate that agreement and that decision then we will just have to put up with them until they are off the street but we certainly should not have any new ones.

**Ms LEE RHIANNON:** It must be very frustrating because I understand that the requirements of the disability standards for accessible public transport 2002, eight years ago, set out those standards. It appears that the standards are established and since then taxis have been put on the market and used that are not compliant. What do we recommend? How do we break that ridiculous circumstance of recommendations being made and the travel of people with disabilities is made harder, or in some cases impossible if they cannot fit in a taxi?

**Mr HERD:** I do not honestly know the answer to that question. This may sound naïve of me but I just think that if there were a set of agreed regulations one should just stick with them. A manufacturer should know and understand what the regulations are and build to that design and I do not think corners should be cut. I am assuming that somebody mocks up a vehicle before it is constructed and says, "If we are going to put this ramp in this vehicle, this is what happens once we put it up," and somebody then measures it. If that does not happen then I want it to happen, and before anything is approved to go on the streets, somebody should go and inspect it and make sure it does.

I would suggest that whilst the inspection of any new design that comes along is taking place that the inspector should take somebody like Greg Killeen from the Spinal Cord Injuries Australia. I do not mean any disrespect to Greg but he is a large chap in a large wheelchair and if Greg can fit in it, it is fine. If Greg cannot fit in it do not put it on the streets. There are many informed customers and they are a resource that can be tapped into here. I am not suggesting that they should do it for free but they want to contribute to finding a solution to these problems in a non-adversarial way because they are the ones who travel in the taxis.

If a new taxi is going to be designed or audited and approved for use on the road, a representative organisation of people with disability, probably the non-government sector, should be spoken to. Get some folk along, road test the taxi before it is approved, make the improvements before it is finalised, and get it on the road. I think everybody would find that people with disability in that situation would want to contribute positively to finding a solution. I may be wrong.

**Ms LEE RHIANNON:** It seems so logical but we hit these roadblocks. Have you looked at the number of free licences that have been issued and the way the taxi industry is run? Have you tried to understand why it is so difficult for people with disabilities to access taxis and the way that side of the taxi industry is managed? The scheme was designed to subsidise wheelchair taxi transport with free taxi plates issued and companies run by Mr Reg Kermode received most of the so-called nexus plates under the scheme. Currently they own free licences worth \$19.4 million. Since then those plates have turned over millions of dollars in revenue. The plates were issued free and money was made but people in wheelchairs still find it difficult to get a taxi with wheelchair access and are not confident they will be able to fit in the taxi. Have you looked into the issue of free plates? Do you have any advice?

**Mr HERD:** I know no more about the mythical nexus plates than anyone else, I have to say. I have read the reports. I understand the audit that was done and the report that was produced that the Ministry has put on its website seems to indicate that in the early days—this is long before my time—there seemed to be some agreements entered into that would not be countenanced today. I do not think we can go back and do anything about that, to be perfectly honest. I truly do not know any more than I have read in the documents in the public

domain. It looks to me like it was not the greatest piece of public policy ever put into place, but that is not necessarily, I think, the same as the second part of the problem to which you are referring which is how we can increase the supply of wheelchair accessible taxis to people with disability in New South Wales. It is for others with greater knowledge to comment in greater detail on that nexus. I do not have the information that could illuminate you in any way. If I may be allowed to say I simply do not know. It does not look great to me but that is with the benefit of hindsight and no great involvement.

In relation to the other question there is a whole range of measures that could be introduced that would increase the supply of wheelchair accessible taxis. You could just simply do what has been done elsewhere and say that if you want to apply for a taxi plate on the streets of New South Wales you have to have a vehicle that can pick up the whole population. I know the taxi trade is resistant to that idea. I know many people think it is a bad idea, but actually I also understand that there has been some documentation produced in the past, which is still not in the public domain, which shows that wheelchair accessible taxis could be potentially the most lucrative of taxi vehicle to operate, but one would need to make some changes to licensing regulations, the relationship between operators, networks and drivers. It is not simply a matter of taking the new design of vehicle, which everyone would concede is more expensive than the traditional vehicle, and applying it to the current circumstances. There would need to be a suite of organisational and financial changes made.

A vehicle that can carry any and all types of passengers, and therefore is able to be in use constantly with all parts of the market, seems to me to be a good idea. There would need to be a reconfiguration of some of the incentives. Most of the incentive that is currently provided by the State Government, as we understand it, goes to owner operators and that is not passed on in the way in which it could be passed on by a different set of arrangements between operators, owners and drivers to the people who are at the heart of this industry, the drivers. We know that the driver incentive has been introduced as a trial. We have made our comments about that but we would not deny that there is unambiguously clear improvement in performance as a consequence of that being introduced. Then there is the whole question of the taxi transport subsidy scheme which makes the opportunity to travel sometimes that people with disability would take up more.

I think there is a range of measures that could be taken to improve the supply but I think the simplest and more straightforward thing would be for somebody to say 10 years from now every taxi in New South Wales will be wheelchair accessible and then go about changing this industry.

**Ms LEE RHIANNON:** During the next 10 years when all taxis are not wheelchair accessible what industry performance benchmarks do you think we need to ensure that our current service and the service that we hopefully can gain is of a quality that enables anybody in New South Wales to get into a taxi?

**Mr HERD:** The first one is the obvious statement, which I am sure others will make, that the law currently requires equal response times. Equal response times have been required for more than two years and the industry, even in its own documentation, concedes that it has not achieved that target. The industry in New South Wales, accepting all the difficulties that it faces, just needs to accept its responsibility. It has a legal requirement to make sure that there is no difference between the response times for wheelchair accessible taxis and non-wheelchair accessible taxis. I simply do not understand why people working in organisations and industries somehow want you as lawmakers to believe that this law does not matter, that there are all sorts of extenuating reasons that make it good why they cannot comply. Where else do we accept this notion? It has been seven years in the making and two years in the application and we still have not got there.

**Ms LEE RHIANNON:** What do you understand is the difference? Yesterday the Committee was told it was just one minute.

**Mr HERD:** Yes, I know. I can only tell you my experience. I have said in my response three times in December I had one customer travelling around the city who had to wait over an hour for a wheelchair accessible taxi. I think my experience is not uncommon. I think you can get a trail of people with disability to come and give evidence here that will tell you that they have waited in excess of 30 minutes and longer for a taxi. And the further away you get from the golden triangle of the city and the airport the longer you wait. The figures are averages. I do not mean to suggest that there are lies, damn lies and statistics but I think that when you are comparing averages you can make the extremes at either end vanish.

I do accept some of the points that have been made that it is difficult to measure. It is simply not credible in the experience of people with disability generally, and certainly the ones who talk to us, to suggest that there is only a one-minute difference between the response times of wheelchair accessible taxis and others.

We say in our submission that this is only one part of the relationship. Most taxis are not hired in this way. Most taxis are hailed on the street or you get them in a rank and we have got no measure for assessing how that happens. As I said to you, most people with disabilities simply do not do what most folk do when they want to get a taxi. If any of us want to get a train we go to a train station. If any of us want to get a bus we go to a bus stop. If we want an aeroplane we go to an airport. So we can measure these things. If people with disabilities who use wheelchairs want a taxi they get on the phone. Most of the time most of you do not do that.

That is unfair, because it takes longer, I have to pay for my mobile phone for the phone call and I have to pay a \$2 booking fee. My journey is going to take longer, it is going to cost on average more and, even with the subsidy that I receive from the State Government, I am still going to pay more than you will for a journey. And there will be an \$8.75 bonus given to the driver for doing that which is legally required in any case. By any stretch of the imagination, that does not look like equal treatment to me.

We can debate whether or not the taxi transport subsidy scheme should be 50 per cent, 60 per cent or 75 per cent. We can argue about the size of the subsidies at \$30, \$40, \$50 or \$160. We set a figure based on how much money is available to us. We can have a debate, as I have just had with a taxi driver in here this morning, about whether or not the driver incentive is currently set at a good value at \$8.75—presumably he thinks it should be higher. We can resolve those things, but when it comes down to it, in the end, people with disability who require wheelchair accessible taxis do not have the same treatment as others, and that is not fair. More than that, it is against the law.

That sounds a bit harsh and rough and mean when I say it in those terms, and I hate to come back to this, but I cannot escape the experience of my own life. I have used taxis in an environment in which they are all accessible and, no matter what anybody wants to say, the taxi industry in Edinburgh did not collapse when it became a requirement to have all taxis wheelchair accessible—in fact it grew. There are now more taxis on the street in Edinburgh than there used to be and now all taxis in the United Kingdom are in that position. I am not suggesting that we have the London cab. I am suggesting that the argument that is made that we will go to hell in a handcart if we turn all our taxis into wheelchair accessible taxis is not supported by evidence from overseas, evidence that is based now over 10 years of hard experience, and people just need to get used to that idea.

I respect and honour the tradition that built the taxi trade, its points of origin and the way in which it has developed over the years, but we need a taxi trade for the twenty-first century, not for the middle of the twentieth century, and the sooner we get that sorted the better for everybody. I am getting old and rhetorical now, which is of no use to you.

**CHAIR:** Thank you, Mr Herd. We will now go to the Opposition.

**The Hon. TREVOR KHAN:** Could I just deal with the issue of sight impairment and the difficulties that you have described? What do you say would be the appropriate steps to take to assist a person with sight impairment in terms of the issues you have identified, that is identification of the actual fare charged, the identity of the driver and the like?

**Mr HERD:** Drivers could have a form of identity which they could, on request from a person with vision impairment, give them, which would make sure that you knew who your driver was. When I am driving in a taxi, I can see the plate, the photograph, the number, and if I am smart enough I can remember those things in case I think there might be a problem at some stage—

**The Hon. TREVOR KHAN:** Could I just stop you there? Dealing strictly with what you have identified, that is, treating people the same, is it sufficient that a form of identification for a sight-impaired person be produced on request as opposed to being readily on display in terms of a person who does not have a sight impairment?

**Mr HERD:** I think that would be a reasonable adjustment under the terms of the Disability Discrimination Act because if it is on display and you cannot see it it is not a form of identification and there is a provision under the Disability Discrimination Act to allow for reasonable alternative solutions, I think it is called, and I am not a person with vision impairment obviously, but I think that would be a good idea. Lori is a member of our council who travels with her guide dog. She would be able to say, "Can you give me your ID card", or whatever it is, and she can hold on to that, but it needs to be in a form that she can make sense of when she gets it because if she is blind and she has a problem, and the driver might work out that there may be a complaint coming, he could give her anything.

**The Hon. TREVOR KHAN:** That is the problem.

**Mr HERD:** It ought not be beyond the width of people who design our systems to have a talking meter that tells you what is the fare. It would be good, of course, to have the taxi transport subsidy scheme based on a smart card so that there was a record that could be verified, the card connects and talks to the meter so that there is no possibility of there being a slip of the pen on a piece of paper. That certainly would go some way I think to reducing the potential for fraud. There is a suggestion to have raised or Braille numbers on the outside of taxis so that a person with vision impairment can get a sense of that. That may or may not be valuable. I am not sure I would feel entirely comfortable wandering my hand around the side of a vehicle on a busy road just to get the number of it so that I could make a complaint later. Beyond that, I am not sure that I have any other practical suggestions that I could make to you, but we certainly could go off and ask some of our colleagues in the non-government sector what their recommendations would be. I am sure Vision Australia, for instance, would have a whole raft of ideas or recommendations.

**The Hon. TREVOR KHAN:** Could I invite you to do that?

**Mr HERD:** Certainly.

**The Hon. TREVOR KHAN:** Could I suggest that a printed receipt that in some way is automatically provided would also be helpful, not in the immediate sense, but at least in providing to any person a suitable record of the transaction that has been undertaken?

**Mr HERD:** Yes.

**The Hon. TREVOR KHAN:** I am interested in the term "wheelchair accessible" because of the width of mobility devices now available to people with disabilities, from what I would describe as your more traditional chair—would that be right?

**Mr HERD:** Yes.

**The Hon. TREVOR KHAN:** Through to the electrified four-wheeled device used by Mr Killeen, who was sitting behind you at the time you gave the description, and also the range of mobility devices, if they can be so described, to deal with people who have afflictions other than spinal cord injury, which allow them to get about or be moved about, and I am thinking in terms of my family experience in terms of stroke victims where they are in a prone position.

**Mr HERD:** Yes.

**The Hon. TREVOR KHAN:** All of those devices have decidedly different dimensions in terms of width and height and, in a sense, length. Is that right?

**Mr HERD:** Yes.

**The Hon. TREVOR KHAN:** When we talk about a wheelchair accessible taxi, what we are not talking about is a space to deal with your chair, are we?

**Mr HERD:** No.

**The Hon. TREVOR KHAN:** In fact it has become a moving feast. We now not only have the four-wheeled motorised devices, we have a range of scooters that assist people who may not have any spinal cord injury but, for instance, simply cannot walk because of arthritis and the like. Is that right?

**Mr HERD:** Yes.

**The Hon. TREVOR KHAN:** The Tarago van that we have talked about as being wheelchair accessible and perhaps not entirely suitable for you is entirely unsuitable for a person who uses those other devices. Is that right?

**Mr HERD:** Yes.

**The Hon. TREVOR KHAN:** So, in a sense, what we are looking at is a complete revision of the vehicles away from a car style, or I suppose you would call it a monocoque-bodied vehicle, to almost a truck or van style vehicle. Is that really the situation we are looking at?

**Mr HERD:** It could be, but not necessarily. Could I take apart, hopefully helpfully, some of the points you are making. You are absolutely right that we need to get an agreed definition of what we mean by "wheelchair accessible taxi". Even I am slipping into the shorthand. I talk about this wonderful nirvana of the United Kingdom, which of course it is not. People talk about all taxis being wheelchair accessible, and they are accessible for 80 per cent of the wheelchair travelling population. The bigger your wheelchair, the less likely you are to get into one. As our population ages, we will have more and more mobility aids.

I think the industry makes a valid point that there needs to be some kind of consensus around what this vehicle can and should be required to do, and that may mean with comparison, for instance, to the debate around the introduction of the federal access to premises standards. There was a point at which a discussion took place and a resolution was agreed that the access to premises standard, when agreed, would not mean that all public premises were accessible to all people with disability and that we would settle at some kind of compromise, if that is the right term, of what is usually referred to as the ninetieth percentile because some people are in mobility aids or prone trolleys that are just too big for lifts and ramps and all the rest of it. I think we need to engage in that exercise for this wheelchair accessible taxi discussion because nobody should expect that, just because somebody decides that a new bigger, better, faster four-wheeled motorised scooter is going to be sold and promoted to an increasingly aging population, that therefore allows that person to buy it and put it in the back of a cab or put it in a train. That just does not make sense.

**The Hon. TREVOR KHAN:** Is that not what the Act essentially requires?

**Mr HERD:** It does not define what the limit is except where there is a standard for the size of the wheelchair cube or whatever it is, so there have been attempts to define the space that fits into the vehicle. What we have not said is what happens if your wheelchair or mobility aid does not fit into that space—what are your rights? There may not be any, in actual fact, but we should get an agreement. The industry makes a valid point about the plethora of mobility devices with no clear guidance about where restraints should be fitted. We should settle on what it is we want to do and then we get vehicles that do it, and that does not necessarily mean vans.

We all know, for instance, that a higher proportion of Toyota commuter vans, I think they are, which are great for almost any wheelchair or mobility device, are well accepted on the Gold Coast because lots of people go on holiday and they have lots of gear that they take with them and everybody jumps in them and they are completely happy about it. We understand and have no reason to disagree with the industry when it says that there is some resistance in the travelling population of Sydney in particular to travel in those things and I have heard drivers tell these stories where people have almost got in a van and said, "Well, if I wanted a bus I would have waited for one at a bus stop", so people have an idea in their heads about what a taxi is. There is a range of possible designs that could be introduced if we could agree exactly what the size and shape of this space is that we call the wheelchair space, how many of them need to fit in the vehicle, the minimum required, and I suspect that will remain the case for a long time—probably forever—and once we develop that the industry should be given the confidence to go off and find the vehicles that comply with that requirement and that do not scare the rest of the population away from the vehicles.

**The Hon. TREVOR KHAN:** I take your point as valid, but can I go to an issue you raised earlier, that we have the requirement or suggestion that you make that people are warned essentially that the vehicle, although supposedly wheelchair accessible, has limitations. In the light of what we identify as the range of mobility devices that are out there in the market, what is the practical warning that a network operator can give in light of the fact that they do not know the nature of the mobility device that the passenger is going to be in?

**Mr HERD:** That is a reasonable question to which I do not have a smart answer because it is very difficult. Again, I want to have my cake and eat it.

**The Hon. TREVOR KHAN:** We all do in life.

**Mr HERD:** Yes. You could imagine a world in which the operator on the telephone would say, "Does your wheelchair comply with whatever?" and I go, "Yes, it does" and everyone is happy. Except I am very choosy about the wheelchair I sit in because I spend a lot of time in it and I like it to be the wheelchair I want. I

would like a nice red one or a blue one and I would like it to be lightweight, blah blah blah. Dougie gets into his wheelchair and once Dougie is in his wheelchair I want my rights to go anywhere I want in my wheelchair. I recognise there is a tension there. I am lucky in this sense that I have a fairly standard, modern, lightweight manual chair and, by and large, people like me do not have any problems about where they can fit.

But the more sophisticated medical technologies to come and the greater our policies for social inclusion and living in communities succeed, the more chance there will be that people with very profound and severe disability will be sitting in mobility aids that are sometimes worth more than the taxi they are travelling in. They will be large and complex pieces of medical engineering and technology. They are not going to have the ease that I have of fitting in. I am not quite sure how we deal with that. There are going to be competing tensions. I think there should be—or am I just saying that to be nice—it would be ideal if we could have a world in which a set of this wheelchair and this mobility device complies with whatever standard, but the reality is I do not think that is going to happen and that produces a problem at some point down the line. I simply do not have a practical real world answer to your question. I think it is because there may not be one.

**The Hon. TREVOR KHAN:** Very shortly I will run out of time. Would you agree with the proposition in relation to response times and the measures as to whether wheelchair accessible taxis are performing to the same standard as non-wheelchair accessible taxis that they should be far more geographic specific than the general measure that is currently provided?

**Mr HERD:** Yes, I would.

**The Hon. TREVOR KHAN:** Indeed, there is no practical reason why all the standards of performance should not be geographic specific? So somebody living on the Northern Beaches or at Tamworth, Wollongong or Newcastle have a standard of performance the same as in the Sydney CBD?

**Mr HERD:** Absolutely.

**The Hon. TREVOR KHAN:** I will not ask any more questions but please feel free to say anything you like.

**Mr HERD:** I agree. Again, I am fortunate. I live in Ashfield and work in the city. By and large I do not have a problem getting a taxi, although sometimes I do. We know what happens on the Northern Beaches or at Campbelltown. People at Campbelltown tell me that they have given up trying to get wheelchair accessible taxis, even though some drivers of wheelchair accessible taxis live in Campbelltown and they park their vehicles in the street. I do not blame them. They get up in the morning and they drive to the big fat money areas. I would do the same. I am not being holier than thou here. Eager to make a living, I would go over to those customers. That would be what would draw me. We need to devise a set of mechanisms that ensure that you do not have to live in the centre of the richest State of the richest country in the Southern Hemisphere to get a wheelchair accessible taxi. I am not quite sure how you change the behaviour of the industry.

**The Hon. TREVOR KHAN:** I am not sure that I would agree with the proposition that we now live in the richest State. Thank you very much.

**CHAIR:** Thank you, Mr Herd. I thank you for giving us your time and valuable assistance today. The Committee has resolved that answers to questions on notice be returned within 21 days. That also applies if any members have additional questions, which will be sent to you by the secretariat. The secretariat will contact you in relation to the questions you have taken on notice.

**(The witness withdrew)**

**(Short adjournment)**

**ALISON PETERS**, Director, Council of Social Services of New South Wales, , and

**SAMANTHA EDMONDS**, Deputy Director, Policy and Communications, Council of Social Services of New South Wales , affirmed and examined:

**CHAIR:** Before we start with questions, do either of you wish to make a short opening statement either to expand on a comment made in your submission or to provide additional information? We ask that you do not repeat aspects of your submission, as we have read it.

**Ms PETERS:** We will make a brief opening statement. Members of the Committee are probably well aware that the Council of Social Services of New South Wales [NCOSS] focuses on the most disadvantaged and vulnerable people in communities in New South Wales. We see transport generally as an enabler to assist the most disadvantaged and vulnerable communities. Transport allows access to work, education, study, health, recreation, leisure and social activities. This means that a lot of our time and attention is increasingly spent on public transport and community transport. We see taxis as an important service as part of the spectrum of transport options available that will assist disadvantaged and vulnerable people in communities to meet their obligations and lead as normal lives as they can. We do acknowledge that naturally there is a cost involved with taxis that may not be apparent in other forms of public or community transport but they still are an essential service, particularly for people with a disability. In many cases it is the only viable option that they have.

**Ms LEE RHIANNON:** It is merely 30 years since the International Year of the Disabled. We have had many inquiries and reports on the taxi industry, although not many of them have been released publicly. Some of them have covered the issue of the need to ensure accessibility for all people. What do you see is the key issue that this Committee should come forward with, given that in New South Wales we have a bad track record in addressing this issue?

**Ms PETERS:** The key issue is to increase the accessibility of taxis to meet a variety of users—accessibility in their physical setup, if you like, but also in terms of being able to access them either by calling them or having taxi stands and rates, for example, accessible to a greater variety of individuals. As you would know from our submission, one of the things we have suggested is that the availability of wheelchair accessible taxis, in particular, while it has improved is still not what we would like to see—that is, basically that all taxis are accessible in that way.

We have recommended a small levy on every taxi trip as a way of raising additional funds to, if you like, fast-track the purchase or the retrofitting of taxis so that more taxis are wheelchair accessible. We estimate, based on the figures we have for passenger journeys, that a small levy of 20¢ per trip, for example, would raise approximately \$20 million per annum, which could then be set aside to increasing the number of wheelchair-accessible taxis in the fleet across the State.

**Ms LEE RHIANNON:** We just heard evidence from Mr Herd, the Executive Officer of the Disability Council of New South Wales. One of his recommendations was that in 10 years time all taxis should be wheelchair accessible. Would you support that recommendation?

**Ms PETERS:** We would support a recommendation to have all taxis wheelchair accessible in the shortest possible time frame. I would defer to Mr Herd, who is perhaps more experienced in this matter than I am. If 10 years is reasonable to him, I think we would be supporting that.

**Ms LEE RHIANNON:** I am interested in the industry performance benchmarks because that is another controversial area. In 2002 the disability standards for accessible public transport were put in place, but again we see that those standards have not been enforced. Could you give us your view on why you think that in New South Wales we come up with sets of standards but we do not enforce them? I believe that is very important for our inquiry. We are simply following on a long line of inquiries and reports, and for all the party differences here there is obviously great commitment to resolving some aspects of this issue of accessibility. Do you have any insight into why the plans come forward and then they are not put in place?

**Ms PETERS:** One of the things we raise in our submission that I think is an important foundation for being able to implement plans it is to have clear, concise, publicly available information about the standards and about the progress. We spend a lot of our time in a variety of different issues looking at websites, reports and information. I think we note in this particular submission that while some information is available it is

incomplete; it is not always entirely clear what it relates to. So some of those most basic features—the lack of that transparency about what progress has or has not been made and what might then be the consequences of that. There might be some real, practical issues that arise from that. Without that information it is hard for us to make an assessment.

I would suggest, however, that the prime cause of lack of implementation is nearly always, nine times out of 10, lack of investment in ensuring that the plan comes into place. Investment is most obvious, in money terms for example, but I also think it is in terms of dedicated support, dedicated resources to actually achieve it, and a very clear time frame is as well. That is a general statement. I am afraid I would not have particular insights as to why things have not been achieved in the taxi industry generally, but certainly they are some observations we could make.

**Ms LEE RHIANNON:** We have received quite conflicting evidence about the response times for people in wheelchairs compared with those for the general public. Have you collected any data on this, or have you received information about it from your member organisations?

**Ms PETERS:** We have relied on what we understand to be the information that has been collected and is available on the Government's website. We have anecdotal evidence only that there are certainly concerns about the length of time people might wait for wheelchair-accessible taxis, but it is anecdotal, and we have not done a comprehensive survey of our member organisations.

**Ms LEE RHIANNON:** Vision Australia in one of its recommendations asks that consideration be given to implementing a harsher regime providing for greater impact on drivers and licence demerit points for prosecutions related to refusal to carry assistance animals. This is obviously to do with guide dogs. What is your view on that?

**Ms PETERS:** We have noted in our submission that this is an issue that has been raised. In our submission we have not gone as far as Vision Australia. We have said that we do think all taxidrivers should receive regular training relating to passengers who might have a disability, including an intellectual disability, and that should be available for all taxidrivers as mandatory rather than just for those who might be driving wheelchair-accessible taxis. Likewise, we see the education as an important first step so that taxidrivers are reminded that it is actually a legal requirement that they accept passengers with assistance animals, and we have made that clear in our submission.

**Ms LEE RHIANNON:** I wonder whether you have done much work on the Taxi Transport Subsidy Scheme. I was interested to read the submission from Vision Australia. Vision Australia recommends that the cap be lifted to a cap which is more in line with today's taxi fares. Is it an area that you have worked on?

**Ms PETERS:** It is not an area that we have worked on, no.

**Ms LEE RHIANNON:** I realise it is a difficult question and there is not an easy answer to it. But if this inquiry is to be useful we obviously have to delve into why there has been a failure in the past to ensure that taxi accessibility is a priority and that when standards are adopted they are actually put in place. I want to return to this because I find it really troubling that this has gone on for so long. Have you looked into how a lot of these plates have come about, given that the issuing of the plates has been linked to providing a service for people who use wheelchairs? I am particularly interested in the fact that under the scheme large numbers of plates have been issued for free, and that those free licences now amount to about \$19 million and have resulted in large amounts of revenue being collected by those who are fortunate to pick up those licences.

I realise this is history, but considering the problem we are grappling with is ongoing without the standards being enforced, is that something you have looked into, how these networks have been set up, how they have been issued with these licences, and do you see there is a link in it and something we should work on?

**Ms PETERS:** No. We have not had the resources to look at this in depth. Our interest in transport is perhaps an emerging issue, and certainly while we are aware of it through our other forums it is not an issue we have spent a great deal of time and resources on. We are aware that other organisations—and obviously you heard from several of them this morning—have had a far more active role in looking at that, and we look to them to get information about these issues.

**Ms LEE RHIANNON:** Do you think it is something our Committee should look at, considering that those licences were issued directly linked to providing services for people with wheelchairs? Do you think that is something we need to delve into?

**Ms PETERS:** We certainly have recommended that more taxis be wheelchair accessible. We would like to see that happen as quickly as possible. I think one of our recommendations is that the Committee should look at the effectiveness of different ways that that might be achieved. Clearly, one such way would be to look at the existing system, which uses those license plates, if you like, as an incentive and how effective that has been. We have not done that work ourselves.

**Ms LEE RHIANNON:** I was interested about the Taxi Advisory Committee. Is NCOSS on that?

**Ms PETERS:** No.

**Ms LEE RHIANNON:** Considering you are a peak body, I would have thought you would have involvement in it. Is that something we should recommend?

**Ms EDMONDS:** I think historically we were involved with the Taxi Advisory Committee but, as we have lost funding and staff to look after the transport portfolio, that has dropped off.

**Ms LEE RHIANNON:** Is what you are suggesting that it is more an internal NCOSS issue or is it that you have not been invited to be on that committee?

**Ms PETERS:** I have been director for two years, and certainly it is not something I am aware of the history of. To some extent, to an organisation like NCOSS, whether it would be an NCOSS staff member or we might recommend, as is the case with some other committees that we are involved in—that we put forward a panel of names of people from the sector who might be able to add input—we have to bear in mind that while we are always very interested in providing advice to such bodies, it becomes an issue of capacity and competing priorities, and we have to make some decisions sometimes as to where our resources go.

**The Hon. TREVOR KHAN:** The evidence has been that the Taxi Advisory Committee is not operating at the present time. If it were to operate would you be interested in being a participating member of the committee?

**Ms PETERS:** I certainly think that the voice of NCOSS and particularly the focus we bring to disadvantaged and vulnerable people—that certainly includes people with a disability but it also includes others who might be low income, for example, who still might need to make use of taxis and people with mental illness for example, there is a whole range of issues—we can certainly add to the discussion at the table in that sort of forum. It is very similar to other advisory committees we have been invited to participate on to keep the voices of those most disadvantaged and at-risk individuals mindful when the committees make their decisions.

**The Hon. TREVOR KHAN:** I am interested in the breadth of the groups you represent because it raises an issue with regard to the taxi industry as a form of public transport and the importance of it in that regard. Let me just raise an issue and how you would address it. If the proposal were put to this Committee that all taxis should be wheelchair accessible—and I think you might have heard the evidence earlier that I am a little worried about this concept of wheelchair accessible in light of the range of mobility devices—has your organisation done any costings on what it would cost for all vehicles to be wheelchair accessible and what impact that would have on the fare structure of taxis?

**Ms PETERS:** We have not done that level of detailed work. As you would know from our submission, what we felt was a small levy of 20¢ per trip could be collected to fast track the expansion of wheelchair accessible taxis, because we are also mindful that it is a substantial cost for taxi owners and the industry, and that obviously is reflected in the fare structure of taxis as well. In my opening you would have heard me say that NCOSS is increasingly taking the view that transport is a very important part of the work we do, and while taxis are quite often not thought of as being part of the public transport system they are a very important adjunct to that system and they are also increasingly being used by community transport providers to supplement their infrastructure as well. So, we see them as being a very complementary and vital part of the overall system. Therefore, with that in mind we are also mindful of the cost implications. We have not done the level of work you have spoken about.

**The Hon. TREVOR KHAN:** I am not being critical.

**Ms PETERS:** No, it is just not within our capacity to do it at this time. We have made a suggestion about how you might build up, if you like, a bit of an investment fund that might allow for quicker introduction of more wheelchair accessible taxis, because we do perceive there is a great need for them.

**The Hon. TREVOR KHAN:** The difficulty Mr Herd identified—and again I think you were here for all of his evidence, is that the case?

**Ms PETERS:** No, I am afraid not.

**The Hon. TREVOR KHAN:** You have raised in your submission the difficulty that people with a disability have with the rank and hail taxis. Would you agree with the proposition that if there is a relatively small wheelchair accessible taxi fleet, that that impacts on the capacity of a person with a disability to hail a suitable taxi? That is, if less than 10 per cent of the fleet is wheelchair accessible, it is going to be pretty hard to get a taxi?

**Ms PETERS:** That is quite true.

**The Hon. TREVOR KHAN:** Indeed, as most of those taxis, as would seem to be the evidence, are operating in the central business district and at the airport and the like, standing on a rank somewhere on the northern beaches or at Campbelltown, as has been suggested, is likely to be a fairly unrewarding experience?

**Ms PETERS:** That is correct.

**The Hon. TREVOR KHAN:** So that a modest increase in the number of wheelchair accessible taxis, even a doubling of it, is likely not to have a significant impact on the availability of taxis for those who wish to exercise their right to try to hail a taxi?

**Ms PETERS:** I think that would be correct. I think it is also worth noting—and this is information that has obviously come to light subsequent to our submission, with the intergenerational report on ageing, and we are all getting older—the reality is there are increasing numbers of people who have mobility issues, not all of them confined to wheelchairs but mobility issues, so having accessible taxis that suit a variety of mobility issues will become an increasing problem as we get older and as more people suffer the consequences of ageing and disability.

**The Hon. TREVOR KHAN:** I want to ask you in terms of both people with sight impairment and also people with an intellectual disability, about issues relating to the transaction of hiring a taxi. In that regard, I want you to consider what would be appropriate additional assistance that could be provided that would help people know that the transaction they have entered into is a kosher transaction, if I may put it that way. What do you think could be done to help or for somebody else in due course to review it?

**Ms EDMONDS:** Off-the-cuff, I would say for someone who is sight impaired you could almost look at a machine that verbally announces what the end fare is. So, as a taxi driver pulls up the machine says your fare is whatever it is so they know exactly how much they have to pay. Again, that might assist people with intellectual disabilities as well, having some kind of verbal prompt. Probably something that is a little bit more obvious, sometimes it is difficult to see the taxi meter where it is currently placed.

**The Hon. TREVOR KHAN:** That is so even without sight impairment sometimes.

**Ms EDMONDS:** Yes. So maybe something that is a little bit more centralised and larger so that people can read it a lot more easily. And absolutely around education as well; people need to be educated how to interact with people with an intellectual disability and people with sight impairment.

**The Hon. TREVOR KHAN:** Do you think it is appropriate that all customers of a taxi be provided with what in essence is a printed receipt or invoice?

**Ms PETERS:** The technology is certainly there. As a relatively regular user of taxis, I quite often get a printed receipt.

**The Hon. TREVOR KHAN:** You would need it for your work, would you not?

**Ms PETERS:** Yes, but even without that, using your little plastic ATM card you get a receipt if requested. I am certainly not an expert on the technology but it would seem to me that those facilities are available and it seems to me it would not take too much to make that available, whether you pay by cash or voucher or card or some other way, that you are able to get a printed receipt. Certainly, there are cab drivers who will provide a handwritten one on the back of a little card, so it seems to me the next logical step is to use the existing technology that is linked to the EFTPOS system within taxis to be able to do that as well.

**The Hon. TREVOR KHAN:** An issue has been raised again by Mr Herd but I think it covers your area, about sight-impaired passengers and the identification of the driver. What steps would you see as appropriate to assist a sight-impaired person to be able to identify who the driver is?

**Ms PETERS:** I would suggest, if you have not already asked Vision Australia, that they might be best placed to deal with that. It would be outside our level of expertise.

**The Hon. TREVOR KHAN:** Could I just go to the wheelchair accessible taxi issue? Has your organisation been involved in any discussions or committees looking at what is an appropriate definition of a wheelchair accessible taxi?

**Ms EDMONDS:** Not at this stage, no.

**The Hon. TREVOR KHAN:** Could I now go to the issue of performance and performance measurement? I think there has been a good deal of evidence so far, and putting aside issues of accuracy—and I have to say I am prepared to accept the figures we have been provided with are accurate, but they are only broad-based figures—what precise performance criteria would you like to see introduced to assist in measuring performance?

**Ms PETERS:** I think some of the existing key performance indicators, and we have indicated this within our submission, are quite useful. The problem is it is sometimes a little difficult to understand the data that is then produced. We give an example from the website where a table is produced that makes reference to question 1, 2, 3 and 4, yet you cannot find on the website what those questions are. The table looks pretty but it is pretty meaningless for anyone who is looking at it. So, some clarity about what is being measured would be useful. We also make a recommendation about customer satisfaction—that we should look at other features of customer satisfaction in the same way that other modes of public transport are measured against, such as cleanliness. So, it is not just how long you might wait for a taxi, it is matters about cleanliness, the knowledge of the driver so you get into a cab and do not have to explain exactly where you have to go. Things of that nature, I think, could be incorporated into performance indicators in a similar way to other modes of public transport. They look at collecting information on those issues as well.

**The Hon. TREVOR KHAN:** How do you measure that in a way that becomes statistically satisfactory or accurate in any sense?

**Ms PETERS:** Public transport agencies contract companies to do customer satisfaction surveys. The Newspolls of the world and other survey companies go out, randomly call people and ask them questions about their usage of public transport. It seems to me that you could do a similar sort of thing for the taxi industry. I think it would help to identify certain areas. However, the thing is that you cannot do it just once; you have to do it on an ongoing basis so that you can address areas where there are problems and establish whether or not progress is being made in that regard. It might be something that will also assist the taxi industry. I think we indicated in our submission that there are lots of anecdotes about when things go wrong in the taxi industry, but you probably do not hear about all the things that go well. Sometimes that is because of the nature of the world in which we live. These sorts of analyses enable industry to deal with real problems, as perceived by their passengers and customers, as well as acknowledging where it is getting better.

**The Hon. TREVOR KHAN:** Do I take it—and this is probably a dorothy dixer—that you agree with the proposition that any data collected should be geographic specific? It is no good having data for the whole of Sydney or New South Wales; we have to deal with sections of Sydney and with region by region?

**Ms PETERS:** Absolutely.

**The Hon. TREVOR KHAN:** Would you identify that statistical analysis in the broader sense?

**Ms PETERS:** That is correct.

**The Hon. TREVOR KHAN:** Do I take it that you also agree with the proposition that a person with a disability in the centre of Sydney is entitled to no better or worse treatment than a person who lives in Tamworth, Dubbo or even Bourke? People with a disability are entitled to equal treatment wherever they live?

**Ms PETERS:** Yes. In fact we would probably go further and say that they are entitled to the same services that are enjoyed by people without disabilities.

**The Hon. TREVOR KHAN:** I have taken that as a given. Your submission suggests that NSW Transport and Infrastructure should work with local government to improve the accessibility of taxi ranks. What measures should be taken to improve accessibility?

**Ms EDMONDS:** It really depends on the taxi rank. It would need to work with disability groups to find out what is needed at a taxi rank to make it accessible to the range of disabilities and impairments that exist. At a basic level it would be about having seating, shelter, numbers, and numbers in Braille. It would be about the flatness of the area around the rank, ease of access to that rank, and what people have to do to get there. It would need some specific wording.

**The Hon. TREVOR KHAN:** And something as obvious as ensuring that there is a ramp onto the roadway?

**Ms EDMONDS:** Yes.

**The Hon. GREG DONNELLY:** Thank you for attending this hearing today to provide additional evidence to your submission. I refer to the experience in other countries. Do you have any knowledge of any jurisdiction where there is a general appreciation that the standards for taxis for disabled people are quite high compared to levels generally elsewhere in the world?

**Ms PETERS:** We have not looked at that in detail.

**The Hon. GREG DONNELLY:** What about elsewhere in Australia? Is there a bit of a ranking amongst other States and Territories about which one does it better than others?

**Ms EDMONDS:** Again we have not looked at that specifically.

**Ms PETERS:** We might have personal views but I do not know whether that issue has been thoroughly researched.

**The Hon. GREG DONNELLY:** I have been wrestling a bit with the question of incentives and, specifically, incentives for drivers. Some of the evidence that was given to us by witnesses yesterday and today has been to the effect that individual taxi drivers are doing it really well when it comes to people with a disability. It may well be because of their personal disposition. Yesterday we heard evidence from someone who knew a driver who had been providing services for people with a disability and who had been carrying them in his vehicle. I understand the argument of trying to raise the tide for general standards with respect to each vehicle across the industry to provide better services for disabled persons. However, it has been argued that a sizable niche inside the industry should be cultivated to provide for the drivers of vehicles who do this work well. Would that not be a better way of delivering improved services to people with a disability?

**Ms PETERS:** We have not contemplated that idea. From the NCOSS perspective we think this inquiry should be looking at the best way to achieve these outcomes thereafter. People who need to use a taxi, whatever their circumstances, should be able to access one that meets their needs. We might well require particular drivers and vehicles, as you say, in a niche service. You spoke earlier about fast tracking, but this might be one way of looking at it while we try to raise the tide across the entire industry. However, it is not an issue to which we have given specific thought or attention.

**The Hon. GREG DONNELLY:** Clearly there are premium costs for vehicles to provide for people in wheelchairs—people with a physical disability. Another issue that was argued quite strongly yesterday by some

of the witnesses related to the driver incentive and the fact that it was important to make it worth their while. In fact, I recall that one witness said it was very important. Do you have a view about the driver incentive issue? Is that something at which we should be looking specifically? Should it be increased to provide greater incentives for drivers to be drawn to the opportunity of providing services for people with disabilities?

**Ms PETERS:** One of our recommendations is that the Committee should look at the success of the incentive scheme, which goes more to the owners. However, the idea of recognising a higher service standard for drivers would not be inconsistent with that sort of approach. In essence, you could set up a scheme in which drivers provided a particular skill or attribute of their service. Other workers are recognised for that through higher wages, for example, and that could also be done for drivers. It would require significant consultation with disability organisations to ensure that we were talking about well-established and consistent standards of service, as opposed to people just being nice. There is a slight difference there.

**The Hon. GREG DONNELLY:** From my experience of travelling in taxis it strikes me that even in the best of times taxi drivers are looking for the next job all the time, and they are trying to get to that next job. That is made much more difficult when the economy is not performing as well as it might be because of the general circulation of money and people wanting to use taxis. I recall hearing evidence to the effect that a taxi driver who primarily offers services for disabled people might do only eight, nine or 10 jobs in a day compared to the larger number of jobs for people without a disability. Should we be looking at drivers who specifically cater for disabled people? Should we be looking at that issue and putting our energies into doing that?

**Ms PETERS:** It is not inconsistent with the notion of what we are seeking, that is, for people to be able to access suitable taxis when they need them.

**The Hon. GREG DONNELLY:** I refer to standards in regional and rural New South Wales. Do you have any comments about the variance between those standards and general standards in the metropolitan area?

**Ms EDMONDS:** We state in our submission that the standards were developed in 1993 and they still have to be finalised. It is hard to compare standards in country and regional areas when you do not have standards.

**The Hon. GREG DONNELLY:** I refer to your own experience as an organisation and to complaints that have been lodged with you. Are people outside the metropolitan area who are disabled much worse off or slightly less worse off than, say, people in the Sydney metropolitan area?

**Ms EDMONDS:** To be honest, we have not received many complaints ourselves. I would suggest that most people with a disability would complain about a wide variety of issues to the organisations representing them rather than to us as a peak body. In our consultations in regional areas issues about taxis do not come up a lot; the issues relate more to public transport per se—buses and trains rather than taxis.

**Ms PETERS:** That could be because taxis are not available in many areas so they are not part of people's consideration.

**The Hon. GREG DONNELLY:** On pages 12 and 13 of your submission you said that NSW Transport and Infrastructure, the taxi industry and the community transport sector should cooperate to develop mutually beneficial arrangements. What were you getting at when you were referring to these arrangements? What sorts of arrangements did you have in mind?

**Ms EDMONDS:** This is an issue for the community transport organisations. Something that they have been trying to negotiate with the taxi industry for a while concerns access to daytime off peak, off-meter rates for their clients. Where they are providing services and they are unable to meet the demand in their areas they are beginning to utilise taxis, but not at an on-meter rate.

**The Hon. PENNY SHARPE:** Nothing prohibits them from doing that at moment; it is more an issue of whether they have been able to come to that arrangement. That is the case, is it not?

**Ms EDMONDS:** Yes.

**The Hon. PENNY SHARPE:** I also have a question about community transport. I have visited many places in New South Wales looking specifically at the issue of regional transport. The issue of taxis and their

importance in the community transport area is increasing. There are some excellent examples around the State of some innovative approaches to this kind of thing. I am interested in recommendation 11 which talks about non-peak times between 9.00 a.m. and 3.00 p.m. Yesterday we heard evidence—and this is what taxi drivers around the State have told me—that between about 8.00 a.m. and 10.00 a.m. and between 3.00 p.m. until 4.30 p.m., in particular in regional areas, is the key drop-off point for schoolchildren. They have arrangements with individuals and with the school system. I would like you to comment on whether you thought about that in your recommendation. I understand what you are getting at in relation to the off-peak issue; however, I am concerned about the hours that you have nominated because of that problem.

**Ms EDMONDS:** It is about providing transport beyond dropping kids at school and picking them up. It is about accessing health and social services and it is about shopping. Between 9.00 a.m. and 3.00 p.m. it is apparent that there is less demand on taxi services and that they are less likely to have trips. That is the time when people are most likely to want to travel to a shopping centre, to a health appointment, and so forth. It would probably need management of some kind. It might not be 9.00 a.m. as they are providing services up until that time; it might only be 9.30 a.m. However, that would depend on an individual area.

**The Hon. PENNY SHARPE:** It has not been fixed?

**Ms EDMONDS:** It has not been fixed.

**The Hon. PENNY SHARPE:** Rank and hail hiring has been raised several times by witnesses in the past couple of days. Do you have any suggestions as to how we can manage what is clearly a system failure in that people who need wheelchair accessible taxis are not using those vehicles because, as Mr Herd said previously, they will never get to their destination? Do you have any suggestions about how we might measure that problem or get to grips with how much of a problem it is? My sense is that people have given up, so we never actually hear about the problem although everyone seems to have identified it as being one.

**Ms EDMONDS:** I guess, as we have said before, it would involve doing a survey of some kind. It could be by talking to people at the taxi rank itself or utilising organisations that assist people with disability to find out from their members what the issues are, or having forums, meetings or workshops or whatever works for the particular area.

**CHAIR:** There is some time remaining so we will have four minutes of questions each, starting with the crossbench members.

**Ms LEE RHIANNON:** I want to turn to the history of how we arrived at this because I am obviously troubled by the fact that we could well be sitting on another failed taxi inquiry when you look at the—

**CHAIR:** That is a presumption.

**Ms LEE RHIANNON:** I acknowledge the Chair's comment. I do not think I am being presumptuous when you look at the fact there have been about 13 inquiries. Often the reports have not been released and the recommendations have not been acted on, so I think—

**CHAIR:** I direct that you ask a question of the witnesses.

**Ms LEE RHIANNON:** It certainly is the lead in to the question I am asking. I am also mindful in asking this question that NCOSS is short of resources, but if you could assist in our understanding I think it would be useful. The International Year of Disabled Persons was exactly 29 years ago and NCOSS was on the Committee for that year. The issue of transport was a very big one. There was a very interesting discussion at that time. I was on the Committee for the International Year of the Child but not for the International Year of Disabled Persons, but I was certainly working on the periphery with the people involved. There was very interesting debate about how to resolve transport issues, with one recommendation being to have more lifts in train stations. There was a suggestion about using taxis more to assist people in wheelchairs. It was actually Mr Kermode who came forward with a recommendation, which was accepted, to use taxis and bring forward modified taxis.

**The Hon. PENNY SHARPE:** Is there a question in here?

**Ms LEE RHIANNON:** Yes, very much so. Former Premier Wran brought forward the proposal for free plates and 92 were issued, and about six were issued under Mr Greiner. Then a recommendation was made to former transport Minister Baird to allow those plates to be sold and traded, but he did not support that recommendation from his department. When Mr Carr was Premier the free plates were allowed to be bought and sold. I imagine you will need to take this on notice. I want to gain an understanding of what the arguments were around the status of the plates and allowing them to be traded, because we can see that New South Wales has ended up with fewer wheelchair accessible taxis per head of population than other States. I think the history is incredibly important if we are going to learn the lessons from how we have arrived at the current position and have failed to solve the problem.

**Ms PETERS:** I think we will need to take that on notice.

**CHAIR:** Did you actually understand the question that is being asked?

**Ms PETERS:** Yes. I am presuming we are being asked to comment on the trading of plates and whether or not that has led to a reduction in the availability of wheelchair accessible taxis as opposed to the intention, which was to encourage their use. One of our colleagues at NCOSS has some history around this issue and we will see what information we can glean from her about the history and whether we believe there has been an issue in that regard.

**The Hon. TREVOR KHAN:** Can I go to the specific issue of what you have already been asked about the difficulty with rank and hail taxis? Mr Herd spoke about the problems with wheelchair accessible taxis, but clearly people who are sight impaired have a whole series of other difficulties that they confront in just identifying a taxi. Mr Herd tells us that one of the problems in using the phone to book a taxi is that you then incur a booking fee. I suppose we can identify a wider group of people with a disability who incur an additional cost for using taxis that an able bodied person would not have. Have you a view as to what should happen when a person with a disability of necessity has to use a booking service as opposed to hailing a taxi?

**Ms PETERS:** Certainly NCOSS supports what we call enabling services, which clearly taxis would be, to assist people with a disability and indeed other disadvantaged and vulnerable people to lead as normal a life as possible. You might question what "normal" means. We suggest in those circumstances, and have advocated quite strongly across a range of service provisions, that where that results in additional cost government needs to look at subsidising that cost because of the greater good in allowing that person access to a service that means they can get to and from work or to leisure, recreation, study and so forth. They should not have to bear the additional cost because the service does not meet their needs precisely. We have long advocated for that. On the issue of the booking fee, our very clear response would be that government should look at how it subsidises people who must use that service so they can be guaranteed access to a service that over time reduces the cost to government of the provision of other care and support services.

**The Hon. TREVOR KHAN:** That really was the Dorothy Dixier. Now let us get on to the other part. Who is subsidised: Is it the user or the operator/driver who receives the subsidy? How do you achieve that equivalence? Where do you put the money?

**Ms PETERS:** We would need to think about that because part of it is about how you might best administer it to get the same outcome: Whether it goes to the taxi operators so that they can pay for having a telephone booking service available or whether it goes to the person with a disability who then, in the same way that I do when I might phone up to book a cab, pays the driver. I think we would say it is what is going to be the most efficient and that comes down to some administrative considerations.

**The Hon. TREVOR KHAN:** Do you want to think about that and take it on notice?

**Ms PETERS:** Yes, we will.

**CHAIR:** Two other issues have been raised and you may want to take these on notice. You may not be able to assist us. One of the main complaints is that taxi drivers picking up passengers or exiting passengers are stopping in no-stopping zones or things of that nature and are suddenly confronted with a situation where they want to do the right thing by the passenger but are terrified they are going to end up with a \$150 fine or some other amount. Have you looked at whether taxi drivers in those circumstances should be given exemptions? The second part of the question relates to the use of bus lanes and transit lanes and stopping at bus stops. Has your

organisation looked at whether taxi drivers should be given that privilege or exemption to allow them to be of more assistance to their passengers and more accessible to their passengers?

**Ms PETERS:** I am certainly aware that pick up and drop off at various places around the city is very much more problematic than it used to be. That is difficult at a personal level so I can only imagine what it must be like for someone with a mobility issue who wants to be dropped as close as possible to their destination and not dropped around the corner. On the broader issue of how we might deal with that, we might take that on notice if that is acceptable so that we can think about how you might deal with it and what some solutions might be.

**The Hon. PENNY SHARPE:** Your submission talks about demand-responsive transport, particularly in relation to areas where public transport ceases to operate on weekends and some regional areas. Can you tell the Committee more about the opportunities you see for taxis as a provider or give examples of where you know that is happening? How do you think it could work? The sense I get from your submission is that you think there could be more coordination to identify those areas and then bring people together to talk about them. I am wondering whether you have other suggestions.

**Ms EDMONDS:** It is a historic recommendation that NCOSS has been making for quite a number of years about demand-responsive transport. Being new to it I am trying to think what the processes were behind it.

**The Hon. PENNY SHARPE:** If you want to take some of it on notice that would be great.

**Ms EDMONDS:** Yes.

**The Hon. PENNY SHARPE:** Your submission also suggests in relation to demand-responsive transport that "in some areas taxi operators have developed these services themselves but they are constrained by the structure of the public transport system, which does not have enough flexibility to encourage demand-responsive services". Can you explain what you mean specifically by that?

**Ms EDMONDS:** It depends on the area and whether they have a bus network. Quite often buses are set on specific routes and they are not flexible, which is what demand-responsive transport is about. It is about someone saying, "I need the bus at this time", and the bus coming through and picking them up. If those two systems are operating it is not going to work. If the bus is running on a set route to a set time you need to coordinate the taxi to get to a set point at a set time so that you can catch the bus, if that is what you are intending to do, or you need to catch the bus because you are going from one rural town to another rural town and you cannot afford to take a taxi. It is about having that kind of flexibility between the two systems.

**The Hon. PENNY SHARPE:** So it is especially an issue around the public transport system and buses. I have seen and been on a bus that drops to your door in Merimbula. I highly recommend it to anyone who goes there. It drops to your door and picks up people on a booking system. It appears to me it is working in some parts of the State so I am interested in the question of flexibility and why it cannot be used in other places if some places are making it work.

**Ms PETERS:** Part of the problem is, if you like, competing interests and those interests not being able to work it out. In some areas they work together quite complementarily but in other areas it is competition between two businesses, one providing a bus service and the other providing a taxi service, and how the two meet. I suspect in many cases it is an issue of getting people together to talk about how they might work more cooperatively to produce good outcomes as opposed to automatically assuming it is about competition at a business level that might reduce services overall, which is clearly not what we want.

**The Hon. PENNY SHARPE:** I have a question about performance data and reporting. Obviously the networks are required to provide a lot of data. Clearly a lot of evidence has been put forward that that data needs enhancement in terms of de-aggregation and being more meaningful so people can track it. In relation to customer performance and complaints handling, is your preference for the Government to conduct the surveys or should the networks be required to do more customer service satisfaction surveys themselves as part of their reporting?

**Ms PETERS:** We might take that question on notice. Certainly we have spoken about the need to do it, but we will take on notice the pros and cons of either model.

**CHAIR:** Thank you very much. We are very grateful for your appearance today and the assistance you are giving the Committee. The Committee has resolved that answers to questions taken on notice be returned within 21 days. This would include any additional questions on notice members may forward to you via the secretariat. The secretariat will contact you in relation to questions you have taken on notice and any other questions that are sent to you.

**(The witnesses withdrew)**

**MICHAEL JOOLS**, President, Australian Taxi Drivers Association, of  
affirmed and examined:

**CHAIR:** In what capacity do you appear before the committee?

**Mr JOOLS:** Both as President of the Australian Taxi Drivers Association and as a taxi driver.

**CHAIR:** Do you wish to make an opening statement either to expand on any comment in your submission or to provide additional information? There is no need to repeat your submission as it has been read by members of the committee.

**Mr JOOLS:** Several of my colleagues were asked to advise on whose behalf they claim to attend and represent people. I am minded to recall the statement made by Billy Hughes at the Treaty of Versailles in 1919, about 91 years ago, when he said, "I speak for 60,000 Australian dead," and the people at Versailles, and the world, listened. Today I am here to speak for 60,000 working dead, the taxi drivers of Australia. It is a fairly dramatic statement—we are looking at New South Wales so it is less than 60,000, but 60,000 is a good number. After a normal week that a taxi driver works in New South Wales, which is a 72 hour week, 12 hours a day on the road, driving drunks, druggies and all sorts of weird and wonderful people, he is a zombie. It is a credit to our fellow drivers here that we have so many here to actually explain to the Committee the attitudes and beliefs of taxi drivers.

But I am also very angry at what a lot of witnesses have said to you here yesterday, much less so this morning. The comments made about the numbers of trips is grossly false. The comments made about the standards and quality of reporting is grossly false. The comments about insurance issues is grossly false about what has been reported back to you. The notions of the EFTPOS system and the methods of recording is grossly misleading and all it does, in that particular instance, is going to lead unnecessarily to an improvement in the monopoly power of Cabcharge.

The only criticism I have of my fellow taxi drivers is that we came to you asking for your help, to do this with the stroke of your magic pens, change the world. I do not think that is going to happen. I think that change, reform and progress in our industry is going to have to come from within. It is going to have to come from the drivers, the operators and the networks. Many of those stakeholders are not particularly progressive, and many of them have been, for a very long time, advantaging themselves from the public purse in their roles in the taxi industry. I think and I believe that very strongly, and more than that the Australian Taxi Drivers Association is taking specific action to do things.

We think that there are three main ways in which the industry can change. We want to change the employment status of drivers. We are employees and we are bailees to be sure. In terms of what was told to us by the TWU yesterday, so much is simply not true. I drive 48 hours a week, four nights a week because I find I cannot physically do more than that. In any other industry I would be a full-time employee yet in the taxi industry I am a casual, but worse than that, the taxi drivers contract determination the Committee heard about yesterday afternoon does not really cover me. It only offers entitlements protection to full-time drivers. So whilst you may have been told the Industrial Relations Act contract determination protects and grants entitlements to taxi drivers, it does not. The majority of drivers in Sydney, which is the only place that the taxi determination actually covers, are casual drivers. They are not covered for things like holiday pay, sick pay and all those basic entitlements.

I do not have an hourly rate. If I do not turn up this afternoon—this being the second day in a row that I have been here—I may not have a car and there is no way I can insist on having a car because as a casual I can be chucked out, notwithstanding I have worked for the same guy for about five years. It is absolutely outrageous. We want to change those situations to be an employee, or to be confirmed that we are employees. The Industrial Relations Act 1966 said we were employees. We want to be employees—some of us may not.

The second part, which has been touched on by a few witnesses, is the security system. It is a fundamental aspect of taxi drivers and a lot of the reasons for the problems that are occurring is because we do not feel safe. The camera systems do not work. The duress alarm systems do not work. I personally have had examples of where incidents have been reported, downloads have been made and nothing happens because the information does not get through properly. We now have a Government about to bring out new specifications for a taxi security system, which put the State of New South Wales back behind every other State. The new

requirements are that a camera in a cab takes a picture once every 10 seconds. It is a minimum standard. In every other State that has been changed. In every other State we have streaming of camera facilities. We have things that actually work. New South Wales is going backwards. We want to have that security system changed, and, in fact, we are going to do so.

We have got, ready to be released in two months time, a new camera system that will operate with five cameras on the taxi. It will record at the rate of three frames per second from every camera. It will store the information for 100 days. Yesterday we heard that the information can be overwritten. We want to have that information secure for 100 days so that in the present situations when drivers are accused, or passengers are frightened and need to report, there is a positive record. At the moment those records are overwritten within days and in some cases within hours by inadequate equipment. We are going to change that by offering commercially a system that works. It will be so far in excess of the new minimalist standards of the Government that I think there will be a public outcry.

The third way that we feel the whole system needs to be changed is the whole booking and dispatch system. It is antiquated. It does not function and it causes so many of the problems that you have been hearing about today. One of the things that has come up this morning is the question of rank and hail and wheelchair accessibility. That is functionally related to the fact that most bookings are done for an immediate pickup. Why? Wheelchair users in particular plan their days very carefully. Most wheelchair users would know well in advance of their transport needs but the booking that they make does not get transmitted to the taxi driver when he makes the booking. It is just a simple little quirk in the system that the system, because it does not benefit from it, has been allowed to run rampant for decades. We are going to change that. We are introducing our own job offer and EFTPOS payment system in about a week's time, which will offer an alternative to the networks?

**Ms LEE RHIANNON:** Who do you mean by "we"?

**Mr JOOLS:** We, in that sense, is the Australian Taxi Drivers Association who are supporting a commercial enterprise called taxis.net.au—sometimes my hats get a bit mixed up as to which ones I am wearing at the same time.

**The Hon. GREG DONNELLY:** Yesterday the Committee heard representations from the New South Wales Taxi Drivers Association. Is it related to your organisation? Is it the State branch of the federal body?

**Mr JOOLS:** No, we are somewhat at loggerheads from time to time. I was, in fact, the president of the New South Wales Taxi Drivers Association. I subsequently left because of internal differences and set up the Australian Taxi Drivers Association.

**The Hon. GREG DONNELLY:** At the moment do you exclusively operate within New South Wales?

**Mr JOOLS:** We predominantly operate within New South Wales because of time difficulties of doing other things but we talk and relate to taxi driver associations in all the other States.

**The Hon. PENNY SHARPE:** Are your members individual drivers?

**Mr JOOLS:** Individual drivers. At the end of December last year we had 437 recorded members. In January this year we decided that we would, in fact, make membership free because drivers are reluctant even to spend \$35 on an annual membership of an association. With a bit of latitude I would say that our potential membership is that 60,000 Australian drivers. The problem also is that we are on \$12 an hour. We work 70 hours a week. We are subject to assaults, robberies and murder. We have a non-functioning system that is a failure as a security system and as a dispatch and booking system.

The one thing I would like to introduce as a major proposal that you can, I think, take on board and progress with is that taxi drivers whose licences are in default, due to a series of minor breaches, be given a community service option instead of cancellation of their licences. There are so many drivers who somehow, through minor breaches of the law, accumulate points in excess of the 12 points per year. Rather than chucking them off the road why not give them an opportunity to work it out with community service? That would enable people like the community organisations to get the benefit of drivers rather than lose those drivers.

**The Hon. TREVOR KHAN:** I take it that you would not limit your last proposition solely to taxi drivers? You would have to necessarily extend it to professional drivers such as bus drivers, truck drivers and the like?

**Mr JOOLS:** I do not think those professional drivers who probably also need that assistance are in the position to carry passengers in their vehicles. A taxi is insured for passengers, can carry passengers and does carry passengers.

**The Hon. TREVOR KHAN:** That accumulation of points relate to offences such as speeding, going through red lights and the like?

**Mr JOOLS:** That is why I used the words "minor breaches".

*[Interruption.]*

**CHAIR:** No interruptions please.

**The Hon. TREVOR KHAN:** I am not persuaded by the argument. You said that we had been told inaccurate things which you then listed. Apart from telling us that they are inaccurate, would you list them again and say why they are inaccurate rather than just making a bald statement? Please recognise that we have 11 minutes so you will have to be brief.

**Mr JOOLS:** One of the premises was that there were 175 million passenger trips a year in New South Wales. Generally we talk about paid trips rather than passengers, so the figure that the taxi council has previously quoted is that that is divided by 1.8, which brings it down to 97 million paid trips per year.

**The Hon. PENNY SHARPE:** Why is it divided by 1.8? Is that because there are, on average, two people in a cab?

**Mr JOOLS:** Yes, 1.8 persons per cab, and taxi passengers pay per trip, not per passenger.

**The Hon. TREVOR KHAN:** So we are down to 97 million.

**Mr JOOLS:** The Independent Pricing and Regulatory Tribunal [IPART], which regulates the fares and has perhaps the most available information, records the figure of 60 million. The people who should know are the taxi council because they have access to the data. The Independent Pricing and Regulatory Tribunal has been supplied with the data by Government, by taxi driver associations and everybody else, and it has concluded about 60 million passenger trips a year.

**The Hon. TREVOR KHAN:** So you say it is 60 million passenger trips. Let us move on to your next issue.

**Mr JOOLS:** Standards. There are 12.7 million phone bookings per year in Sydney, in the metropolitan area, and there are only 8.7 million passengers picked up. Those are the figures that the Department of Transport aggregates from the networks and supplies to IPART, and IPART publishes those figures. It is absolutely illogical and impossible that, if there are 12.7 million passenger bookings and only 8.7 million pick-ups, the pick-up rate can be 93 per cent within 15 minutes. It does not make sense. It is statistically unsound, it is illogical and it is not possible. What has been done is that they have taken a different figure from the defined standards and what they have taken as the figure is the number of acceptances by taxi drivers from the bookings that have been made, or have attempted to be made, with the networks. The figures have come down to something like 10 million bookings being accepted by taxi drivers. That is a measure not of the efficiency of the standard of the network; it is a measure of how good our taxi drivers are. We in fact pick up within four minutes, on average, of having accepted the booking, and those figures are in IPART, but to publish both from the Government and other sources that 93 per cent of people are picked up within 15 minutes is a total falsehood. It is something that I have been objecting to for many months and I wrote to Mr Les Wielinga from Transport and Infrastructure and detailed all of these comments some three months ago, and I am still waiting on any response. That is item 2.

The third issue is insurance. It was pointed out that the Government and the networks have in fact resolved with the insurers that a driver can now make an insurance claim in the event of an accident using the

insurance policy of the operator. That might well be the case and we have had instances where individual drivers have suffered at law, not because they have been asked to pay just the excess but because the operator has failed to make any claim whatsoever. The regulations are a bit twisted and warped. Yes, a taxi operator must have a policy that indemnifies the driver in the event of an accident and he must pay the excess, but he does not have to make a claim. So in the not infrequent instances where no claim has been made, the insurer goes back to the individual driver and takes him to court. We have a particular instance where one driver had an order of I think \$9,000 against him for an accident that the operator had never made a claim on.

**The Hon. TREVOR KHAN:** But do I take it that the regulation requires the operator to indemnify the driver?

**Mr JOOLS:** Yes.

**The Hon. TREVOR KHAN:** So the insurer is, in a sense, if I may use such terminology, starting up his own clacker?

**Mr JOOLS:** No, the wording is that the operator must have a policy that indemnifies the driver—not that he indemnifies the driver. So he has that policy, but he does not exercise it.

**The Hon. TREVOR KHAN:** Do I take it from that you say the regulation is inappropriately worded and that the regulation should require the operator to indemnify the driver?

**Mr JOOLS:** It should, and it has been requested on three previous reviews.

**The Hon. TREVOR KHAN:** Let us not worry about history. You are saying that the regulation—

**Mr JOOLS:** Is at fault.

**The Hon. TREVOR KHAN:** Let us move on to your next point.

**Mr JOOLS:** The issue that has been maintained through a number of questions is the receipts, EFTPOS requirements and so on in vehicles. I do believe, and it is perfectly appropriate, that every passenger should get a receipt that nominates the driver and the details and the fare.

**The Hon. TREVOR KHAN:** That is a good concession to make I think.

**Mr JOOLS:** And systems are available to do that. But the principal system that is being offered to package that all together is at fault inasmuch as I, as a driver, can get into my taxi and log on to the EFTPOS system with any six-digit number and I can put in any appropriate eleven-digit ABN number. Simply having the system that is there does not actually identify the driver. The receipt that comes out is a receipt made by that notional person, but the driver never receives the money. There is a major question: Can I give a receipt for money I do not actually receive? Where does the GST go? These things are major queries. The justification for having such a system is quite clear, that is, to create integrity for the taxi transport subsidy scheme [TTSS], and that is laudable, but to then require that all cabs have a device that enhances the monopoly power of one provider—because only one provider can do these things as it stands—is a failing and, given that the taxi transport subsidy scheme operates only to the advantage of 1½ to 2 per cent of passengers, to bring in a scheme that preserves the integrity of that module as against the 98 per cent which are not involved is regulation by stealth. We have addressed the issue to the Australian Competition and Consumer Commission.

**The Hon. TREVOR KHAN:** You agree with the proposition that it is fair and reasonable that a passenger, almost as a matter of course, receives a receipt. Is that right?

**Mr JOOLS:** Absolutely.

**The Hon. TREVOR KHAN:** And that it includes basic information, including the amount paid?

**Mr JOOLS:** Yes.

**The Hon. TREVOR KHAN:** Is there a problem with actually identifying the driver on a receipt?

**Mr JOOLS:** I would think so. I have a receipt, but I want to know which cab, which driver and what time.

**The Hon. TREVOR KHAN:** That is not a problem for you?

**Mr JOOLS:** It is not a problem for me, but it is certainly a problem for the system that is currently proposed.

**The Hon. TREVOR KHAN:** So there is not a problem with the proposition that those should exist, it is just a concern that it is by stealth reinforcing the position of who—the networks?

**Mr JOOLS:** Well, no, of the owner of the networks or the principal owner of the principal networks, Cabcharge, because it then requires that taxis be fitted with a specific EFTPOS device that is linked to a specific meter and is linked eventually to a specific e-tag, and that is another issue that they are presenting which is not technically feasible.

**The Hon. TREVOR KHAN:** Let us move on because time is getting short. Are there any other issues?

**Mr JOOLS:** They are the major ones.

**The Hon. TREVOR KHAN:** So we have covered most of your areas of concern, have we?

**Mr JOOLS:** We have.

**CHAIR:** We will now go to Government members.

**The Hon. GREG DONNELLY:** Thank you for coming today to speak to your submission. It was put to us in evidence yesterday that at least some people believe that the payment of a specific amount to a driver to deal with a disabled passenger is important, in other words an incentive payment of some amount, so we have a driver incentive scheme. You would be familiar with that scheme?

**Mr JOOLS:** I am.

**The Hon. GREG DONNELLY:** Would you like to comment about the scheme as it currently operates and any thoughts you might have about how it may be improved?

**Mr JOOLS:** Essentially, whilst it is described as a driver incentive scheme, it is not. It comes about because it is a fee or allowance made to compensate for the fact that a wheelchair accessible taxi [WAT] driver is required by regulation to turn off the meter on arrival at the destination, so he is not able to charge, as the meter operates on waiting time, for unloading a disabled passenger. It is designed to cover that particular portion of the fare that he would otherwise accrue that in this instance he does not accrue as a wheelchair accessible taxi driver. Other drivers are not specifically required to turn off the meter on arrival at the destination. They are required to turn off the meter before they accept payment for the fare, and that, particularly in the case of a lot of passengers, can be a moot point. Some passengers have their money ready; some passengers start looking in their purse when they arrive at their destination. The driver can in fact continue the meter operation until the termination of the fare. In the case of the WAT he does not. He must turn the meter off on arrival, and that is fair and reasonable.

**The Hon. GREG DONNELLY:** The \$8.47, or whatever the amount is, is designed to cover that?

**Mr JOOLS:** That is designed to cover the fact that he cannot charge to unload. What we have not got is a scheme to give him an incentive to do the job in the first place. One of your witnesses yesterday pointed out that the \$20 fee that Lime introduced originally, and which I participated in because I actually drove taxis for Lime, was a significant incentive and a reason to go and do the work. That is fantastic. That works, and it worked for Lime because they did all those wheelchair jobs—1,500 I think was the figure she quoted yesterday—but we have not got that scheme at the moment.

**The Hon. GREG DONNELLY:** Yesterday another witness, not the one you have just referred to but another one, submitted that the payment of a subsidy, at least in their mind, was very important to act as an attraction, if I can put it that way, to take on the fares of disabled people. Do you believe that that is the case?

**Mr JOOLS:** I believe that, and we have presented over many years an easy option to fulfil that, and this was the original option of the nexus plates. Those plates were issued free of charge, all 92 of them or all 92 pairs of plates, because remember that there were 92 unrestricted plates and 92 wheelchair plates issued free of charge. The benefit that was given was to provide resources for just this sort of thing, so the millions of dollars that have accrued in lease revenue to the networks from those unrestricted plates we have suggested time and time again form the basis of such a subsidy scheme. There is kicking around what is estimated at I think about \$20 million a year foregone revenue. We would suggest that that would pay for \$20 a pick-up from the wheelchair accessible taxis and that is what it was intended for. That is why, as an organisation, we are not going to simply put the nexus plates behind us.

**The Hon. GREG DONNELLY:** On the issue of the enhanced provision of a taxi service for people with disability, there has been an argument presented by various witnesses in the submissions that what we should be looking at is trying to raise the bar across the whole area, in other words all taxis to be made disabled-friendly.

**Mr JOOLS:** Universally accessible.

**The Hon. GREG DONNELLY:** Yes. Another approach might be, as raised with a witness earlier today, increasing the number or proportion of taxis within the total fleet of taxis in New South Wales to a much bigger number than currently is provided and that that, along with perhaps some adequate incentive payment to drivers, might be the best way to proceed to better deliver perhaps quicker and vastly improved service to disabled people. Do you have a view about how we move along and accelerate this process of trying to enhance availability?

**Mr JOOLS:** I do, strangely enough. Firstly, I agree entirely with Doug Herd that it is a legal requirement that there be equivalent service and we are in breach, and networks and the Government are in breach, of not providing that equivalent passenger time pick-up. That is one thing to start with, but how to increase the service is another issue. I think that in due course we need a universal cab. I think that is well within the province of design and I think it is quite easy and feasible to do. We have several projects on hand at the moment that would provide a universal taxi that would meet these needs.

**The Hon. GREG DONNELLY:** When you say "we", whom do you refer to?

**Mr JOOLS:** Again the Australian Taxi Drivers Association working in conjunction with a commercial enterprise called Unicabs. We are working with them. They have made presentations on various submissions before. In fact, they are providing a submission to the New York Taxi Bureau at this very moment of such a universal cab. One of the problems we face in Sydney is a driver seeking to get a new WAT licence runs foul of the 0200 conglomerate. I have particular instances, and I can quote names but I would not do so at the moment, of individuals who have applied for a WAT licence and have been told that there is no particular need at the moment for the department to issue any more because the demand has been met. After all, we are picking up wheelchair passengers in eight minutes as opposed to the average 6.6 minutes.

**The Hon. PENNY SHARPE:** Are you saying that people apply to the department and the department says there is no need?

**Mr JOOLS:** It has been said that they are not issuing any more WAT plates because there is no consumer demand for additional services.

**The Hon. PENNY SHARPE:** The WAT plates are available for \$1,000.

**Mr JOOLS:** You try and get one. You cannot get it, individuals cannot. If you go through the 0200 fleet and select a Tarago and have it fitted out by the suppliers recommended then you can get a plate. But if you try to get your own plate on your own vehicle it is a lot different.

**The Hon. PENNY SHARPE:** Is that as a result of the need for the vehicle to meet the appropriate standard?

**Mr JOOLS:** No. I can parade at least four people through this Committee or give to you in due course the names if you wish to interview them separately where they have immense difficulty about getting a

wheelchair plate. What they have resorted to doing is leasing a plate from somebody-else. That is the other one major point I would bring up—we have been told that there are a number of operators, a number of drivers and so on. One of the critical features of our industry, other than the WAT plates, is that of the 5,000-odd standard plates in Sydney only 407 are driven by the person who owns the plate. It is not the same picture as has been painted that it is a single-man business. Only 407 people who own taxi plates actually drive their taxi.

**The Hon. PENNY SHARPE:** How do you know that?

**Mr JOOLS:** I have taken the figures from the Independent Pricing and Regulatory Tribunal [IPART] and I suggest that the inquiry and others look at IPART and look at the departmental figures to verify that. I am happy to put up a paper and be asked to supply that on notice.

**The Hon. PENNY SHARPE:** You have talked about the Taxi Drivers Association setting up a new despatch system. Could you outline how that would operate, how it would be different to the current system and how it would work better than the current system?

**Mr JOOLS:** The system will be an internet-based system where people register and make an offer of their job rather than a booking, as such, because there are a whole lot of regulatory issues about booking services and networks. We would act as a bulletin board for those job offers placed on the internet and post them to all drivers online—400, 600, 1,000 drivers online.

**The Hon. PENNY SHARPE:** A person goes on the internet and says, "I want to go from Parramatta to the city and I want to go now." That goes online and the taxi drivers who are signed up to the system would be able to see that request.

**Mr JOOLS:** They would be able to see all those offers and would select the offer they want. Immediately, because it is the internet, the customer would get a confirmation that taxi driver Michael whose ID is AN 3264 who is in taxi 5070 will be there at such and such time and his mobile phone number, in case he does not turn up, is 041 blah blah blah. So the passenger is informed. At the moment the passenger has no communication with the driver. Back in the good old days before most of you were catching cabs—

**The Hon. TREVOR KHAN:** That must have been a long time ago.

**The Hon. PENNY SHARPE:** Longer for some of us than others.

**Mr JOOLS:** It was a long time ago. You rang up your local co-op and did just that. The system has since changed, the system has got worse, but the system can improve. You would register your favourite pickups and drop-offs. The act of offering your job and getting feedback would be four keystrokes on a computer or a mobile phone. You will also be able to pay the driver in the same way. One of the other major issues we have is that fraud is a major problem in the taxi industry for passengers and drivers. The notion that you give your credit card to a random driver is not a good idea. He skims it, he scams it, he takes copies. Suddenly you get a bill for thousands of dollars from a purchase overseas. This happens on a regular basis. That is also why because of the level of fraud the charge on travelling in a taxi you cop is an 11 per cent fee for using your credit card. You do not get that sort of fee in any other sort of service provider. That is something we also will change.

**CHAIR:** We will now move to the crossbench for questions.

**Ms LEE RHIANNON:** In your opening remarks you made two comments: "advantaging themselves from the public purse" and "the monopoly power of Cabcharge". Could you flesh out those comments in detail starting with "advantaging themselves from the public purse"? That sounds like another phrase for corruption.

**Mr JOOLS:** I believe it is.

**Ms LEE RHIANNON:** We have clear responsibilities. If you are making that allegation we need examples so that we can determine what has to be done.

**Mr JOOLS:** The issue of the nexus plates, and that is what this refers to, goes back, as was earlier mentioned, many, many years. The purpose of the issue of the nexus plates was a laudable notion to create an investment fund, a backup fund for the benefit of disadvantaged users in New South Wales. It was intended that

by giving two sets of plates to networks they would use the financial benefit from leasing those plates out and whatever other benefit could be obtained from the unrestricted plates to subsidise the development and the costs, which are greater, of a WAT vehicle, a wheelchair accessible taxi. In the initial stages possibly some moneys were used by the networks to develop those things but currently there is no benefit that flows from the advantage gained by the networks operating some 92 unrestricted plates, leasing them out for up to \$30,000 a year, which is a very tidy sum of money, and also in many cases leasing out the WAT plates that are on the road for a lesser but still substantial amount. Those moneys are not being applied to the benefit of the industry. They are going to the so-called owners of those plates whose ownership has now been legitimised by Government saying that we will forget about irregularities that may have occurred and, worse, that we will not do anything about it in the future. So not only is there this accrued foregone revenue in the order of, I think, about \$100 million but we are proposing that every year from here on another \$20 million of foregone revenue will flow to the operators and the networks and will be removed from the public purse. That is the proposition I am making now.

**Ms LEE RHIANNON:** It is important for us to deal with historically how we have arrived at this point. You have just referred to more than 90 plates being issued free. Then we come to the early 1990s, 1994, when it is recommended to the then Minister for Transport, Mr Baird, that those plates can be traded, which was never part of the agreement. Mr Baird does not do that. In 1995 then Premier Bob Carr comes in and very shortly after the decision is taken to allow trading to occur. Do you have any knowledge or information or are there any documents that explain why that change was taken? We will deal with that and then we will come to more recent times.

**Mr JOOLS:** There is a memo somewhere in existence—I believe it was published by Linton Besser in the *Sydney Morning Herald* some months ago—noting the decision to allow the transfer.

**Ms LEE RHIANNON:** Are you referring to the 1994 one that Mr Baird does not follow?

**Mr JOOLS:** Does not follow.

**Ms LEE RHIANNON:** Then what happens?

**Mr JOOLS:** Then there is a gap because records are just not available. They have been trashed in the various changes of name from Ministry of Transport to the department or RTA and backwards and forwards. As I understand it, there is no documented knowledge of what actually occurred. No, I am not truthfully able to say or to recount the sequence of events at that point. But I do know that since that—

**The Hon. GREG DONNELLY:** You used the word "trashed". Would you clarify? I want to be clear about what you are saying.

**Mr JOOLS:** Documents were shredded in various moves of the Ministry of Transport from one location to another.

**The Hon. GREG DONNELLY:** How do you know that?

**Mr JOOLS:** It is third-hand knowledge. It is hearsay from a former ministry official. It is hearsay.

**The Hon. GREG DONNELLY:** I am trying to understand the veracity of what you are saying.

**Ms LEE RHIANNON:** We have come forward into the 1990s. You said in your opening remarks "advantaging themselves for the public purse" and you described how you see that as corruption. We are trying to understand that. Do you think it would be beneficial for our inquiry to hear evidence from Mr Kermodie, Mr Langton and Mr Glasson, considering they have been in key positions when many of these decisions were taken?

**Mr JOOLS:** I think that would be very useful if you had them on oath to account for what has happened in the past. It may be better that we put all that behind us. But one thing that I think is most important is that for the future we do not simply allow those many millions of dollars a year to be foregone.

**Ms LEE RHIANNON:** Is there anything that can be done about the current situation where plates that were released free can now be traded? Hundred of millions of dollars have been made out of these plates. Can anything be done about it?

**Mr JOOLS:** Possibly not, but there is an opportunity for the Government to recall all of those 1994 plates or those 92 times 2, which is 180-odd plates, and in place of or in addition to any tenders that may be called in the future put those plates out. But I would suggest, and that is an objection in part to the—

**The Hon. PENNY SHARPE:** Are you suggesting the 180 plates would be for wheelchair accessible taxis only?

**Mr JOOLS:** No. There are 92—

**The Hon. PENNY SHARPE:** I understand the pairing but I want to clarify that when you say they go out to tender do you mean the 180 should go out to tender for wheelchair accessible taxis?

**Mr JOOLS:** The 92 should go out for tender as unrestricted plates and probably around 75 of the wheelchair plates that are actually on the road should be allocated again to individual owner-drivers.

**The Hon. TREVOR KHAN:** What is the regulatory basis for recalling the plates?

**Mr JOOLS:** That they were issued for a specific purpose and that purpose, as documented by the Deloitte reports, has been inadvertently not fulfilled.

**Ms LEE RHIANNON:** Do the New South Wales Taxi Council and Cabcharge share offices in the same building?

**Mr JOOLS:** Yes, at Riley Street in East Sydney.

**Ms LEE RHIANNON:** Do you see any problem with that?

**Mr JOOLS:** Since their membership and their identities are identical it is probably efficient that they share the same office.

**Ms LEE RHIANNON:** The name "New South Wales Taxi Council" suggests to people it is there for the industry.

**Mr JOOLS:** Correctly they are the New South Wales Taxi Council Limited. They only became incorporated some six or seven years ago when the regulatory authority found it improper to reimburse the Taxi Council for funds that the Taxi Council expended on creating the training modules and training programs of the Taxi Council. It was held that they needed to be an incorporated organisation before the Government was prepared to reimburse them for expenses they had incurred. So they are in the fact the Taxi Council Limited, not just the Taxi Council.

**Ms LEE RHIANNON:** When you spoke about changes that the industry needed to go through you mentioned three specifics; one was about the security system. I think many people would be quite alarmed to hear what you said. Your comment was that it was really a backward step compared with other States.

**Mr JOOLS:** Yes.

**Ms LEE RHIANNON:** Why is that the case? Is it because it would eat into the profits of the companies, which are required to pay for those security measures, and that they are looking at it in terms of their profits rather than on the basis of the safety of the drivers and passengers?

**Mr JOOLS:** No, because in fact a better system does not cost any more than a bad system.

**Ms LEE RHIANNON:** So why have they done it?

**Mr JOOLS:** Because technologically the current providers cannot provide a better system. There is a limitation to the amount of storage space in the systems of the current providers. To provide for a 100-day storage requires gigabytes of resources.

**Ms LEE RHIANNON:** Is that not a question of money, though?

**Mr JOOLS:** No, not any more.

**Ms LEE RHIANNON:** Why are they not doing it then, if it does not cost more money?

**Mr JOOLS:** Because there are other on-costs. As is required within the system, there is meant to be a 24-hour capacity download. That does not exist, because it is expensive to set up a download facility that would operate 24/7. If you do it over the Internet, it is not a problem.

**Ms LEE RHIANNON:** So there is an expense?

**Mr JOOLS:** Yes, there is an expense in maintaining a better system, but it is not excessive given the benefits that can flow from it.

**Ms LEE RHIANNON:** So what is motivating them?

**Mr JOOLS:** What is motivating the Ministry, I have no idea. They are putting out a document that is technologically and technically inadequate, insufficient and disadvantaging taxidivers. It is going to cost lives of taxidivers. I have no idea why the State Government is pursuing a policy which is to the positive disadvantage of drivers and their passengers.

**CHAIR:** Mr Jools, thank you very much for attending today and providing us with this information; it has been helpful to the Committee. The Committee has resolved that answers to questions taken on notice be returned within 21 days. This will include any other questions that Committee members may wish to forward to you through the secretariat. The secretariat will contact you in relation to the questions you have taken on notice and any additional questions being sent to you.

**(The witness withdrew)**

**(Luncheon adjournment)**

**MICHAEL JOHN HATRICK**, Taxi driver, , , sworn and examined, and

**FARUQUE AHMED**, Taxi industry activist, affirmed and examined:

**CHAIR:** I understand you were not here earlier this morning, so there are just a few things I have to remind you of. In reporting the proceedings of this Committee you must take responsibility for what you publish or what interpretation you place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available from the secretariat.

Committee hearings are not intended to provide a forum for people to make adverse reflections about specific individuals. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. Therefore, I request that witnesses avoid the mention of individuals unless it is essential to address the terms of reference.

Do you wish to make an opening statement? By that I mean do you want to expand on any comment you made in your submissions or provide additional information to the Committee? There is no need to repeat your submissions as each of the Committee members has read your submissions.

**Mr HATRICK:** First, I would like to make one correction to the submission. I referred to the superannuation issue that went on in the Industrial Relations Commission. In my submission I refer to it as happening in the 1990s. It was actually in the first half of last decade. My experience as a taxi driver I will not dwell on except to say I have been a bailee driver, full-time tenure, since the year I started, 1979—to this day, unbroken tenure.

Throughout that period I have had a constant running battle with the bailor sector of the industry I have been engaged with throughout the whole time, over things like holiday pay, sick pay, security of tenure. I would say that just about every time I have managed to get an entitlement it has involved legal action of some sort. Very often it has involved going to be Industrial Relations Commission and thrashing it out there. In the early 1990s I was in the commission for a whole year and a half over an issue where a bailor sacked me without any reason or any notice simply on the basis that he thought he could do it because the contract determination said he could do it. That is about all I have to say regarding my experiences.

Briefly, I think there should be a judicial inquiry in the Industrial Relations Commission at preferably something like full bench level into the industry, similar to the inquiries that happened in the 1960s and the 1940s or 1930s. I refer to the Justice Beattie and Justice Edwards inquiries that looked significantly at the returns bailee drivers get from their split of the revenue from the taxi meter.

I would also like to raise concern about the condition of roadworthiness particularly, but also presentation, of many taxis in Sydney—quite significantly those taxis that are being operated by people who do not drive them, in other words, people who on both the afternoon and night shifts have other drivers. I have experienced terrible, deplorable, conditions in the whole of the time I have been working in the taxi industry. I think there should be regulation of the number of taxis plying for hire at any one time. I am totally opposed to deregulation of taxi licences. I think what we need is re-regulation; deregulation will just sink the ship to drown the rats.

With regard to the judicial inquiry I just pressed for, I think as an interim measure to get bailee taxi drivers' incomes back to some semblance of decency, reversal of the onus for the driver, the bailee driver, to pay for the fuel has to be reversed to where it was before, I think, 1996 when the Industrial Relations Commission moved that responsibility to pay for the fuel to the bailee driver.

**CHAIR:** Sorry, you confused me then. You are saying the person who should pay the fuel cost is the driver or the owner?

**Mr HATRICK:** The owner.

**CHAIR:** I thought you said the driver. So you are saying the owner should pay?

**Mr HATRICK:** Yes, the owner—just as an interim measure before things get the righted by a judicial inquiry. I heard during the last presentation brief mention made about the availability of taxis. I think if drivers

were being paid a reasonable amount of money as opposed to the unreasonable amount of money they are getting at the moment, you would see things like insurance costs start to fall, because at the moment it is a case of drivers working very often as I do, 70 hours a week, susceptible to numerous accidents. Once those insurance costs are reduced I believe that will lead to a freeing up of a lot of taxis that are being operated significantly by owner drivers who choose not to have bailee drivers working on the opposite shift because they do not want to pay the insurance costs involved in covering themselves for accidents during that duration of the shift. That is my presentation.

**CHAIR:** Thank you very much. Mr Ahmed, would you like to make an opening statement? Again, I ask you not to repeat anything that is in your submission. We have read those. If you want to add something that is not in your submission or explain something in your submission I would be grateful.

**Mr AHMED:** First of all, I would like to thank those people who made it possible to have an open inquiry like this one because it was long overdue. I saw that my submission was on the parliamentary website but not the whole submission. The preamble and critical issues were missing. I hope you would not mind if I put on the record my point, as I said in my preamble—

**CHAIR:** Before you do that, I should explain that the Committee resolved to suppress some of the submissions and some of the details of the submissions. That suppression remains until another decision, so I ask you not to read any extract of your submission that has been suppressed. I ask you whether you have anything additional to add, because we, as Committee members, have read it and we have digested it. Otherwise, I would just open questions from Committee members to you to obtain the information they need.

**Mr AHMED:** I will be pleased to do so but I just thought a couple of fundamental points I would like to make. As I said in my submission—

**CHAIR:** Again, I ask you not to simply read an extract from your submission that has been suppressed.

**Mr AHMED:** No, what I am trying to say is five fundamental points I would like to make. The taxi industry is a service-oriented industry. Service is the matter and taxi plates are the property of the State and the public. The taxi plate must be utilised for the benefit of the State and the public. If anybody else comes around, it is secondary and third. Taxi passengers have a right to have a safe and comfortable ride. Taxis have to be safe mechanically and comfortable. The same for workers, as it is a worker's workplace. As we know, in a civilised country it is the law that all moving vessels like planes, trains, steam engines and whatever, and any complex plants, have to be safe workplaces with safe working conditions, and duty of care provisions under the Occupational Health and Safety Act must be applied.

Keeping in mind these few points, we do not have to worry about who is an investor and who is a taxi industry mandarin. These objectives must be made public. Lawmakers and public servants who are paid by the public must reflect those fundamental conditions. Industry rules and regulations must protect the interests of the public and the State and provide the public and workers with a safe and comfortable workplace under the duty of care provisions in the health and safety Acts and so forth.

**The Hon. GREG DONNELLY:** Thank you for coming along today and for your helpful submissions. I direct my first question to Mr Hatrick. You described yourself as a full-time employee?

**Mr HATRICK:** A bailee.

**The Hon. GREG DONNELLY:** I should say a full-time bailee. Other witnesses to the inquiry have said that they feel essentially like casual employees. Because of the nature of the work in the industry their work feels very much like casual employment. In other words, the notion of working full time no longer exists. Would you like to comment on that?

**Mr HATRICK:** Yes. I think a lot of that is brought about by inadequacies in the contract determination. To my mind, a city such as Sydney, with a significant industry like the taxi industry, is deserving of an industry where people view their occupation as a career—as something more than picking fruit in Mildura. I think career paths can be made in the taxi industry as they have been in other cities in the world that I have heard about. Taxi drivers view their occupation in such a manner. Tokyo is one city that comes to mind and London is another.

Everything is set up in Sydney for that to happen but why is it not happening? I think a big reason for it is the Taxi Industry (Contract Drivers) Contract Determination 1984. I am not saying that there should not be a document like it—far from it—as I think their working conditions should be codified. However, it falls down in a lot of its provisions. A full-time driver is defined in the contract determination. Two shifts are mentioned in the contract determination—the morning shift and the night shift. I am sorry; I have forgotten the exact wording. Let us take it as a given that we are expected to work 12-hour periods. The first hurdle is the error in the 38-hour week. We are talking about five days a week, or 60 hours of work, and very badly rewarded work. No-one will enter that industry unless he or she is desperate for a job. Of those people very few will view their time in the industry as an end gain. It is a pathway to somewhere else, which I think is wrong.

**The Hon. GREG DONNELLY:** On the issue of the determination I might have misunderstood some evidence from a previous witness who might have been talking in general terms. I got the impression that it is commonplace for drivers to contract out of the determination and to operate outside the determination. The contract determination was put in place by the commission but many drivers operate outside it.

**Mr HATRICK:** Yes.

**The Hon. GREG DONNELLY:** Is that your understanding?

**Mr HATRICK:** According to a letter to us from a former New South Wales Minister for Justice, it is a class of contract. It is known as a class of contract; therefore, it covers everybody whether or not they know about it. When people talk about others contracting out of the determination, they are talking about one party to the contract determination contracting out of that determination, most often that party being the bailor because he has much to gain from doing that.

**CHAIR:** It requires both of you to sign it, does it not?

**Mr HATRICK:** It does now, yes.

**CHAIR:** You cannot really say that it is just a one-party contract; it still requires both parties to enter into the contract and to sign it, does it not?

**Mr HATRICK:** Whether or not it is signed, because it is class of contract, both parties have entered into it. In recent years all drivers have been required to sign and to acknowledge the existence of the determination. However, one party to the determination has contracted out of the implementation of the contract determination because he is in a position of much more power than the other party. If that party says, "Here are the official pay-in ceilings. I am not charging you these ceilings. I am not paying you holiday pay on account of that", that is contracting out of the determination by one party more than the other. The other party is having duress put on him. He has a job to do and perhaps he has a family to feed. Perhaps he is in an area where there are not too many taxis.

At one taxi base in Alexandria it has got to a point where the bailor makes the bailees sign a declaration every three months that they will not move to get their holiday pay or sick pay—or further down the track for that matter long service leave, but that is very much a bailor's wonderland in the industry—on account of not paying the maximum ceilings handed down every year by the New South Wales Industrial Relations Commission. I would argue that that is one party more than the other contracting out of the determination.

**The Hon. PENNY SHARPE:** You said that you had been a driver for 30 or 40 years?

**Mr HATRICK:** Yes.

**The Hon. PENNY SHARPE:** How many different owner-operators have you worked for in that time? I am trying to draw out some of your experience over that time. Aside from the contract issues relating to your employment I am interested in hearing your comments about the security of cab drivers and the different things you have experienced while working for different owner-operators.

**Mr HATRICK:** The operators that I worked for during that whole period have been managed cab bases. When I first started working for them the widows of taxi owners typically operated them, or taxi owners

who were on holiday would plant their taxi, with its licence, to be operated by another person. I have worked at those bases.

**The Hon. PENNY SHARPE:** In the beginning was there a fairly direct connection between the owner of the plate and the operator and with you as the driver? Are you saying that that has changed over time?

**Mr HATRICK:** It has changed because anyone can own a taxi licence if he or she jumps certain hurdles. Those bases are now places where the base typically owns or leases the vehicle from somewhere, and leases the licence off an investor who may have no direct involvement at all in the taxi industry. I have worked for between six and 10 of those bases over time. In the early days I found that the cars were atrocious. They have improved somewhat but they are nothing like what I think they should be. The base for which I am working at the moment has its own mechanical facilities. I have worked at places where mechanical and panel-beating facilities have all been on the one site. At those bases I have had problems with enforcing the contract determination.

On one occasion my life was threatened. On many occasions I have been so put out by it that I have felt physically sick. When I was going on a five-week holiday I said to the owner, "I am going on holiday. I want my sick leave that you have not paid me plus my holiday pay for the last year or two that you have not paid me." I was subjected to a routine of, "We have just about got the cheque ready for you". I would run up there and they would say, "I am sorry about this; you will have to come back tomorrow." That went on for about four weeks. I had to cancel my one and only opportunity to travel to New Zealand to see my parents, as I always did. I have not always been very happy with the way in which the New South Wales Industrial Relations Commission has treated me when I have brought things to its notice.

On one occasion one bailor made a significant amount of money. He was prepared to pay me only about one-half or one-third of that. After a lot of toing and froing in the commission out of session the guy was made to pay me about half of what he owed me. He said that he was going out of business as a result of court costs and things like that. I said to the commission, "If in the future he goes back into the taxi industry can I get more money out of him? The answer was no. Within a few months I found out that he had not even sold the taxi that he owned and that he was driving taxis.

**Ms LEE RHIANNON:** Thank you for appearing before the Committee and for giving us an insight into the industry from a driver's perspective. I understand that taxi drivers are forced by regulation to be members of radio networks?

**Mr HATRICK:** Yes.

**Ms LEE RHIANNON:** Why is that the case? I also understand that they provide only 20 per cent of the work?

**Mr HATRICK:** I believe the original argument was that taxi drivers needed a level of protection that could be afforded to them only by way of radio contact between their vehicle and some other operation, such as a radio network.

**Ms LEE RHIANNON:** Are you saying that it was for safety reasons?

**Mr HATRICK:** I think that was the original thinking.

**Ms LEE RHIANNON:** Mr Ahmed?

**Mr AHMED:** Its original purpose was for communication and for the safety of taxi drivers. That was its original purpose. It was manipulated and misused by the taxi industry mandarins. All taxi operators and owners were then compelled to become members of the taxi network. There are no checks and balances. Taxi networks are not accountable to anyone, including the Government. They can do whatever they like. For example, if taxi networks provide lousy services and fewer taxi drivers, fewer passengers would use the network and, as a result, they would open up fewer channels and employ fewer people. Their profit margin would go up and there would be an inherent and inbuilt incentive for the taxi network to reduce its services, make it difficult for drivers and passengers, and therefore make a profit. There are no regulations or laws that compel these networks to provide better service.

**Ms LEE RHIANNON:** Do you have any recommendations on what standards should be set up for the networks to be judged and to require them to improve services?

**Mr AHMED:** It is very simple. We all must be accountable to someone and I have been fighting for the last 20 years to bring networks under the control of the Government because at the end of the day the Government runs the whole State. Taxi networks must be accountable for their actions and if they fail to provide a proper service to customers and the drivers, if they fail to provide a safe workplace and safe practices—when an emergency comes operators have to be trained in how to handle an emergency involving taxi drivers, equipment must be functioning properly and if equipment does not function, like many employers networks are under the duty of care provisions of the Occupational Health and Safety Act and they will be penalised. Networks and network employees must be brought into order to comply with the Occupational Health and Safety Act and other laws of the land and behave like anybody else. There must be clear unambiguous law to make sure the taxi networks provide better service to the travelling public, the drivers and anybody else.

**Ms LEE RHIANNON:** I want to ask about taxi ranks in the city. I understand that the three taxi ranks in the city have never been tendered out and they are run by a security company linked to Premier Cabs. I wanted to hear from you how those taxi ranks are run and how you think they should be managed.

**Mr AHMED:** It is very difficult to explain for this reason: Sydney city is a moving city. For a number of reasons people hail a taxi anywhere and get out anywhere. In Sydney city there are no-standing and no-stopping zones, bus zones and this and that, so when we are picking up and dropping passengers anybody can take our number and take our photograph and send a ticket. We have very little recourse to address the problem. To make the situation a bit complex, we have been talking to council and many other people that will listen. Let us get some reality. Unlike Adelaide or some of those small cities, Sydney is a big city and moving fast, with people going from one building to another building and they want to get in and out for a number of reasons. So make it relaxed for taxi drivers. We are not there for a picnic; we pick up and drop and go for the next fare. Tolerate us. I do not want a middle of the road taxi rank. This is one issue. The second issue is—

**CHAIR:** Mr Ahmed, can I ask you to slow down just a little for the sake of Hansard.

**Mr AHMED:** I am sorry. I want to say many things. The city ranks are not properly organised or coordinated or concerned with the real worker, the people who provide the services for us. The taxi industry's notorious problem is false advertising and false presentation. I know that might not sound relevant to some people but it is very relevant. People who are acting against the wishes and interests of the public, taxi drivers and taxi owners claim to represent us, which they do not. For example, Taxi Council private limited is a private company that many people think is bigger than God. They put people in a Taxi Council vest just to subjugate and intimidate the driver and say, "Hey, we are the boss. You have to listen to us." That is the prime intention. It is not to provide safety support to the taxi driver. It is the other way around. They consume taxpayers' money.

I come back to the rank issue. The ranks are not properly consulted. There should be proper consultation and there should be lots of ranks where we know the movements are.

**CHAIR:** Again, could I ask you to slow down a little?

**Mr AHMED:** Sorry. We have to consult with the service provider, the drivers, and even I do not mind feedback from the public. We have to have new kinds of ranks, for a start. That component of Taxi Council guards is not there to provide any assistance to drivers or passengers; they are there to say, "Hey, I am the boss." That is their whole purpose. That has to be stopped because Taxi Council private limited is a private body that does not represent drivers or even owners. That is an inherent problem. Under various State and Federal legislation, unionism is not compulsory in Australia, but in the taxi industry, particularly in New South Wales, unionism is compulsory. A taxi operator or owner, whether they like it or not, has to be a member of Taxi Council private limited, which is a questionable organisation. The Taxi Industry Association is supposedly the taxi owners' industrial organisation. They have to be a member of it. The Passenger Transport Act, by stealth, forces everyone, whether they like it or not, to be a member of these two organisations. These two organisations have money and power in their hands and they are manipulating everyone.

I will give you just one example. There is no such thing as cherry picking but every Christmas and New Year the Taxi Council people [unclear]—

**CHAIR:** I am sorry, I did not understand the last thing you said.

**Mr AHMED:** The Taxi Council people go to the streets and produce an expensive pamphlet and use it to reinforce for bigoted reasons and grounds and to incite the public against taxi drivers. I have caught them and I have written to the Work Cover Authority—

**The Hon. PENNY SHARPE:** Are you saying that the Taxi Council hands out a document that is false and misleading at Christmas time?

**Mr AHMED:** Thank you, yes.

**The Hon. PENNY SHARPE:** Do you have a copy of that document?

**Mr AHMED:** Yes.

**Ms LEE RHIANNON:** Mr Ahmed, I am going to run out of time so if you could leave that document with us we can see whether we need to take it up. Mr Hatrick, I understand taxi drivers have to have a health check. Could you explain how that works and is it the case that Mr Brenton John Kermode undertakes the bulk of those health checks for Sydney taxi drivers?

**Mr HATRICK:** I have no knowledge of that identity doing health checks. I can only speak from personal experience. Once every five years I get something in the mail that requires that I go to a GP and have the GP fill out a questionnaire. I fill out another questionnaire and then I mail it to the relevant authority and my licence is renewed.

**Ms LEE RHIANNON:** That is all you have to do?

**Mr HATRICK:** Yes.

**CHAIR:** Again, the Opposition does not wish to take up any time so we will have four minutes of questions each for Government and crossbench members.

**The Hon. GREG DONNELLY:** In your submission, Mr Hatrick, you refer to previous investigations into the industry by the Industrial Relations Commission in New South Wales. Is it your view that it is time for that same commission or perhaps the Federal tribunal, Fair Work Australia, to look at the terms and conditions of arrangements for taxi drivers in this State?

**Mr HATRICK:** Indeed I do. I have been informed by an industrial lawyer that we fall under chapter (6) of the New South Wales Industrial Relations Act, which takes in another party, the lorry owner-drivers. Due significantly to the action of the Transport Workers Union in protecting lorry owner-drivers during the course of the Federal John Howard Liberal Government, those workers under the protection of chapter (6) are going to remain under the New South Wales State jurisdiction after everybody else in the workforce moves to the Federal jurisdiction. Taxi drivers will remain within the New South Wales jurisdiction. I have no criticism of that. The New South Wales jurisdiction has behaved quite honourably in the past towards bailee taxi drivers. I am speaking of the Edwards report in the late 1930s, I think, and the Beattie report of the 1960s, which laid down some very good law for the regulators to follow. In the meantime, since 1968 particularly, those recommendations that came from way up on high in the court system have been virtually eroded away, particularly by things like the contract determination. Even the very first base determination in 1984 was a significant eroding of those precedent-setting articles that were laid down by the 1968 Justice Beattie inquiry into the taxi industry.

If we remain under the New South Wales jurisdiction, let us put it to the New South Wales Industrial Relations Commission at a very high level—at either full court or full commission level—to do an investigation into this industry and make recommendations similar to what happened in 1968 and, I think, 1938.

**The Hon. GREG DONNELLY:** Just one more question. Part of the difficulty is that there seems to be no single organisation, if I can use that word, that speaks on behalf of taxi drivers. We have had different representations by individuals and organisations asserting they represent the interests of taxi drivers in this State, but there is no single voice. Do you have a view as to why that may be the case and there is no single voice that speaks with some real authority on behalf of taxi drivers as a group in this State?

**Mr HATRICK:** Indeed I do. Again, the failings of the determination are such that at no workplace, particularly where drivers are congregated en masse, at the managed cab bases—for instance, where I work they operate 81 taxis so you can imagine the number of drivers, casuals and permanents, involved in that. There can be no incentive for people to organise those yards. They have to be people on the ground, other drivers, simply because they are driving 60, 70 or 80 hours a week. They have no time between shifts to do the work necessary and pull everybody into some cohesive structure. The organisations other than the Transport Workers Union do not have standing in the Industrial Relations Commission, either in court or in commission session. Sometimes they have argued for and been given intervener status, but they have been stopped from being a party to the determination. Significantly, they were stopped in the mid-1990s when they applied to the commission for party status. After a day and a half of hearings they were told they could not do it. That applies to all the organisations outside the TWU.

The TWU's membership fees are such that it is very onerous on taxi drivers earning what they earn—what a checkout chick earns at a supermarket, roughly \$16 an hour; that comes from a pretty well researched submission to IPART a few years ago—so they cannot afford the \$500 a year it costs to be a member of the TWU in most circumstances. Because of all these years of low income, drivers have taken the opportunity from a cash industry to either avoid or evade tax altogether and that puts them further behind eight ball.

**Ms LEE RHIANNON:** There has been varying evidence given to the inquiry about the collection of information. I refer to call-out times. Do you have any view on how that data should be collected, for example, should the standard be measured against all calls, not just successful pick ups?

**Mr HATRICK:** In my opinion, yes, all calls. I do not know a lot about that. I have not had great participation in the IPART proceedings to which you are obviously referring.

**Ms LEE RHIANNON:** In part, and different arguments about data has been given to the Committee today.

**Mr HATRICK:** I think the more that is revealed about the success or otherwise of people calling for taxis the better. I am not really specialising in whether information is being withheld.

**Ms LEE RHIANNON:** Do you have a view about call-outs and how to collect the data? You are on the ground and see the results?

**Mr AHMED:** Again I was in belief that we are all accountable to someone and that should be checked for network and driver activity and so forth but unfortunately under the current legislation the operators and the network are not accountable for anything. I can give you one example which Mr Hatrick was referring to earlier. We know that before starting a complex plan checks are made, fire check, light check, everything is okay and then we start go to work. But in the taxi industry if you look at the worksheet, I might have a copy somewhere, it says under the regulation taxi owners do not have to go through the checklist. So there is a deliberate group who drive and run an unsafe taxi plate on the road. Again I question why, in that one, the providers have to be THE escape hatch? If you look at ICI, Caltex or any chemical plant you go through a checkpoint that everything is correct you start.

**Ms LEE RHIANNON:** Will you provide the Committee a copy of that form?

**Mr AHMED:** I will do that and I will provide a whole file. I was booked—it is another story—and I have proven to the court of law that the law is wrong, drivers should not be penalised. The daily worksheet for the drivers is useless. It has nothing to do with safety or managerial skills, it is just to intimidate the drivers, and I will stand by my comment. I went to the court. I put the whole thing. I have the whole file available to the Committee if you want.

**CHAIR:** Thank you for assisting this Committee with the information you have provided. The Committee has resolved that answers to questions taken on notice will be returned within 21 days. This will include, of course, any additional questions that the Committee may send to you on notice. The secretariat will contact you in relation to questions that you have either taken on notice or are provided subsequently. If you want to provide some documents to the secretariat I ask that you do so before you leave and the Committee will determine them during a deliberative.

**Mr AHMED:** May I make a request? When my friend Mr Hatrick honestly tried to answer the question of representation, probably in two minutes' time—I will try to be fast to explain why we have a problem in taxi driver representation.

**CHAIR:** We are out of time. You can provide that information on notice.

**(The witnesses withdrew)**

**PETER WILLIAM ABELSON**, Professor, Faculty of Economics and Business, University of Sydney, Sydney, affirmed and examined:

**CHAIR:** In what capacity do you appear before the committee?

**Dr ABELSON:** I appear in a personal capacity. I run an economic consultancy called Applied Economics. I am a part-time employee and visiting scholar at the University of Sydney. I also work a couple of days a week as an economic adviser to NSW Treasury but I am not here in that capacity today.

**CHAIR:** Do you want to make an opening statement either to expand on comments in your submission or to provide additional information? Committee members have read your submission so there is no need to repeat it.

**Dr ABELSON:** I was here yesterday morning but I have not been here until recently so I trust that I am not going to repeat too much. I am aware now that the first comments are possibly slightly repetitive and I do not want to be tedious. I was going to make some comments about the IPART data on key performance indicators [KPIs] which I think you have now been through. I have the data if you want me to circulate it. We know there are 12.5 million booking requests. Interestingly though there are actually 36 million rejects so that three taxi drivers reject every request that is made. There is 10 million accepted out of 12.7 million but only 8.7 million are actually picked up. When it is claimed that the networks are meeting KPIs—and this is a key point of the taxi industry and Ministry position on meeting KPIs—the bookings are achieved apparently for only 70 per cent of bookings requested.

Secondly, a bookings request is not a measure of bookings desired or real demand. I certainly do not ever bother to make a booking on Friday or Saturday evenings, as they are not going to meet my personal security or certainty of turning up. The fact is that the number of bookings does not actually represent real demand. Thirdly, if you look at the 8.7 million bookings picked up, as you have already been told. This is only 15 per cent of all taxi trips in Sydney. I am referring to Sydney statistics. I think there are about 60 million taxi trips in Sydney a year, that is the IPART number, so we do not have the KPIs for the other 85 per cent.

Yesterday the Ministry said it would work with the industry to improve KPIs. It has actually been doing this for many years. I think I said in my submission that this partly misses the point, apart from the fact that the KPIs are very partial. I would suggest that there be an independent household survey of public opinion. If the Ministry really wishes to find out what is happening out there, why not have a proper public survey independently run? I think that would be the appropriate way to find out. I would hope that this Committee might think that is worth supporting. My submission obviously talks about lots of regulations. Let me be quite clear, I am not against regulation. I think some regulations are very important so I am not speaking as a kind of way out libertarian economist.

I will make just a few brief comments, first, on barriers to competition. As you know, all operators have to sign up with a network but there are, in effect, only three significant and inter-related networks. The IPART 2009 report also for the first time actually gives us the number of taxis attached to each network. I have made estimates at the back of my paper. Table D2 actually tells us the official numbers. It has always been held as a secret before then. Those numbers are apparently similar to the ones in my paper. Again I can hand this around if you want it. The point is that there are only three significant and inter-related networks: TCS Cabcharge, Premier and Legion, and that gives us an update.

Operators cannot provide independent or competitive service. They essentially cannot develop a brand. They cannot develop goodwill. It is really a major deterrent to entry into the industry. If you want to enter into an industry you want to start your own business. You want to be able to sell Abelson taxis or Cox taxis or Smith taxis or whatever and build up goodwill. That is what business is all about but that cannot happen. I would actually suggest to the Committee that it might like to perhaps see a standard contract between the major networks and operators. I do not know if it would be able to get hold of that. It would be quite interesting to see if the contracts that Cabcharge offer to its operators are identical or similar to the ones that Premier or Legion offer to its operators, and indeed to look at anti-competitive clauses within such contracts.

**The Hon. TREVOR KHAN:** Are you speculating or do you assert as a matter of fact—

**Dr ABELSON:** No, I am certainly not saying it is a fact. I am just saying that it would be interesting to see the contract. Allegedly it is a 60 or 70 page contract that lays down lots of rules what operators can and cannot do. There are two issues: to what extent does it stop operators being competitive, which it almost certainly does because they are not allowed to be, and secondly, to what extent is the Premier contract very similar to the Cabcharge contract?

In 2004, I believe at the suggestion of the networks, the Government determined that a requirement for recognition—this is really quite important—as an authorised network is the capacity to provide 24/7 coverage of the metropolitan area. If you are to be a recognised network you are supposed to be able to have 24/7 coverage of the whole Sydney area. I am sorry to be Sydney-centric but I am afraid that is what I have done. But this really is a fiction. RSL, Manly, St George, ABC Cabs and South Western cannot possibly do this. They have got a couple of hundred cabs, they cannot possibly. We all know they are regional and sub-regional services. They are not in any sense meeting this requirement.

In any case, apart from this being a fiction I do not really see that it is necessary. It is clearly an anti-competitive measure. Why cannot you have a taxi service that is predominantly acting in a particular region? You can easily offload to other networks. Buses are a public service, as the Taxi Council has pointed out, they have to pick up anybody, that is true, but they are not obliged to go everywhere. On the contrary, they are prevented from going everywhere. Why cannot a group of operators, a bus company or even a group of local citizens set up a taxi service? They have to buy in the required communications and safety equipment—there are many people who could supply this, IT companies, communication companies. I know of one bus company that is quite keen to set up a taxi service. It has all the equipment but did not get very much encouragement on making inquiries because it was told it would have to be affiliated to an existing network. That seems to be quite unnecessary.

The more identifiable and competitive taxi companies are in the market, we get a better personal and customer-oriented service and improved public transport service. In addition, taxi operators or drivers would have a significant incentive to improve productivity. They would not have to pay access network fees, Cabcharge fees—they could charge the same price, but they would of course get some of the Cabcharge money. I suggest driver conditions would be hugely enhanced if they were working for smaller companies with which they had some form of identity. In my submission I make some other suggestions. It is not at all clear to me, for example, why we do not have mini-cabs on the roads. I know we cannot by regulation, because the regulations require all cabs to be able to carry at least four passengers.

**The Hon. PENNY SHARPE:** When you talk about mini-cabs, can you explain what you mean specifically?

**Dr ABELSON:** I do not have a particular definition of a mini-cab. Why can't you use a Corolla, for example, or Yaris? Obviously it has to be fitted with all the necessary equipment, but they are fuel-efficient, they take up less space and you would have more cabs at a rank. They are environmentally better—

**The Hon. PENNY SHARPE:** You are talking about different vehicle types?

**Dr ABELSON:** Yes, especially smaller ones, which are more appropriate in a busy city with lots of congestion.

**The Hon. TREVOR KHAN:** And working on the basis that the average number of passengers is 1.8, I take it?

**Dr ABELSON:** I do not know quite how that 1.8 was arrived at, but it is used a lot, it must be from some sort of survey. I would think that at least 50 per cent of trips are one-person trips. Then, of course, there is always the question of taxi entry. I know this is going to be a difficult issue and it involves issues about the value of taxi licences, but between 1990 and 2010, drawing on the growth of gross state product and personal income, et cetera, you would have to say that the demand for taxi services would have risen by about 80 or 90 per cent and yet we have only had an increase in cabs of about 25 per cent. I do not think there is much doubt that if there was no \$400,000 purchase price or \$30,000 a year licence fee we would have considerably more taxis on the road. The licence fee is an inefficient fee. It is a wedge between somebody wishing to provide a service and somebody getting a service. If I wish to provide a service I now have to pay \$30,000 a year before I can provide one service, and certainly I think it is a barrier to drivers being able to get into their own businesses. I know I said some of those things in my submission, but I have also said one or two new things, thank you.

**CHAIR:** Thank you very much. We have 10 minutes each, commencing with the crossbench.

**Ms LEE RHIANNON:** Thank you for appearing, Dr Abelson; your evidence has been informative. Your submission and evidence paint a picture of a close guarded relationship between Ministers, bureaucrats and key members of the industry. Can you explain how this came about and how it impedes healthy taxi services for New South Wales and, in addressing this, if you have such information, how historically this came about? I am particularly referring to how government policy changed in the 1990s with the Government removing restrictions on the 90-plus free plates that had been issued in the 1980s so that they could then be sold?

**Dr ABELSON:** I am not sure that my submission paints a close picture between Ministers, Government, bureaucrats and the industry. Certainly within the industry I believe there are very close relationships—financial relationships. My reading of what happened is that the Ministry believes that the best way to monitor the industry is to outsource that monitoring to the networks. I did have one conversation with what you would like to call a bureaucrat and I said something about a very small regulation, the regulation that taxi drivers are not allowed at any stage to move more than 3 metres away from their taxi, and I said I could not understand that and he said this was to do with discipline at the taxi ranks and he went on to make some, I would have to say, fairly negative remarks about the quality of taxi drivers needing a great deal of discipline and it was clear to me that he thought it was a very good idea that monitoring was outsourced to another authority and could be done by somebody else because that was very necessary. In return for the obligation to monitor, which the networks have taken on, the networks have accumulated various privileges in order to exercise these controls. The ministry I am sure acted in good faith that this was the best way to regulate public safety—what they call co-regulation, but which I think is largely outsourced regulation. I certainly have no evidence of any kind of corruption or collusion, that is not what I am alleging.

**Ms LEE RHIANNON:** You referred to Cabcharge in your submission. From my recollection you identified Cabcharge as being very dominant?

**Dr ABELSON:** Yes, very dominant.

**Ms LEE RHIANNON:** Controlling over 60 per cent of taxis on Sydney streets?

**Dr ABELSON:** Yes.

**Ms LEE RHIANNON:** Do you believe Mr Kermod's attendance would be useful to this inquiry to understand how we have arrived at this point and to help us solve the problems that we are confronting?

**Dr ABELSON:** I do not think one need be personal. I think if you have questions which you are unsure about with regard to Cabcharge you might wish to ask a director of Cabcharge to come and then ask those questions.

**Ms LEE RHIANNON:** You note in your submission the unsatisfactory position whereby all operators are required to be affiliated with a network and I think you might have given the figure of less than 15 per cent, but I understand it is less than 20 per cent of all taxi workers booked through the network, so those figures do not actually contradict each other but—

**Dr ABELSON:** The latest IPART figures?

**Ms LEE RHIANNON:** Yes.

**Dr ABELSON:** In my paper I had the 2007 IPART report, but it is about 15 per cent of services that are actually obtained through the network.

**Ms LEE RHIANNON:** Can you explain why this is a requirement and the impact it has on services and drivers?

**Dr ABELSON:** Why what is a requirement?

**Ms LEE RHIANNON:** Why do we have that dominance? There is a monopoly control. Why do we have that?

**Dr ABELSON:** I think there are two things. You would have to ask the ministry in some ways, but my interpretation is that they believe that the industry is better monitored if they can deal with a few powerful responsible agencies, which happen to be the networks. Secondly, they also have the view that public transport obligations mean that networks should be able to provide services to anybody in Sydney at any time and the only way that can happen is if you have operators affiliated to one or two major networks. I think, and most economists would think, that would be an error of thinking and that you actually get better public transport if you have a lot of competing networks and operators, far more services in the suburbs, than if you have what has become a virtual monopoly, in my view, in the sense that the three major companies are very closely related.

**Ms LEE RHIANNON:** I get the impression when you are speaking and from reading your material that you see that there is quite an unhealthy relationship between industry and Government. Is that a fair summary?

**Dr ABELSON:** I think it is unhealthy in the sense that the network is clearly a major player in the industry and I know previous taxi drivers and other people have said that they are not properly monitored. It seems to me that you should not outsource the monitoring and implementation of regulations to a major player in the industry. I think there should be an independent regulator, as I said in the paper. If the Minister does not want to do it directly, he can set up an independent agency. As I said in the paper, if you have 5,000 cabs at \$1,000 each, it is \$5 million. I do not know how many people you need to regulate an industry, but \$5 million a year seems a good start. I think it is unhealthy in that sense, that it is a poor form of governance.

**Ms LEE RHIANNON:** To try to dissect this unhealthy relationship, which is obviously difficult with lack of information, but you may be aware that this week there has been more data released from the Australian Electoral Commission about donations and from what we have seen over the last decade, when you look at the information that has come in over the different years as well as more recently, the New South Wales taxi council has given over 100,000 to both New South Wales Labor and the New South Wales Opposition and Cabcharge has given \$117,000 to Labor and \$31,000 to the Opposition. Does this look to you like further evidence of an unhealthy relationship between the industry and Government?

**The Hon. GREG DONNELLY:** Point of order: I am wondering whether in fact the question is simply an invitation to speculate. What we have is a very comprehensive paper that has been presented by the witness and we are working our way through questions of the witness in response to material in his paper. What Ms Rhiannon has done is spent a period of time laying out a statement for her press release tomorrow and is now inviting the witness to speculate. I think the question is clearly out of order.

**CHAIR:** Ms Rhiannon, do you want to comment on the point of order?

**Ms LEE RHIANNON:** I think in the spirit of how we have run the inquiries Dr Abelson is well versed in this area and it would be useful to hear his opinion. He may see that there is no form of influence at all and I think it would be detrimental to the openness of the inquiry to deny any response. To shut it down at this point would not be helpful.

**CHAIR:** I am going to rule the question out of order. I am not satisfied that the foundation has been laid for the witness to show any expertise in relation to the question that is being asked, nor am I able to see how any answer, if he is even able to answer it, would be of assistance to this Committee. I rule the question out of order.

**Ms LEE RHIANNON:** Dr Abelson, you have called for free entry to the industry, reduced regulation, except for safety and transparency requirements, and appointment of an independent regulator. That may sum up the key thrust. I was wondering if you could flesh that out more because we will be looking at regulations and, considering your background, what you have set out has been very useful, so I would appreciate it if you could detail that a little more?

**Dr ABELSON:** In an ideal world, and when you are starting from second or third best, you can often not make a very swift and radical move to what economists might regard as ideal. In the ideal world, if one person wishes to provide a service and somebody else wishes to buy it, you would not wish to put an impediment in that trade. If I wished with some of my colleagues at the local tennis club to set up a taxi business

and I had adequate communications and I could go to my local Toyota garage and hire a couple of Corollas and provide a good service, why should I have to pay \$800,000 to have a licence to run those two taxis? That is an impediment to competition and no economist would readily support that kind of impediment and any kind of analysis will show that that is not in the public interest. That is really the starting point, and I recognise that we cannot suddenly go from a \$400,000 entry fee to zero in one year, but I would say that the views I have expressed in that paper would be supported by the great majority of mainstream economists and would not, on the whole, raise many eyebrows.

**Ms LEE RHIANNON:** And the independent regulator—

**CHAIR:** Ms Rhiannon, your time is up, I am sorry.

**Ms LEE RHIANNON:** Mr Chair, I have not interrupted other members. I am concerned about how you are handling my responses. At times the hearing has been free ranging. I have one small point that follows on from the previous question.

**CHAIR:** Ms Rhiannon, you are taking up time now.

**Ms LEE RHIANNON:** It is unfair, Mr Chair.

**CHAIR:** I am surprised with your attitude. I am sure all the other members would have a different attitude.

**Ms LEE RHIANNON:** I have not objected when members have asked questions during my allocated time.

**CHAIR:** It is now time for Opposition questions.

**The Hon. TREVOR KHAN:** When we talk about an entry fee, essentially we are talking about the acquisition of a licence plate being around \$385,000.

**Dr ABELSON:** Yes.

**The Hon. TREVOR KHAN:** Do you agree with the proposition that that licence plate is a form of property?

**Dr ABELSON:** Yes, of course it is.

**The Hon. TREVOR KHAN:** When we talk about free entry to the industry—and perish the thought of using this concept—in a sense we are talking about devaluing a property right worth \$385,000 to a lesser figure for those who already hold the plates.

**Dr ABELSON:** That property right has often been purchased at \$200,000, \$150,000. It has had an income for the last five or eight years, however long it has been in operation. It is true, it could be sold currently at \$385,000 but two years ago you might have had half a million dollars on the stock market and then 18 months later it was worth half that. That is the nature of investments. These are investments that people make and they are made against the idea that policy, regulations change. So it is a moral question. I do not think it is a legal question. I do not think there is any question that there is a requirement to compensate. I agree that politically you have to deal with that issue in some way or other.

**The Hon. TREVOR KHAN:** One has to deal with the issue of perhaps a person's life savings suddenly going down the drain if we recommend that a \$385,000 or \$200,000 licence plate is suddenly worth nil.

**Dr ABELSON:** I am not saying that it suddenly be worth nil. Inevitably, it would be phased in over five or eight years.

**The Hon. TREVOR KHAN:** Gradually worth nil.

**Dr ABELSON:** I have also suggested, although it is probably too complicated for most governments, that new plates be issued to existing plate holders on a pro rata basis so that they get the value. That would not fully compensate them but if you do not do that you will be held in perpetuity to an inefficient operation, which in my estimates—and I know they are very rubbery but fairly conservative—the loss to consumers in waiting time and higher prices is \$2.50 on every single trip which works out at about \$250 million to \$300 million per annum, possibly more. There is a trade-off there. You would have to work on some compensation package. I do not believe it should be 100 per cent, but I understand the issue and it is often made.

**The Hon. TREVOR KHAN:** Is the minicab concept borrowed from the English or British experience?

**Dr ABELSON:** It is commonsense. It may be borrowed but it is commonsense.

**The Hon. TREVOR KHAN:** But is that what is being alluded to?

**Dr ABELSON:** Yes. I am really not an expert. I have not studied the minicab system; I do not know exactly how it works. The regulation that concerns me is that every car has to be large basically, I do not see the need for that and there are very clear environmental benefits in that not being the case.

**The Hon. TREVOR KHAN:** From what you know in terms of the English experience, it involves not only smaller cars but also smaller networks, that is, a small group of cars attached to a base which move out from that base?

**Dr ABELSON:** I am sorry, I do not know.

**The Hon. TREVOR KHAN:** A great deal of evidence to us has related to what I have difficulty describing but nevertheless seems to have been adopted in the industry as wheelchair accessible taxis [WAT]. If we moved to a system of minicabs, in an unregulated market how do we deal with the WAT situation?

**Dr ABELSON:** Firstly, I do not know about the engineering possibilities for wheelchairs in small cars. Let us assume that is not possible because obviously if it were the question disappears.

**The Hon. TREVOR KHAN:** It would be safe to say it is not possible.

**Dr ABELSON:** Then the issue really is a cost and benefit issue. Suppose you have 6,000 cabs in Sydney there are two scenarios: all of the 6,000 cabs are wheelchair accessible or 5,000 are wheelchair accessible and 1,000 are minicabs. I have not done the numbers but the minicabs are going to save you quite a lot of millions of dollars a year, probably \$100 million or \$200 million a year, in terms of fuel savings and also lower carbon emissions, although I am not sure that taxis are too bad on that. Fuel certainly and certainly space and congestion in the city. So you have significant benefits from having 1,000 smaller cars. The question then is: What is the cost at the margin having only 5,000 taxis available to wheelchair customers as opposed to 6,000, given the number of wheelchair consumers? Are they really going to be significantly disadvantaged compared to the benefits of fuel savings, lower costs to consumers—basically the environmental benefits and cheaper costs to consumers? I suspect we pay a high cost for the extra availability of 1,000 wheelchair accessible taxis, which would really not be required.

**The Hon. TREVOR KHAN:** Were you here for all of yesterday's evidence?

**Dr ABELSON:** Only in the morning.

**The Hon. TREVOR KHAN:** Did you hear the evidence of the New South Wales Taxi Drivers Association?

**Dr ABELSON:** Yes, I did, I was here.

**The Hon. TREVOR KHAN:** You may have heard the proposition advanced, and I am not in any way being derogatory, that customers should be entitled to bid a higher price than the regulated fare for a taxi service. Did you hear that evidence?

**Dr ABELSON:** Yes.

**The Hon. TREVOR KHAN:** Is that a fair description of the proposition being put?

**Dr ABELSON:** Of course, that Taxi Council is arguing that as well. They are also arguing for a premium price.

**The Hon. TREVOR KHAN:** I am not sure whether that is the same.

**Dr ABELSON:** In this case you have an unusual alliance.

**The Hon. TREVOR KHAN:** As in politics.

**Dr ABELSON:** That is true. We already pay different prices for different trips. We pay 20 per cent extra for night-time trips. We pay more for various trips, of course. We pay more for longer trips. The question is if somebody wants to pay a bit of a premium to wait 5 minutes rather than 20 minutes should that be allowed? That seems to be what the Taxi Council is saying because they are not defining what a premium service really is.

**The Hon. TREVOR KHAN:** That is why I am putting it in terms of the New South Wales Taxi Drivers Association proposition. To be fair to the Taxi Council, I did not put it to them.

**Dr ABELSON:** It would not be a problem if there were enough taxis. What has happened in New Zealand, as I understand, from deregulation—I asked somebody what happens there; I have not studied it, it is sort of second-hand—is that there is now a range of quality. You get a high-quality, very good service for a high price down to low quality and people elect what they want. The system seems to work reasonably well. Cabcharge does charge extra too. If you go to the Cabcharge international website, do you know what Cabcharge charges for a taxi fare from the airport into the city?

**The Hon. TREVOR KHAN:** No.

**Dr ABELSON:** It charges \$80 or \$90 for a standard service and \$110 for a premium service. How it does this when it is supposed to be metered, but it is on its international Cabcharge website. I guess they would probably allege that it is a hire car. The market gets round these things. In the key performance indicators you pointed out taxis refuse three bookings out of four. They refuse them because they think they have got better bookings. They do not pick up people who are not worth it. It is a tricky question. There are lots of ways in which the market already does charge different prices and taxis do respond to this in different ways.

**CHAIR:** We now turn to the Government members for questions.

**The Hon. PENNY SHARPE:** There has been discussion today about people who currently own plates and that if there were a recommendation for further deregulation the impact on those owners. You have talked about the need for some form of compensation. Obviously that is something the Government would have to pay and it would be not an insignificant amount of money. So yet again it is the taxpayers who would pay for that compensation. Firstly, in the cost benefit analysis how efficient do you think that is? Secondly, can you put forward any alternatives as to how that could operate?

**Dr ABELSON:** There is quite a good paper by a fellow called Johnson who used to work for the National Competition Council on the whole compensation issue and how it could be handled. I could reference that to you on notice.

**The Hon. PENNY SHARPE:** Yes.

**Dr ABELSON:** If there were a better service, many people would be willing to pay \$24 a trip for which they now pay \$20 if they were not waiting. Part of the cost of a taxi is waiting for 10 minutes. There may well be systems where you allow prices to go up a bit in the peak because people are better off paying \$3 extra in the peak and waiting for 3 minutes rather than 10 minutes and having some form of levy on that. I do not know. It is a complicated issue. I do not want to pretend it is easy. I think it needs to be thought through and worked on if you are serious about this. Some people have had the plates for a very long time. I do not see why it is not in the public interest that we do not know who owns the plates.

**The Hon. PENNY SHARPE:** That issue has been raised. In a more deregulated system how do we guarantee universal access?

**Dr ABELSON:** What does universal access mean?

**The Hon. PENNY SHARPE:** There are two forms of universal access, which have been explored previously. There has been evidence before the Committee today that with people with disabilities and an ageing population with increasing limited mobility it would be far better to provide, as is provided in places such as Edinburgh, that every cab be able to take all passengers to the 90th percentile. Obviously that is not a proposition that you support. The other issue in a deregulated system is geographic coverage and making sure that everyone can get a cab where and when they need to.

**Dr ABELSON:** I think there is far more chance to be able to get a cab if there were fewer barriers to entry into the industry, few barriers to competition, less financial barriers. The idea that you can provide a good service to Castle Hill and Blacktown, et cetera, by having a very regulated system does not seem to work. I think that is what you would expect: you would have more competition, more entry, better service.

**The Hon. PENNY SHARPE:** Do you believe there would be better universal coverage?

**Dr ABELSON:** No. There is always going to be a price. If people can only provide the service for \$20 then there is only coverage in a sense that they would be charging \$20. So coverage is always related to price. The question should be: Universal coverage at what price? Should everybody be entitled to a taxi trip of 10 kilometres for \$20? What does universal mean. It is a very broad concept.

**The Hon. PENNY SHARPE:** I suppose it comes from the notion that there are people in the community for whom access to transport is essential to their lives and there are no other forms of transport for them. Taxis are part of the public transport system even though they are privately operated and it is a matter of how the Government guarantees that service.

**Dr ABELSON:** This is where I think more information would be useful. Anecdotally I understand that there are quite poor taxi services in outer suburban areas and that community transport has a tremendous difficulty filling the gaps that the buses do not fill; there is a big gap there. I think it would be useful to have a survey which told us what the nature of the problem is; why there are not adequate taxi services. I do not think I know enough about the details of what happens on the ground in some areas, but I think the current system is not providing enough taxis and for quite a lot of areas I certainly hear that.

**The Hon. PENNY SHARPE:** You spoke earlier about customer satisfaction and getting down to the basis of what passengers really think about their taxi experience. We know that if you scratch the surface, as soon as it is mentioned on radio there is never any problem getting callers to share their experience. I wonder whether you have any suggestions about the specific questions that would be useful to ask, in order to build up a body of knowledge so that it is statistically significant and we could measure improvements over time. Are there any particular aspects of such a survey that you think would be useful?

**Dr ABELSON:** I am sorry, I cannot design a survey on the spot like that. It takes a few weeks to design a proper survey.

**The Hon. PENNY SHARPE:** You have obviously asked those sorts of questions before in your studies?

**Dr ABELSON:** Yes. Obviously we cannot ask people unlimited things. I remember that a government official once came to the area where I lived and said, "Would you like an underground station going into the city every five minutes?" How many people would vote for that? Subsequently I reckoned that the government would pay about 80% of the cost; the locals were 20 per cent—of course we would all vote for that. So there have to be sensible questions about what you are willing to pay and how often you want to use the service. It does have to be related to some form of budget constraints. Of course, in an important case like getting to hospitals and so on, it needs to be asked what has been your experience when you really needed an acute service and so forth. It would be a complicated one; it would take a couple of months to design a decent survey. But I really think that would be a good starting point to understand what public transport is really required.

**The Hon. PENNY SHARPE:** I am thinking more in relation to customer satisfaction. You have said in your paper that we rely on complaints and on the data that the networks provide in relation to pick-up times. Are there other specific things? Previous witnesses today have talked about cleanliness of cabs; cabbies talked about the efficiency of the cab driver helping people load and unload. Is there anything else?

**Dr ABELSON:** You would go through a series of focus groups and you would elicit what appeared to be the critical concerns. We think we know what they are. But you would run some focus groups, and then you would do a pilot and find out whether that also was working. I entirely agree that the service has a number of dimensions and you have to flesh those out. I can certainly say that my own experience of complaining was completely futile.

**The Hon. GREG DONNELLY:** Through your research and work you have obviously put together a comprehensive picture in terms of the Sydney metropolitan area. In preparing this document, are there other jurisdictions either in Australia or overseas that you have seen repeated as being put forward as, if not ideal, very good or recommended, or seen as benchmarks when it comes to taxi services?

**Dr ABELSON:** That is a very good question, but I actually cannot answer it. There have been numerous experiments and a huge amount of OECD literature about the pros and cons of deregulation. There are a few authors who say it has not worked and some that will say it has. It is complicated. If you deregulate prices but leave a monopoly in place, of course prices will go up. If you deregulate prices and there is lots of competition, prices will probably go down but then they go up in peak periods. It is quite complicated.

**The Hon. GREG DONNELLY:** Of course, we are not starting with a blank sheet of paper?

**Dr ABELSON:** That is right. It is very complicated. I think some things are more win-win than others. I think allowing suitably small networks would be a win-win situation. I just cannot see why we are stuck with rigid network requirements — That is why I have tended to emphasise that more than the entry issue. I think that might have its own political problems, but they are different ones. I have only studied overseas jurisdictions second-hand reading surveys; I have not done first-hand surveys so I cannot give you an answer to that, I am sorry.

**CHAIR:** Dr Abelson, thank you very much for giving us your time today; it is greatly appreciated. The Committee has resolved that answers to questions taken on notice by you today should be returned within 21 days. This, of course, will also include any further questions that are sent to you. The secretariat will contact you in relation to the questions you have already taken on notice and any further questions.

**(The witness withdrew)**

**(Short adjournment)**

**ELIZABETH SIMPSON**, Solicitor, Public Interest Advocacy Centre, , , affirmed and examined:

**CHAIR:** Do you wish to make a short opening statement to either expand on your submission or provide additional information? There is no need to repeat your submission as each of the Committee members has read it.

**Ms SIMPSON:** Certainly. I will make a brief opening statement. What I would like to do in this opening statement is to focus and draw out in particular the kinds of recommendations we have made and exactly why we have come to those recommendations. The reason I want to do that is that we are very keen not simply to put forward the serious concerns that we have about both compliance and reporting in relation to the Public Transport Standards but also to try to look at practical ways the Government can move forward and deal with these issues.

I would like to start with the non-compliance issue because it is really how our experience in this issue arose and it is also how we became aware of concerns about reporting. The Public Interest Advocacy Centre is currently involved in a matter and represents a client, Mr Killeen, who is making a disability discrimination complaint in relation to Standards. If you go to the submission you will see we have set out the relevant paragraphs of the Standards that we say at the moment are non-compliant by a number of companies.

**CHAIR:** Do you have the specific pages?

**Ms SIMPSON:** Yes. It is pages 12 to 13 of our submission and we are looking at clauses 9.1 and 9.3, read in conjunction with 1.11, and that is quite important. We are talking about the minimum allocated space requirements. It is worth taking a step back as well before we look at those requirements and think about how we need to construct them. There are two things to bear in mind about the Public Transport Standards. One is the fundamental purpose, because when we come to look at whether or not the current interpretation the Department of Transport has is the appropriate interpretation to adopt, you need to go back to the principles we are trying to fulfil, the objectives of the standards, which are to increase accessibility.

The other important thing to bear in mind about the Public Transport Standards is that these are minimum standards, certainly not maximum standards. It is open to the Government or any organisation to exceed those standards. Also, they are based on the idea of the ninetieth percentile. So, when the standards were developed it was recognised that different people with different disabilities will need different mobility devices and wheelchairs, so it may not be possible to come up with a standard that will cover every single person in every single case. However, we are talking about the ninetieth percentile. That means this standard is meant to accommodate 90 per cent of people. That is why it is significant. We are not talking about people making individual choices and should we accommodate this particular vehicle or that particular level. We are really talking about a standard that is meant to cover 90 per cent of people with disability. That is important to bear in mind when you start to look at the interpretation. Going back to what the standard says in clauses 9.1 and 9.3—

**The Hon. TREVOR KHAN:** Sorry, how do you determine what 90 per cent of wheelchair users actually use?

**Ms SIMPSON:** I might have to take that on notice - the background to the Public Transport Standards and how they have developed, because consultation committees were set up and my understanding is a lot of work was done at looking at the different kinds of wheelchairs on the market and working out from that what you got to. So, looking at all the different wheelchairs and different devices and working out from that what was the ninetieth percentile.

**The Hon. TREVOR KHAN:** If you take that on notice you might also take on notice when that was done, because I suspect what was done, say, five years ago would be very different from what the position is now.

**Ms SIMPSON:** Yes, and in part that is taken into account in the Standards, because if you look at the Standards, in particular the compliance performance Standards, and so on, over time what is meant to happen is that the minimum standards are meant to increase, and that is recognising that there will be different devices and different wheelchairs on the market. But I will take that on notice. If you go to pages 12 and 13 of the submission we set out clauses 9.1 to 9.3. I will not read them but essentially they set out the three-dimensional

minimum allocated space—800 millimetres by 1,300 millimetres by 1,410 millimetres. That needs to be read in conjunction with clause 1.11, which is a definitional clause, which says the allocated space is a three-dimensional space. We are not talking about a flat space, we are talking about a three-dimensional space. That is just to bear in mind.

The question has arisen as to how you interpret that. Again, I have set out in the submission that at the moment there appears to be two competing interpretations. One of them is the interpretation the Department has set out in its current Wheelchair Accessible Taxi Measurement Protocol which is available on the website. We have also replicated it at page 13 where you will see this set out. Essentially it is clauses 2.5.2 to 2.5.4 of the wheelchair accessible taxi measurement protocol. It indicates, particularly at paragraph 2.5.4:

The headroom is defined as the perpendicular distance from the floor surface to the underside of the vehicle's headlining at any point above where the wheelchair occupant's head would be located.

My first question is what is the problem with that? The difficulty is we do not know where that endpoint is, and that is the whole point of the Public Transport Standards. It is a recognition that there might be all sorts of different points for different people's heads within the allocated space. We say the probability, if you look at that particular definition and how it will play out is that, if there was any point in this kind of three-dimensional space that effectively had the headroom, under this definition if it was only in one point that would be enough, irrespective of whether or not anyone in a wheelchair could get into that one point.

We say really the only way of giving it a practical, commonsense interpretation is that it effectively has to be thought of as a square box. You will see at appendix D we have given a little diagram, which is our figure of how that three-dimensional space needs to be conceptualised. It is really only by having that box that you allow for the fact that there will be different people in different sized wheelchairs who will have different body sizes themselves, so they will be at different places. If you have a rectangle there is no issue about whether they vary within that, and again that rectangle is based on that concept of a ninetieth percentile.

That is what we say the interpretation is. I guess the reason it has become an issue in New South Wales is that we believe there is a significant number of wheelchair accessible taxis on the road that do not comply with our interpretation of the Public Transport Standards. Again, we have set out diagrams to stress this to the Committee. They are at appendix C. Basically, unless the Committee wants me go over them, they are basically what we refer to as the ramp problem and the door problem.

**The Hon. PENNY SHARPE:** You talk about significant numbers within the wheelchair accessible fleet. I wonder whether you have the actual figures on that?

**Ms SIMPSON:** We do not have exact figures. The closest we have been able to identify is we made a freedom of information request in 2008 and at that stage as much information as we were given by the Department, because it could not specify a lot of information for us, our understanding is it was at least 100 at that point out of the 400, that is our approximate information.

**The Hon. PENNY SHARPE:** Can I just confirm this is the Tarago van issue? Are they the particular ones that are the problem?

**Ms SIMPSON:** I think we need to be a bit more specific than just saying it is the Tarago van issue. There has been an argument that we have had to rebut a few times now that every single Tarago does not comply with the standards, which we do not accept. There are two particular conversions of the Tarago that are the problem. So, our understanding is we are talking about at least 100 but we would assume more in the intervening period.

**The Hon. TREVOR KHAN:** You were not here for Mr Herd's evidence this morning but I think you might have us on this one. The difficulty is essentially this: we talk about wheelchair accessible taxis but the discussion that occurred this morning was that essentially the mobility aids extend well beyond the typical wheelchair. Mr Killeen's case is a case in point but also we now have scooters that people use as well. That is the case, is it not?

**Ms SIMPSON:** Yes.

**The Hon. TREVOR KHAN:** I think the scooter concept would have even more difficulty with a Tarago style van that even Mr Killeen's style of chair? That would be the case, would it not?

**Ms SIMPSON:** It is difficult to answer that. I guess it comes back to the fact that it is the ninetieth percentile. If the scooters comply with those measurements they should be able to fit into the space and it should not matter that they are scooters or Mr Killeen's mobility device or anyone else's device. It should not be related to the particular chairs we are talking about. It is not a question of if everyone just used the manual chair that would be okay, and because people are choosing to use other things.

**The Hon. TREVOR KHAN:** You misunderstood the point that I was trying to make. I am not suggesting that people should use a manual chair at all; I am suggesting that there are advances in technology and aids become available at a fairly rapid rate. For the industry it means that it is dealing with a moving feast. Hence my question to you earlier about what constitutes the nineteenth percentile.

**Ms SIMPSON:** Sure. I do not think that the industry is dealing with a moving feast. The Public Transport Standards do not move; the models that people might be using might change. We are talking about Public Transport Standards that are not changing. In fact, we say that all these companies need to be concerned about is whether or not that three-dimensional space meets the Public Transport Standards, which are not a movable feast.

**The Hon. TREVOR KHAN:** I am not necessarily interested in the Public Transport Standards; I am interested in what will achieve an outcome for at least 90 per cent of people.

**Ms SIMPSON:** If you got a Jig, for example, you could create, in a sense, a cardboard box and make a rectangular prism that had height, width, head room and so on. If you were to put that into the taxi and it fit that would be your answer. Then you would not need to worry about whether or not this particular model worked or that particular model did not work. If your jig fitted into a taxi it would be sufficient. If someone were to come along and exceed the measurements of the jig, that would not be non-compliant. There would still be a problem about accessibility for those particular models. In effect, that is what we are saying about the nineteenth percentile. You focus only on that particular measurement.

**The Hon. TREVOR KHAN:** A lot of the evidence that I have heard—I am speaking only for me and not for other members of the Committee—relates to where the taxi fleet should move. It would seem that we have two competing alternatives. The first proposition, which we will call the Herd proposition, is that we should seek to move the entire fleet to a wheelchair accessible taxis [WATs] compliance style. The second proposition is that we simply increase by some indeterminate percentage the number of WATs in the overall fleet. What is your proposition in regard to the mix in the fleet, or should it all be WATs?

**Ms SIMPSON:** Again I might take that question on notice. So far our recommendations have been a little less ambitious rather than trying to work out the composition of the entire fleet. That having being said, my preliminary view is that if at the moment we are trying to deal with the issue of non-complying taxis, the way forward would be either of those propositions in trying to sort out the issue for the future.

**The Hon. TREVOR KHAN:** Do you have a view, or does your organisation have a view, with regard to booking fees for people requiring WATs?

**Ms SIMPSON:** No.

**The Hon. TREVOR KHAN:** Recently one proposition was advanced relating to the benefits of fuel-efficient smaller vehicles. Could the requirement for WATs have the environmental objective of reducing our carbon footprint, so to speak?

**Ms SIMPSON:** At this stage we deliberately limited our submission to two relatively narrow points. I am happy to take that question on notice, to have a think about it and to get back to you about those issues and propositions.

**The Hon. TREVOR KHAN:** All right. Could you consider the question of performance indicators? What would you see as being appropriate performance indicators to determine whether there is compliance with the objectives of providing public taxi transport for people with a disability? Do you have a view that you can put to this Committee?

**Ms SIMPSON:** Again, in our submission we referred to the first part of your question. We think that the current key performance indicators [KPIs] are insufficient.

**The Hon. TREVOR KHAN:** We need to move beyond that.

**Ms SIMPSON:** I appreciate that; I am just trying to think. The biggest concern we have with the current KPIs is that they do not look at the whole of journey. They do not look at it from a consumer's point of view. For example, if my client Mr Killeen booked a taxi and it arrived, but it was one of those problem taxis that he had to send away and then call again and get another taxi, at the moment that would be counted as two bookings. It would be recorded as two separate bookings in the KPIs and the pick-up times would also be recorded as two separate waiting times. On each occasion he might wait 10 minutes, so in effect he would have waited a total of 20 minutes.

First, we need more of a focus on how much time a consumer waits. Obviously the question is: How do you record how much time a consumer waits? The way it is currently done is through the companies and through the Zero200 network. There are a number of ways of doing this. It has been suggested more generally that we should obtain consumer input more regularly—whether that be statistical or whether we have information groups that give quality feedback. Generally, we need a lot more consumer input around the public transport centres to establish how they work on the ground and that can be fed back into the regulatory regime.

We could commence by having access panels and more consumer input and we could set up regular focus groups to discuss the kinds of issues that are arising and to seek solutions. That would be one way of making the indicators a bit more relevant. It might also be possible for a network to ask people and record it. If passengers are ringing back because the first booking has not worked, the network should record that as a different KPI that acknowledges that someone has already waited a certain amount of time. The network could ask a simple question, for example, "Are you booking a new job?" If someone were to say, "The last taxi came and I could not use it. I had to send it away", perhaps a new KPI or a sub-KPI could also record those times.

**The Hon. TREVOR KHAN:** In your view who does the qualitative research? Do the networks undertake that research or does the department undertake it?

**Ms SIMPSON:** I think it could be the department. One of the recommendations that we made in the submission is that there must be more oversight and linkage. Perhaps the Roads and Traffic Authority—alternatively we suggested the Auditor-General or the department—should be more actively involved in reporting and coordinating the public transport standards and the regulation more generally of industry. Perhaps as part of that it could conduct the research and report back.

**The Hon. PENNY SHARPE:** One witness who appeared earlier supported the notion of an independent regulator. Do you have a view about that?

**Ms SIMPSON:** Obviously as a starting point we would support an independent regulator. In our submission we said that rather than creating a new body—because obviously that would cost money and be difficult and so on—bodies that are already in existence could take on these new auditing and regulatory roles. We suggested the Roads and Traffic Authority. However, we are concerned about the fact that it is much more closely involved with the department, so there is the question of independence. We thought that that practical suggestion might be a bit more feasible than creating a whole new body.

**The Hon. PENNY SHARPE:** In an earlier answer you referred to better customer feedback about the whole system. Are you aware of current arrangements relating to customer feedback? Could you expand on how you think that could be improved in the provision of taxis?

**Ms SIMPSON:** Yes. Looking at the Accessible Transport Plan my understanding is that there are some consultative groups. The Accessible Transport Consultative Group is one group that meets and has representatives from the disability sector. However, that occurs on an ad hoc basis.

**The Hon. PENNY SHARPE:** Is that just for taxis, or is that for all public transport?

**Ms SIMPSON:** I would have to take that question on notice because I do not know a lot about it. I will take on notice the extent to which it consults. That is one group. Perhaps its role could be expanded. It is also a peak body, which is always different from individual consumers. That is one distinction. I believe that that

group meets on a fairly ad hoc basis, which is a problem. We need to have a group that meets a lot more regularly. An alternative suggestion that we made in our submission relates to the possibility of a public transport advisory panel. Under the new draft Standards on Access to Premises it has been recognised that the individual complaints mechanism on which all these Commonwealth disability Standards rely is really problematic.

Often there are very few complaints for a series of reasons that have nothing to do with the fact that there are no problems. There are some issues that put people off making complaints. In response to that there has been a suggestion that they can set up an Access to Premises Advisory Panel, which is meant to have experts from across the field to give expert advice, interpretations and so on. Perhaps this existing group could do that. My understanding is that it does not do that at the moment. That could be a new role for this group, or a different role could be set up.

Referring to individual consumers having an opportunity to provide feedback, I would like to take that question on notice, partly because I want to have a bit more time to think about it and I want to explore it a bit more. I know that the people who have involved with the access to premises review have touched on that before. I will get back to you about that.

**The Hon. GREG DONNELLY:** You might not know the answer to this question, so feel free to say so if you do not. I refer to other Australian jurisdictions. Are there any States or Territories that you might direct us to have a look at that have a reputation of being friendly towards the disabled? Is there a general understanding in the community that the services they provide are well provided?

**Ms SIMPSON:** I know that the Ombudsman looked at this issue a while ago and compiled a report on wheelchair accessible taxis—I think it was in August 2008. He looked also at other jurisdictions. At least he looked at the information that they gave relating to allocated space requirements. I think South Australia went beyond the minimum standards. The Ombudsman suggested that the Queensland interpretation was a good one because it named a particular wheelchair and said, "This particular wheelchair should always fit."

I go back to the whole idea of looking at a wheelchair and suggesting that a taxi is the easiest way of transporting it. You might look at one model and say, "This is the biggest model that will fit in", but as soon as technology advances, as the Hon. Trevor Khan pointed out, it will become obsolete. You are then faced with finding a wheelchair that is either bigger or smaller. I have to be honest: I do not know whether any other jurisdiction does this any better. I think some of them give more information in the form of pamphlets and so on, so there is a bit for information about what they do and what they do not do. Unfortunately I do not know whether any other jurisdiction is getting it right.

**The Hon. GREG DONNELLY:** I refer to your recommendations and to point 7 on page 17 of your submission. I refer to the comment that you made earlier relating to Toyota Taragos. I think you said that it is not all Taragos; that it is just some that have been fitted out?

**Ms SIMPSON:** That is right.

**The Hon. GREG DONNELLY:** You said that there would need to be an audit of all of them to discern which ones were suitable?

**Ms SIMPSON:** Yes. Our understanding is that there are three conversion companies that make these conversions. As we said, one has an issue with the ramp. Basically, the space itself is probably big enough but as soon as the ramp comes in that creates a problem. There is one that has a door problem, in that the space is too small. It looks okay but when you go to close the door, because of the slope of the Tarago door you lose that space at the back. Essentially, someone's head effectively is out the door. When you try to close the door you find that the door hits that person's head and it simply cannot be shut. The third one is a Tarago that shuts and someone can be transported in it. Because of the way in which that particular company does its conversion it ends up with more room in that envelope so that someone can fit in comfortably.

**The Hon. PENNY SHARPE:** Referring to the same car, there is no extra carrying capacity. It is simply the way in which the conversion is done that causes an issue?

**Ms SIMPSON:** That is my understanding, yes.

**The Hon. TREVOR KHAN:** Are you saying that Mr Killeen in his chair could fit into a Tarago?

**Ms SIMPSON:** Yes.

**CHAIR:** All three or just the one?

**Ms SIMPSON:** The one. We can talk about this a bit more but he has made some modifications to his wheelchair as a result of the issue and he actually fits into some of the others as well. However, I have spoken to other people who have indicated they still have problems with the two sets of companies. The other important thing is that it is not just Mr Killeen. He has made this complaint very much in a representative capacity and I have actually spoken to other people with similarly indicated problems.

**The Hon. PENNY SHARPE:** Mr Herd from the Disability Council also raised this issue this morning and indicated that some work had been done to try to make sure that any future wheelchair accessible taxis do not have that problem. There has been some discussion with the Government and I know that Mr Killeen has been very involved, as has PIAC. What is your understanding of where that is up to?

**Ms SIMPSON:** My understanding is that it has not got much further and essentially the department has indicated that they are waiting on the Commonwealth review of the Public Transport Standards because there has been an indication from the Commonwealth Government that they may amend this provision. We have been told that if there is an amendment to the provision the Department will make amendments subsequent to that, so they will do that once the decision is handed down, but we have been told that nothing further will happen until then.

**The Hon. PENNY SHARPE:** What is the time frame for the Commonwealth Standards?

**Ms SIMPSON:** The review began in 2007 and we are still waiting for it. We have no clear sense of the timetable. We have tried to contact the relevant Commonwealth departments to see if we could get an indication but we have not had a firm indication.

**Ms LEE RHIANNON:** It has been reported that the case you are running for Mr Killeen may result in a major overhaul of the type of disabled taxis being accredited by the State Government. I imagine we now have this case because all other avenues of solving this problem were tried without success. Could you outline why those attempts failed?

**Ms SIMPSON:** I do not know if I can go into any details other than to say that certainly other avenues were pursued because obviously there are difficulties with litigation, and unfortunately none of them were successful.

**Ms LEE RHIANNON:** I was particularly interested in your interactions with government departments. If you cannot go into that I totally respect that, but I am trying to get an understanding of what PIAC and Mr Killeen had to go through. It is obviously quite a drain on everybody. I think it would be informative but if you cannot go into it I understand.

**Ms SIMPSON:** I am able to say that we have met with the department and raised the concerns but that it has not progressed. We certainly have not seen any solutions or had any real assurances.

**Ms LEE RHIANNON:** Was that because they felt the law was unclear or that nobody would enforce the law?

**Ms SIMPSON:** I think there was certainly an indication that they thought their interpretation, which is set out in the protocol and which is based on a consultant that they got to do some work, was correct. Obviously we disagreed. Another issue that was raised was the existing fleet and what to do about it. We have tried to address that in the submission by making some recommendations, so ideally would like to see an audit of the existing fleet and then work done to modify those taxis. We have indicated an alternative. Another way of dealing with it would perhaps be to issue more wheelchair accessible taxi licences immediately to at least dilute the problem, which is certainly not an ideal outcome.

**Ms LEE RHIANNON:** We have heard some evidence, and it has been covered in some submissions, about the taxi transport subsidy scheme and the taxi driver incentive scheme. Could you comment on those schemes and are there other initiatives that you think could improve services?

**Ms SIMPSON:** I do not feel I am in a position to comment about that because we have tried in our submission to stick to the issues that have arisen out of this case because it is really from those experiences that we feel we have authority to speak. I do not know, for example, how successful the taxi subsidy scheme is.

**Ms LEE RHIANNON:** Just going back to the case and assuming you are successful—I imagine PIAC has had experience with other cases, and this is a test case that could change the law—how does that play out so that there is a change that benefits people who need to use taxis when they are in a wheelchair?

**Ms SIMPSON:** The first thing you would do is clarify the interpretation of these particular provisions. That would mean that something like the current WAT measurement protocol that is on the website would be incorrect in law and invalid and probably would have to be taken down and replaced with one that meets the court's interpretation. That would mean that for future wheelchair accessible taxis it would not be an option for the door or ramp taxis to be licensed because they will be contrary to the standards. It would also raise an issue about the existing taxis because of course this Standard has applied to all taxis since 2002. If the existing taxis have been incorrectly licensed, they would also be contrary to the Public Transport Standards and would probably not be able to operate.

**Ms LEE RHIANNON:** Going on your experience in other areas where PIAC runs a case and you have a win and the interpretation of the law has to change, will the website just be changed or would you have to put pressure on the government department? Will you have to follow through? It is one thing to have a win, but I am keen to know how that will flow through.

**Ms SIMPSON:** It is a bit of a million dollar question with all our cases. There are provisions in the Disability Discrimination Act so that you can follow up and take enforcement action, but I would hope the Government would simply make the appropriate changes.

**Ms LEE RHIANNON:** You said it was a million dollar question. Does that mean from past experience it is not clear how the Government would react and that you may have to take enforcement action?

**Ms SIMPSON:** I do not know if I am really able to answer that question. I might take it on notice. Most of the time when you win a case we find the other side, particularly the Government, is very good at following up and does not tend to ignore the matter.

**Ms LEE RHIANNON:** You can probably see where I am going. I am interested in your replies because we have to come forward with recommendations. If PIAC and Mr Killeen have gone to all this trouble to go through with this case we want some real results to come forward and for the matter not to end up in limbo, so I am interested in the aftermath and how it plays out. Any advice would be useful.

**Ms SIMPSON:** In some ways I guess our hope from this inquiry is that rather than having to go down the litigious route and get enforcement and changes through that, if some recommendations were made and taken up and acted upon by the Government now in a sense it would pre-empt the need to go down the litigious route. Perhaps this would be an alternative and a better one.

**Ms LEE RHIANNON:** I am not sure whether you have covered this but a few submissions have said that the way the paper-based voucher system works at present can be quite difficult for many people with disabilities. It has been floated that a card-based system might be better. Do you have any views on that?

**Ms SIMPSON:** Again, that is outside my expertise.

**The Hon. TREVOR KHAN:** I think your evidence earlier was that there were about 100 non-complying vehicles. Is that right?

**Ms SIMPSON:** Yes.

**The Hon. TREVOR KHAN:** Do you know how many of those 100 non-compliant vehicles are plated under the nexus plate arrangement and how many of them are under the new arrangement of paying \$1,000 for a renewable licence each year?

**Ms SIMPSON:** I cannot answer that. The information that I got from the freedom of information procedure does not give me that unfortunately.

**The Hon. TREVOR KHAN:** If your case is successful is the implication that those WAT vehicles that are plated under the \$1,000 12-month licence are non-compliant and would not be capable of being relicensed at the end of 12 months?

**Ms SIMPSON:** Yes, if the case was successful that would be the outcome.

**The Hon. TREVOR KHAN:** Do I take it also that you are alive to the fact that the modification of a vehicle costs in the order of \$30,000 to \$35,000?

**Ms SIMPSON:** Yes.

**The Hon. TREVOR KHAN:** Do you know whether the costs of re-engineering the vehicle into one of the three that comply with the standard would be \$30,000 or \$35,000?

**Ms SIMPSON:** I do not know. I have not been given any information from conversion companies about how much that would cost.

**The Hon. TREVOR KHAN:** What is your time frame on your litigation?

**CHAIR:** Only if you are allowed to answer that.

**The Hon. TREVOR KHAN:** That is not a confidential matter.

**Ms SIMPSON:** At the moment the matter is with the Commission and under conciliation. That is all I can say.

**The Hon. TREVOR KHAN:** In a general sense, not dealing with Mr Killeen's case, if the matter has been in the conciliation phase how long does the conciliation phase last?

**Ms SIMPSON:** It is a changeable timetable. It really depends on what is happening in the conciliation. The Commission does not have any particular limiting time frames.

**The Hon. TREVOR KHAN:** In your experience as a lawyer, like mine, you would be asked by a client how long the conciliation phase lasts and you would say it is as long as a piece of string, but three to six months. That is the sort of advice I would have given years ago.

**Ms SIMPSON:** Yes. This one has been in conciliation longer. It would be as long as a piece of string. It would depend on what came up. It would depend on what came out of a face-to-face conciliation and whether there were any follow-up negotiations and that kind of thing.

**The Hon. TREVOR KHAN:** All right. Again, if I were a client and I was sitting with you as a lawyer I would ask how long it would be before we got to a hearing after the conciliation phase. The client, being me, would expect you to give an informed opinion as to how long that would be, not being Mr Killeen's case. Are you able to assist in that regard?

**Ms SIMPSON:** Yes. Under the Australian Human Rights Commission Act if the commission terminates the complaint because conciliation has been unsuccessful the applicant is able to make a complaint to the Federal Magistrates Court within 60 days, so that is the time limit they have to lodge the next stage, if they want to do that. Following that there will be a first case conference and depending on the kinds of orders that people seek usually we would say it would take about one to two years at least for the case to go through the Federal Court, but hopefully two years.

**CHAIR:** I need you to clarify an earlier issue that was raised by Mr Khan where you used the example of the box prism. Are you saying that the department should make it very clear what this prism box should look like so that it would be sufficient for 90 per cent of circumstances? It would then become very clear to the public at large so that when people look at either obtaining a new wheelchair or modifying a wheelchair or scooter they at least have something to work with so they understand what the parameters are, as opposed to the existing situation where it is not properly defined and different companies are doing different things and it is almost a bit of a gamble. Is that what you are saying?

**Ms SIMPSON:** Yes. Basically we are saying that at the moment it is a case of "This is the floor space and this is the ramp and head space", which is confusing for everybody, as you say. It becomes a real gamble for all stakeholders. If you think about it as a prism, either conceptually in your head or by creating a jig or a box that you can physically use, if it would help in getting your head around it. The more you think about it as a box that is 800 millimetres by 1300 millimetres by 1410 millimetres, the easier it becomes to approach the issue.

**CHAIR:** Thank you very much for coming in today. The Committee appreciates the information you have provided. It has been most helpful. The Committee has resolved that answers to questions taken on notice, and I know there were many, should be returned within 21 days. The secretariat will contact you in relation to questions you have taken on notice. Some Committee members may also have additional questions, which will be sent to you by the secretariat for you to respond within 21 days.

**(The witness withdrew)**

**(The Committee adjourned at 4.00 p.m.)**