

UNCORRECTED PROOF
REPORT OF PROCEEDINGS BEFORE

SELECT COMMITTEE ON THE NSW TAXI INDUSTRY

INQUIRY INTO NSW TAXI INDUSTRY

At Sydney on Tuesday 2 February 2010

The Committee met at 9.30 a.m.

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 Select Committee's inquiry into the New South Wales taxi industry. This is the first hearing of what will be a wide-ranging inquiry into issues concerning the taxi industry in the State, including the adequacy of reporting, standards, regulations, accessibility of taxis for people with a disability and the working conditions and entitlements of taxidriver. Today, the Committee is hearing from the New South Wales Taxi Council, New South Wales Transport and Infrastructure, disability advocates and Lime taxis, as well as taxidriver representative organisations.

Before we commence I will make some comments about procedural matters. In accordance with the Legislative Council's guidelines for the broadcasting 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 photos. 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. Any messages from attendees in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. I remind everyone to turn off their mobile phones.

PETER JOHN RAMSHAW, Chief Executive Officer, New South Wales Taxi Council, affirmed and examined:

CHAIR: Would you like to make an opening statement? In that regard, I would ask if you want to expand on any submission that was made or anything new. I ask you please not to simply go through the submission, as all Committee members have read the submission.

Mr RAMSHAW: Yes, I would like to. Thank you for inviting me to appear today and to help you better understand the aspects of the taxi industry that you are inquiring into. We have made a submission that I understand you have read, with supporting materials to provide evidence, if you like, or support for the claims we have made in the submission and to explain, certainly, what we do in order to provide the best possible service for the people of New South Wales.

The taxi industry is certainly unique in the true sense of the word. From personal experience I can assure you it takes years to really get to understand how it works and why. It is complex and intricate. You cannot sum it up in a written submission and I do not think we will be able to go through all the ins and outs of the industry or every detail today in the time I have. So, I very much tried to keep the submission to the terms of reference. I tried to provide supporting, independent, verifiable evidence where possible to support the claims we have made and, again, I have concentrated on recent information wherever possible. Again, we tend to suffer at times from old issues being dragged up from many years ago, so we tried to keep it as current and relevant as possible.

The New South Wales Taxi Council is the peak industry body in New South Wales. We represent more than 4,300 owners and operators of taxis as well as authorised taxi networks. The majority of our association's members drive taxicabs so we also represent drivers' interest to a very large extent in a broad range of issues. The operators' interest and drivers' interests are very much aligned in many areas. Of course, there is one important distinction, which is how the takings are split between the operator and the driver. You cannot represent both sides of that equation. We represent taxi operators there. We are the registered industrial organisation, the association of employing contractors, that is registered with the Industrial Relations Commission representing bailor taxi operators. The Transport Workers Union is the registered organisation representing bailee taxidrivers. We are also members of the Australian Taxi Industry Association, which is the peak association representing nationally taxi owners and operators.

Some of the key points from the submission relate to the public transport role that taxis play. We meet public policy objectives in fulfilling our role as a public transport provider without direct net funding from the Government. So it is all basically privately funded. The scale of the industry is not well understood either. We transport about 175 million passengers each year in New South Wales. There are 18,000 active drivers, we estimate, in New South Wales which means, I have been told, we are bigger than the Royal Australian Navy.

The public transport aspect of the industry means we are a one size fits all service. Again, this is something that tends to get overlooked at times. Under a regulated fare we provide a universal service and everyone has equal access to the same type of service. The service is not tailored to individual preferences. We do not have different pricing points for different customers as, for example, airlines do to regulate their capacity constraints by charging more at peak times to encourage people to travel in off-peak times. We do not have that luxury because we are a public transport provider.

A lot of unsubstantiated claims are made about our industry from time to time, and I urge members to treat any of those such claims with some caution. There are fairly widely held beliefs that do not stand up to scrutiny and investigation, so intuition and plausibility do not necessarily hold you in good stead in relation to our industry, again because of the complexity of the issues involved. We attract criticism from time to time which, I think, is only to be expected with 175 million passenger journeys and 18,000 drivers—and, as I said before, with a one size fits all type of service there is bound to be some disappointment at times. But, individual incidents appear to be cited repeatedly or on numerous occasions and they are etched in memory despite the fact they might have happened literally years ago. Then the focus on isolated incidents becomes treated as representative of the industry when that is just not the case.

So we are treated quite differently in that respect from many other small businesses or other industries that are made up of large numbers of small businesses. When the corner shop provides a poor service to a

person, that customer does not go away and say that all the corner shops in Sydney are no good, whereas an incident involving a taxidriver tends to make people think the whole industry is like that, when it is not representative when it is an isolated case.

We have put evidence in the submission to show that taxis in New South Wales stack up well in any international comparison in service, standards and certainly in performance monitoring and measurement. We acknowledge that increasing expectations and competition from other transport providers mean we have to strive continuously for improvement. There is always more to be done and we are just like every other industry in that respect. We are very proud of our industry and the service it provides to the community, its history of improvement and, as I said, its ability to stand up well in any fair and objective comparison.

Ms LEE RHIANNON: Mr Chair, could I ask your advice. I have another inquiry on at the same time so I am interested in how you will organise questioning. As you will be aware, it was a Greens motion that set up this taxi inquiry, so I am in a difficult position because I cannot get a substitute. I was interested to know how you will rotate the questioning because I need to go in and out

The Hon. TREVOR KHAN: Why are you raising this now rather than in the deliberative earlier?

CHAIR: Thank you, I will answer the point. We will be operating on 16-minute intervals. I am happy—and I do not think there will be any objection—if you want to go first. The Independents will have eight minutes each or, if Mr Smith does not want his whole eight minutes you can have the additional time.

Ms LEE RHIANNON: It is all right now because the other inquiry does not commence until 10 o'clock, so the Opposition can go first, but I wanted to see whether you were doing a round robin.

CHAIR: Yes, I am. We will go first with the Opposition, then the cross benches and then the Government.

The Hon. TREVOR KHAN: I take you to page 13 of your submission, at the top of the page. We have been provided with a list of draft questions. Have you been provided with those?

Mr RAMSHAW: No.

The Hon. TREVOR KHAN: At the top of page 13 you deal with the issue, essentially, of the deregulation of the industry and the impact or lack thereof of the free availability of licence plates, there being no limitation on the number of licence plates. I know there is a fairly lengthy and detailed explanation, but why do you say that the system that existed until the recent legislative changes did not result in an increase in the number of licence plates?

Mr RAMSHAW: There was an increase in the number of licence plates, but very few unrestricted licences were purchased from the Government. Again, it gets into the complexities of the licences themselves. But in broad or simple terms, I suppose the reason was that the market just could not find them as attractive as what they term the perpetual licences that were already on the market. The licences that could be purchased from the Government were 50-year licences. They were renewable, but the market really did not have a taste of that, I suppose.

People in the market felt more comfortable with a product that they already knew, that had been around and had a history. Precedents and all those sorts of things had been set. These types of licences were just not as attractive whereas on an objective-type analysis, I suppose you would come up with a value. An economist will tell you differently, I expect. It is more to do with the sentiment of the market, I suppose.

The Hon. TREVOR KHAN: What had been the Taxi Council's position with regard to those licences or those taxi plates?

Mr RAMSHAW: We were never comfortable with there being an unlimited number of licences available, for the reasons we set out in our submission. They are based largely on case studies overseas where unlimited availability of licences generally produces fairly disastrous outcomes. In most cases the regulators in those instances have reverted back to re-regulating the industry to overcome and prevent the problems that arise, mainly through an oversupply.

Oversupply of licences creates all sorts of behavioural issues: people are struggling to survive; taxidriver's incomes are significantly reduced. As I have cited in my submission, studies in the United Kingdom during 2007 showed that the productivity of the industry falls. That is not offset by any increases in utility or the welfare of passengers in terms of better service, and, overall, welfare declines. So it is a retrograde step in terms of overall welfare when both the costs on the industry and the benefit to customers are both taken into account. One tends to offset the other—or more than offset the benefit.

The Hon. TREVOR KHAN: What is the Taxi Council's view of the recent reforms that have been introduced?

Mr RAMSHAW: We think the recent reforms are a positive step. We acknowledge that the industry needs to be allowed to grow in response to increases in demand and to ensure that we remain competitive by keeping our service levels competitive and providing a high level of service. While the demand for transport grows and if our industry does not grow, we are just really allowing our competitors to take up all the growth. We are really giving them a free kick, if that is what happens.

We needed a solution that overcame the problems that we had with trying to maintain or establish growth at a level that was equivalent to the need. It is a matter of getting the balance correct. We think that the current arrangements are a step forward in that regard because the director-general of transport now must take into account demand, growth, service levels and the need for more cabs, if you like, in determining the number to be released each year.

The Hon. TREVOR KHAN: I refer to page six of your submission. You have listed 10 recommendations.

The Hon. GREG DONNELLY: It starts at page four, it has a summary, and then it goes on to page 5.

The Hon. TREVOR KHAN: I am sorry; I withdraw that. I refer to page five. In terms of those recommendations, can I take you specifically to recommendations 2 to 5. Firstly, in relation to the card-based electronic payment system, do I understand that the reason you are putting forward that recommendation is the simple delay in the processing of the paper docket system. Is that the problem?

Mr RAMSHAW: It is the delay and the costs associated with the manual system. In simple terms, they are the issues. The taxi transport subsidy scheme [TTS] is a subsidy provided to some passengers with disability. It helps them to pay for the cost of the fare. There is also currently the trial that is underway for the wheelchair accessible taxi as an incentive payment which is made on the basis of the same transaction. It is a different fund and it is for a different purpose, but it is a different part of the fare. Both of those systems would be improved by the use of an electronic card-based system. It would certainly be more efficient, safer and, in the case of the incentives and both the TTS component of the payment, it would be a more timely way of the driver receiving money for the fare closer to the time of the journey, which we think is more effective.

The Hon. TREVOR KHAN: Is there a card-based electronic payment system operating in any other States of Australia?

Mr RAMSHAW: I believe so, yes. I believe that the Northern Territory, Queensland and Victoria at least have card-based systems. There may be others.

The Hon. TREVOR KHAN: Has the Taxi Council made representations to the State Government with regard to the introduction of a card-based electronic payment system?

Mr RAMSHAW: I understand the State Government is in the process of a tender, or has released a tender. Again, it is not something that the Taxi Council is directly involved in, but we believe that it is in the interests of our members for a system like that to be put in place.

The Hon. TREVOR KHAN: So it is somewhat underway; is that what you are saying?

Mr RAMSHAW: That is my understanding, yes.

The Hon. TREVOR KHAN: Good. I will move to recommendation 3, which states:

A regulation be introduced to stipulate that EFTPOS devices must be attached to the taxi-cab and taxi driver details are entered at the start of the shift in such a manner as to ensure that correct identification details of the taxi cab, authorised taxi network, and taxi driver ID and taxi driver ABN are printed on all receipts issued.

Why do you make that recommendation?

Mr RAMSHAW: We think this is an area in which we can help improve accountability of our industry in the eyes of the public. The reason for regulation of taxis is largely related to accountability of the industry, so that journeys and transactions can be traced and so that issues like lost property, or any sort of dispute over the journey itself, or a matter that arises can be properly investigated, and the parties involved identified, so that the matter can be properly investigated. We think that by making sure that the device that is used to process the transaction is physically linked to the cab will ensure that any record produced as a result of that transaction is inextricably linked to the taxi in which the transaction took place. We think that that is a way of helping to improve confidence of the public in using taxis.

The Hon. TREVOR KHAN: Without going into personal experience, how often do these EFTPOS machines and receipt machines break down?

Mr RAMSHAW: I do not have any reliable statistics to hand. My understanding is that, as a general rule, they are very reliable. As I say, I do not have any details. We are not the provider or directly involved there. I do not get a lot of complaints from members about problems.

The Hon. TREVOR KHAN: I suppose what I am inviting is consideration of what happens when the EFTPOS/receipt machine goes down. Would you anticipate that the taxi goes off the road until it is fixed?

Mr RAMSHAW: There is no requirement to have an EFTPOS machine in a taxi. The regulations do not require it. We are recommending that where there are EFTPOS machines, they should be linked to the taxi so that when they are used there is a certain record of the journey.

The Hon. TREVOR KHAN: Again, I am not trying to pick words, but it seems to me that recommendation 3, rightly or wrongly, anticipates that all taxis will be fitted with an EFTPOS machine as a precondition.

Mr RAMSHAW: In practice, virtually all taxis are, so I probably made that assumption.

The Hon. TREVOR KHAN: Recommendation 4 refers to the installation of toll meter interface devices to record tolls on taximeters and introduce a regulation to make such devices mandatory in Sydney taxis. Could you explain what such a device is, and how it would work?

Mr RAMSHAW: Okay. The issue here relates again to public confidence in our industry and providing verification that they are being charged the correct amount at the end of the journey. Currently, when you have undertaken a journey, a passenger is liable for road tolls, tolls on the airport or a return toll on the harbour bridge, for example, which may not necessarily be well understood by passengers. They certainly tend to be not necessarily aware, or you would not expect them to be necessarily aware, of the amount of any tolls or when and where they have been incurred.

We would like to see a device so that the tolls that are incurred, which are part of the fare, are recorded on the meter. You need an interface to do that, or a device that will do that. Then that information can be itemised on a receipt at the end of the journey so that the passenger pays what is displayed on the meter at the end of the journey. Again we think that the lack of that type of information on the meter gives rise to customers to be suspicious, if nothing else—whether justified or not—just because you are never quite sure. Again, it is all about improving confidence.

The Hon. TREVOR KHAN: Do such devices exist and operate in any other States of Australia?

Mr RAMSHAW: I know there have been types of devices that have been trialled in Victoria. Again, from my inquiries, we have established that, yes, something could certainly be developed. That is well within the realms of technological capabilities these days.

The Hon. TREVOR KHAN: We do not have a Tcard, so in relation to the Victorian experience, where did that go? When was it trialled? What happened?

Mr RAMSHAW: Again, the technology there is slightly different, I believe. We would probably like to see something that is a little bit more sophisticated. For example, it is not just road tolls that we would want to include: it would be when we work in locations like the airport, for example, or in our case a return toll on the harbour bridge where there is in fact no toll. It is not just an e-tag type of device. I believe that the ones in Melbourne are more like an e-tag type of device itself. I am not exactly sure what the situation is in Melbourne at the moment, no.

The Hon. TREVOR KHAN: Has the Taxi Council made any approaches to the State Government with regards to the installation of toll meter interface devices? If so, when?

Mr RAMSHAW: During the last year we wrote to the director-general of transport. That was roughly in the middle of last year, I would say.

The Hon. TREVOR KHAN: Did you get a response?

Mr RAMSHAW: We have not had a response at this stage, so I presume the matter is still under consideration.

The Hon. TREVOR KHAN: Would you be able to provide us with a copy of the submission that you made to the department?

Mr RAMSHAW: I do not know. It is communication between us and the Ministry. I am not sure whether that is appropriate. I would have to take it on notice.

The Hon. TREVOR KHAN: When was the submission made to the State Government?

Mr RAMSHAW: I do not recall, off the top of my head. It was sometime during the last six to eight months.

The Hon. TREVOR KHAN: You will take it on notice and get back to us with a date the submission was made?

Mr RAMSHAW: If you require that.

The Hon. TREVOR KHAN: I do. Thank you. I will move on to recommendation 5, which states:

A regulation be introduced to make it compulsory for print receipts to be issued upon request that contain the fare and toll details recorded from the taxi meter and identification ...

Why are you making that recommendation?

Mr RAMSHAW: Again, it is along the same lines. It is very much in the same theme. A receipt is not necessarily required, except under taxation laws for certain amounts. We think in this day and age it is quite appropriate that the receipt be itemised so that people will understand what part of the money they had handed over is paying for what part of it; if part of it is the fare or part of it is a rate based on distance charges, part of it is for time spent waiting, or tolls as I mentioned before if we can get the connection, or a booking fee, for example. Again, it is all about improving public confidence.

The Hon. TREVOR KHAN: Finally, with regard to recommendation 6, can you explain to me what are trunk radio groups and the problem that they create?

Mr RAMSHAW: Trunk radio groups were described in our submission as groups that operate essentially as booking agencies for taxicabs. However, they operate outside the regulations and the requirements for authorised networks. From a customer's point of view they do some of the things that a network would do. If you ring them up they will dispatch the work to a cab, but they do not have any of the burden of all the other regulatory requirements that apply to authorised taxi networks. For example, they are not required to deal with complaints handling and they have no regulations relating to lost property or for dealing with items of lost property. They have no responsibility for driver safety. There is a very long list. I am happy to go through all the requirements that are imposed on authorised networks.

The threat or the difficulty that that poses for the industry is their ability to pick and choose their customers. Because we are a public transport service we must cross-subsidise customers in order to provide a universal service. Some customers are more profitable to a driver than other customers. In order to maintain the universality of our service all taxidrivers need to get equal access to the full range of customers. If a group or if groups start to siphon off only the most profitable customers they are lost to the remainder of the fleet which, over time, will undermine the industry's ability to provide a true public transport service. You will end up with a segregated type arrangement and drivers who do not participate in these types of groups are left with the leftover work.

That imposes more burdens on taxi networks that cannot reject customers and that cannot pick and choose. They are held responsible for service delivery standards, for pick up times, and for all those things. If they are left to deal only with the least popular jobs it will increase their burden and make their job much more difficult. As I said, it takes away from the whole purpose of the industry, which is to provide public transport.

Ms LEE RHIANNON: Does the Taxi Council believe that accountability for service delivery ultimately resides with the driver?

Mr RAMSHAW: No. Each tier of the industry is responsible for various aspects of service delivery. The drivers obviously are a key component in that. They are the persons who provide the service directly and they are the persons with whom the passenger deals face to face. So they are responsible for the presentation of themselves in the vehicle, their attitude, and the way in which they conduct themselves. Obviously that is very important to a customer's perception of service quality. Taxi operators, however, also have a key responsibility.

Ms LEE RHIANNON: For service delivery? My question related to service delivery.

Mr RAMSHAW: They are responsible for the condition of the vehicle, which I would suggest is part of the service, all the equipment, and safety equipment and what have you. The networks are also held responsible for service delivery standards under the authorised network standards that set thresholds for answering telephones, for pick-up times and a range of other service standards.

Ms LEE RHIANNON: I ask whether you disagree with an internal government memorandum that assessed the taxi industry and that states:

It has been stated by the Taxi Council on more than one occasion that the taxi networks were only booking companies and that they were ultimately not responsible for service delivery.

Mr RAMSHAW: I do not agree.

Ms LEE RHIANNON: In 2008 the Government adopted a permanent benchmark. Obviously you would be well aware of these changes after this assessment of the industry. It is interesting that it took 19 years for the changes to take place after these recommendations. When the permanent standards were introduced the benchmarks were lowered and taxi networks now record a near perfect performance. I will give you some examples and I would then like you to comment on how you see this new set of standards operating. For example, in one category the networks were asked to report on the percentage of passengers who booked taxis over the telephone and who were picked up within 15 minutes. The minimum standard was 85 per cent.

The change from the interim to the new standards has altered that considerably. Cab Charge has a near perfect record and the others—ABC Radio Taxi Co-Op Ltd, Taxis Combined, Silver Service Taxis, and Yellow Cabs—have all found that their standards are near perfect. The change from the interim to the new standards—and this is what I would like you to comment on—was measured against the total number of bookings requested. The networks now measure this against the number of bookings that actually take place. As you would know, many bookings are referred to other networks; therefore, their percentage can look much healthier. Permanent benchmarks have now been adopted and it appears that the services are doing very well, but nothing has changed for customers.

Mr RAMSHAW: I do not think that is quite correct. I do not recall the standards being lessened. Again I would have to go back to obtain the exact figures. So far as I can recall at the time—I think it was in 2007—the benchmarks were tightened. It was 95 per cent within 30 minutes. From memory, that went up to 98 per cent. Again I would have to refer to my submission to obtain the current figure. Referring to the other part of your question—

Ms LEE RHIANNON: Do you dispute what they are measuring it against?

CHAIR: Order! Allow the witness to answer the question.

Mr RAMSHAW: You can only measure something that has happened. If a booking request has been made you can only measure a pick-up time for when that booking is picked up. Bookings are offloaded, for example, from one network to another, which happens in order to try to provide the best possible service for the customer. Networks will offload bookings to other networks when they know that the other network is in a better position to provide a taxi more quickly. That figure is not available to the originating network; it does not have access to the dispatch system of second network when a booking has been offloaded. The pick-up time of that booking cannot be measured. When no data is available it does not make sense to use that as a base, or to include those bookings as part of the base against which you are measuring your pick-up times.

Ms LEE RHIANNON: It would appear from what you are saying that you agree when the permanent standards were made there was a change in how the—

Mr RAMSHAW: I do not believe there was a change in the base upon which the percentages were based.

Ms LEE RHIANNON: Do you want to take that question on notice and check?

Mr RAMSHAW: I can if you like, yes.

Ms LEE RHIANNON: Do you agree that many drivers pay little or no income tax? If that is the case will you state why you think it is the case?

Mr RAMSHAW: I have no way of knowing what income tax any taxidriver pays. I am afraid that I am not able to answer that question.

Ms LEE RHIANNON: Even though you are head of the Taxi Council those issues do not come up, or do you choose not to comment on the fact that they are paid \$12.50 an hour on average? They work long shifts, they are not paid much money, clearly, they are under financial pressure and often that is the outcome?

Mr RAMSHAW: A taxidriver's earnings are largely determined by a whole range of factors including the ability of the driver to find passengers, the ebbs and flows in demand for taxi services, and the number of cabs that are available at various times. A driver's income is affected by a lot of things. The amount that drivers earn in any one hour will vary widely depending on the time of the day, the day of the week and the week of the year. Trying to come up with a meaningful figure for hourly earnings is a difficult task. In Sydney, for example, the vast majority of drivers choose a method of a fixed pay-in to the operator. All the takings from the cab are the driver's, and he then pays for his expenses out of all the takings.

The main component of those expenses is, of course, for fuel and the pay-in to the operator. The rest of the takings are then their earnings based on the time they have spent driving the cab. In that situation nobody else is privy to the amount that the driver has taken. Drivers do not declare that to the operator because they are just paying a fixed amount of money to the operator regardless of the takings during the shift. As I said, no-one is privy to that. It is really a matter between them and the Australian Taxation Office from then on. We do not believe that we have any right to know that information.

Ms LEE RHIANNON: It is a bit hard to believe that the Taxi Council would not have an appreciation of what drivers in the industry are paid. Obviously what people are paid is crucial to how jobs and the industry are organised.

The Hon. TREVOR KHAN: Point of order: That is not a question; it is a statement.

Ms LEE RHIANNON: I would like to refer to the issue of the Industrial Court.

CHAIR: Order! Are you withdrawing or rewording your last statement? You made a statement and you did not ask a question.

Ms LEE RHIANNON: There is nothing to withdraw. I am trying to understand how the industry works.

CHAIR: I take it that you will now ask a question.

Ms LEE RHIANNON: I have a question about the Industrial Court. I understand that the Industrial Court has ruled that taxi operators must fund entitlements such as holiday and sick pay. However, it has been openly admitted by the industry—and I want to establish whether you acknowledge this—that in 70 per cent of cases that does not occur.

Mr RAMSHAW: I have explained in the submission the issue of entitlements and the industrial arrangements. Permanent bailee drivers' entitlements, such as holiday pay and sick pay, do not accrue for casual bailees. The general definition of a permanent driver is one who drives five shifts a week. But in many cases, as I mentioned before, the drivers' pay is a fixed pay-in. However, the pay-in that the operator can charge a driver is regulated under the contract determination at a maximum level. The drivers and operators are free to negotiate that pay-in below the maximum set by the Industrial Relations Commission, and that is what happens. It is very rare in practice for an operator to achieve the maximum allowable pay-in because drivers are able to negotiate a lower pay-in.

Drivers also have a propensity to prefer to pay a lower pay-in in lieu of receiving holiday pay at a later time. Operators are in a difficult situation. Whilst such an arrangement is not binding at law, it is an arrangement that operators tend to be forced into because there is fierce competition between operators in order to bail their cabs and get them on the road for as many shifts each week as possible. Drivers are therefore in a position where they will tend to negotiate the lowest possible pay-in and in a large number of cases they will say to the operator that they will not make a claim for holiday pay. In the vast majority of cases that is what ensues and drivers do not in fact claim holiday pay.

Ms LEE RHIANNON: Mr Ramshaw, you would be aware that the State's taxi service remains in breach of the Federal Disability Discrimination Act because since December 2007 the response times for accessible vehicles are supposed to be the same as for other taxis. The management of accessibility in the taxi industry is an ongoing controversy. Why do we continue to have such a poor record in this area?

Mr RAMSHAW: I do not accept that we are in breach of the Federal Disability Discrimination Act.

Ms LEE RHIANNON: Are you saying the response time is the same?

Mr RAMSHAW: I am saying that on the measures we use the figures are not directly comparable. That is due to systematic differences in the way that bookings are dealt with. The bookings for wheelchair accessible taxis are made through a centralised booking service—those that go through a booking service—in Sydney, and the way they are dispatched is different than the manner that applies to taxis in the general fleet. The reason for that is, again, to try to maximise the level of service provided to passengers who need wheelchair accessible taxis.

Ms LEE RHIANNON: But should not the waiting time for the customer be the same, irrespective of what your figures show?

Mr RAMSHAW: The average waiting times are probably very close or the same if the figures are measured on a like-for-like basis.

Ms LEE RHIANNON: But like-for-like means that you ring up for a taxi and it turns up. That is like-for-like. The latest figures that I have are 6.85 minutes for a standard taxi but passengers wanting a wheelchair are forced to wait 18.62 minutes.

Mr RAMSHAW: That is not correct.

Ms LEE RHIANNON: Can you give us the correct figures because you have said it is not a problem?

Mr RAMSHAW: If you look at the monthly figures they will probably be more recent than the figures I put in the report, which are annual figures. I refer you to those to get the exact details, but in 2008-09 the average pickup time for a non-wheelchair taxi was seven minutes and for a wheelchair accessible taxi it was

about eight minutes. As I said, if you take into account the differences in the measurement protocols, that difference will be less.

Ms LEE RHIANNON: I want to ask you about driver training schools. Why did the Taxi Council oppose an independent assessment of driver training schools?

Mr RAMSHAW: I am not sure when or if the Taxi Council ever opposed independent assessment—of driver training schools or of drivers?

Ms LEE RHIANNON: The driver training schools, because I understand that the New South Wales Taxi Council dominates or controls the whole issue of training.

Mr RAMSHAW: There is a rationale for that and it is because networks are held responsible for service delivery standards, so it is only rational that the industry, or the Taxi Council on behalf of the networks, have influence or control over the factors that affect those service delivery standards. Clearly, training for taxidrivers is a very important component of quality of service. For those reasons we think it is very important that the industry has control or significant influence over the quality of the training provided because we are the ones who are held responsible. The Taxi Council holds copyright of the course materials and I have provided those materials as supporting information to our submission. We license registered training organisations that deliver the course to drivers who enrol directly with them. At the end of their training and assessment undertaken by the schools the Ministry of Transport conducts its own independent assessment, so I am not sure where the issue you refer to has come from. The Ministry conducts an assessment called the Sydney Knowledge Test, which covers things like use of the street directory, routes and localities knowledge, and rules and regulations. So the Ministry of Transport conducts the assessments on all of those topics or competencies after the student has completed training at the school.

Unlike anywhere else in the world, or certainly in Australia, we also provide a level of ongoing training during the taxidriver's first six months on the road. I think no-one else in the world would be doing anything like this. The drivers are required to keep a logbook of their experiences and the types of work they have done during their initial period driving a cab. They then attend workshops that are run by the schools with groups of other drivers to go through issues they have confronted or things they need to work through or learn more about. The Taxi Council itself then holds two half-day seminars that drivers are required to attend. We have a range of subject matter experts who are invited from organisations including the WorkCover Authority, the Australian Taxation Office, the Transport Workers Union, Sydney Airport, and a range of organisations like that. The presenters talk about their subject areas. In fact, one is running at Arncliffe as we speak. We have 80 drivers there listening to these speakers and they have the opportunity to ask questions. Now that they have had some experience a lot of these topics make more sense than they do in the classroom before they have ever been anywhere near a cab. Again, these are the types of things we are very keen to protect in our industry in New South Wales and that is why we are so concerned about the prospect of national training standards. We think a lot of the things that we do better or that are very good will be lost under a national training regime.

The Hon. PENNY SHARPE: In the discussion this morning you have talked about the Taxi Council's support for the current co-regulatory model that we operate under. Can you give the Committee information about how networks enforce fleet discipline, including the investigating and handling of complaints? Ms Rhiannon touched on this as well. The question arises from the many reports to me from passengers who say that making a complaint is a waste of time. I want to know what happens with complaints, how you deal with them, and how the discipline in terms of adherence to the standards and driver performance is regulated.

Mr RAMSHAW: There is a centralised customer feedback management system that is administered by NSW Transport and Infrastructure, which is a large database where complaints are lodged. There is a centralised single phone number that customers can ring. It does not matter which taxi they have used, which network it is connected to or which town or city the customer is in in New South Wales. There is one number to ring to lodge feedback, which includes compliments as well as complaints. That database then allocates the item to the network the taxi is connected to. The network then has responsibility for investigating the matter, contacting the driver and maintaining the database in terms of information about the follow-up action. That record remains on the database so that in the investigation of any incident that involves a driver the driver's previous history can be considered in deciding on the course of action. Whether it is counselling, if the complaint proves to be justified, or sanctions or other action is then determined.

The Hon. PENNY SHARPE: Do the networks all have the same system of investigation and handling of complaints?

Mr RAMSHAW: It is part of the requirements of the network standards. This is one of the responsibilities that networks must accept in order to become an authorised taxi network, so they must all be connected to the customer feedback management system. Their performance in terms of responding and the time it takes to open items, investigate them, close them and resolve them is monitored.

The Hon. PENNY SHARPE: I want to ask you about complaints about wheelchair accessible taxis. In your submission you state that 11 out of 31 complaints relate to the taxi being late or not arriving. Can you indicate what the other complaints are in relation to wheelchair accessible taxis?

Mr RAMSHAW: There could be a whole range of issues. It might have been something to do with the vehicle itself, it could have been something the driver did or said, or it could be a complaint about something the network did. It may have been the telephonist they spoke to. It could be a whole range of different things where a customer's expectations have not been met.

The Hon. PENNY SHARPE: Would you be able to provide information to the Committee about the other types of complaints that are made about wheelchair accessible taxis?

Mr RAMSHAW: Yes, we can. That is certainly available.

The Hon. PENNY SHARPE: I want to take you also to the issue of EFTPOS machines and your submission, which Mr Khan referred to. As you know there has been widespread concern about price gouging as a result of the past ACCC exemption that allowed networks to mandate the installation of the Cabcharge payment system in all cabs. How many in-cab systems are capable of providing the information you are suggesting and what are the implications for consumers in terms of being protected from abuses of monopoly power if this proposal came through?

Mr RAMSHAW: We do not have any stake in who provides the equipment. It is a matter of setting a standard that we think can be met and anyone who wants to meet the standard is welcome to do so. There are a whole range of providers out there that I am sure are capable of meeting a standard like that.

The Hon. PENNY SHARPE: Do you know how many of those currently operating would fit the standard?

Mr RAMSHAW: Where they connect—

The Hon. PENNY SHARPE: The standard you are suggesting.

Mr RAMSHAW: Off the top of my head I do not know.

The Hon. PENNY SHARPE: I am interested in the recruitment of women drivers and whether the Taxi Council has been involved in that or done any work in recruiting female drivers. Again, I have had many representations from individual members of the travelling public who would like to see more women driving cabs. I am interested in whether you have done any specific work on that.

Mr RAMSHAW: We have not done any specific recruitment campaigns for drivers as such in recent years as an industry. The schools themselves are active in looking to recruit people into the industry because the first step, if you like, in coming into our industry is that people need to go through the training. A lot of recruitment comes about by word of mouth from existing drivers. We have not had any particular campaign to recruit female drivers but we have not done that very much at all.

The Hon. PENNY SHARPE: We have talked a little about interstate comparisons and we will be hearing from the Australian Tourism and Transport Forum in a future hearing. Their submission to us indicates that a survey they did in December last year said that Sydney is rated as the worst city in Australia for taxi services. I am interested in your response to that.

Mr RAMSHAW: We used to be members of the Tourism and Transport Forum, but we have not been for some years. They have subsequently started doing surveys on the taxi industry. The most recent survey

released in December 2009 surveyed 71 people nationally. Nationally they had 78 responses and roughly about 40, I believe, were from people in Sydney. I mentioned that we do 175 million passenger journeys each year and I would certainly question the statistical validity of a survey of 41 people. Again I suspect it is probably very much a target segment of the market. As I mentioned before, we are a public transport service, we are not a tailored service. By its very nature not everyone is going to get exactly what they would like if they were allowed to bid for and price a service to their own preference. So you have got to put all of those things in that context I think.

The Hon. TREVOR KHAN: They are probably trying to pick up passengers from White Bay off the cruise ships?

The Hon. PENNY SHARPE: I am actually interested in interstate comparisons. Given that that answer has not been answered directly, rather than just talk about the survey, why do you think the New South Wales taxi system is better than others in Australia? What are the features of the New South Wales system that make it better than in other States?

Mr RAMSHAW: Again on the performance standards, our service delivery standards for networks tend to be higher than other States. It is very difficult to get comparable information for other States because, unlike New South Wales, most other States, and indeed other cities around the world, do not report or publish the information so it is quite difficult. From what we know from our interstate counterparts other States tend to be moving in the direction that New South Wales already has. In that respect we think we are, in fact, leading the way in many aspects of taxi services and that is reflected in the performance and service standards from the industry.

The Hon. GREG DONNELLY: Thank you for providing additional information to your submission today. As a point of clarification, in answer to an earlier question the term "pay-in" was used. You said that the cost to the driver associated with the pay-in was the fuel cost for the use of the vehicle. What other aspects of the pay-in, in effect, total up as being the cost to the driver to use the vehicle for the shift? Will you explain that?

Mr RAMSHAW: The pay-in is the amount that the driver pays to the operator of the cab. The operator of the cab is the person who owns the vehicle and is responsible for the vehicle itself. The easiest way to probably explain it is it is a bit like a lease on a shop that a shopkeeper might have. If you think of the operator as being the landlord who owns the building, the shop premises, and the driver is the shopkeeper, if you like, who runs his business. The driver is like the shopkeeper who runs their business in that premises. In our case the premises is a vehicle, a taxi, and the driver is self-employed running their own business. The customers are the driver's passengers. The pay-in is really the equivalent of the lease, the rent, on the property so the driver pays the operator for the use of the vehicle for the period of the shift.

The Hon. GREG DONNELLY: Is the fuel on top of that?

Mr RAMSHAW: Yes. That is one of the driver's expenses and the driver's other main expense under the contract examination and the method of a fixed pay is the fuel.

The Hon. GREG DONNELLY: With respect to this pay-in are there components to what actually makes up the pay-in or is it just an amount of money?

Mr RAMSHAW: No, it is just an amount of money. That is the operator's source of income and from that their expenses relate to the ownership and maintenance of the vehicle and what have you.

The Hon. GREG DONNELLY: That methodology is used statewide?

Mr RAMSHAW: The notion of a pay-in is universal in the taxi industry everywhere. The method of its calculation does vary. Sydney is particularly unusual in that respect. In most other places, certainly most of New South Wales and everywhere else in Australia, the pay-in is determined on a commission basis. The amount of the pay-in is based on a percentage of the total takings from the shift. In Sydney though there are two options and one option is a fixed pay-in which is what is almost universally the case.

The Hon. GREG DONNELLY: With respect to that alternate which is the commission, does that operate in Sydney for some?

Mr RAMSHAW: Very few. There are a very small number of drivers who operate that way. In that case the arrangement is slightly different. As I say there is a percentage commission, a percentage of the total takings go to the operator but also the operator pays for the fuel in that case. It is a slightly different arrangement.

The Hon. GREG DONNELLY: A different formula. I would like your comments on some of the matters in Victoria that have been talked about and looked at. Do you think the notion of a peak service taxi licence which operates, as we understand it, between 3.00 p.m. and 7.00 a.m. in the Melbourne metropolitan area and during special events has any merit or potential benefit to the taxi industry in New South Wales?

Mr RAMSHAW: Yes, it does have merit and New South Wales has such licences. There are night-only licences and there are peak availability licences that have restricted hours of operation which run from midday until 5.00 a.m. There are peak availability licences.

The Hon. GREG DONNELLY: Do you have a view that there is a sufficient number of what I will call special licences in the marketplace?

Mr RAMSHAW: It is probably a bit hard to judge. The numbers are probably about right. We think it is not too far off. Obviously there are peaks and troughs in demand throughout the week. I think the answer to your question really is, yes, sometimes there are probably too many and other times there may not be enough. It is a matter of getting the right balance.

The Hon. GREG DONNELLY: I am looking at comments from the Victorian Taxi Industry Safety Taskforce. Would you comment on the introduction of mandatory peak payment of fares for trips between 10.00 p.m. and 5.00 a.m.?

Mr RAMSHAW: Yes, I am happy to comment. The issue of prepaid fares as we understand it had some mixed results in Victoria where it operated. The notion certainly has some appeal in terms that it seems fair. The potential downside would be concerned about, that is, it increases, we believe, the opportunity for conflict between the driver and the passenger which often would occur in isolated locations—we are talking about late at night and perhaps drunken or aggressive passengers. The imposition of being asked to pay up-front could provoke some people in some situations and that is something that we would be very concerned about. It is not a clear-cut issue in our view in terms of the benefits versus the potential downside.

The Hon. GREG DONNELLY: Has that problem manifested in Victoria?

Mr RAMSHAW: Yes.

CHAIR: Thank you for assisting this Committee. The Committee has resolved that answers to questions taken on notice by you be returned within 21 days. The secretariat will contact you in relation to questions that have been taken on notice. The Committee may send you some additional questions and would you please respond to those also with 21 days?

(The witness withdrew)

(Short adjournment)

LESLIE ROBERT WIELINGA, Director General, New South Wales Transport and Infrastructure, Sydney,

CRAIG ROBERT DUNN, Acting Director, Transport Operations, New South Wales Transport and Infrastructure, , and

ANDREW PHILLIP NICHOLLS, Director, Transport Policy and Reform, New South Wales Transport and Infrastructure, , sworn and examined:

CHAIR: Would one of you like to make an opening comment? What we are seeking is anything new that you would like to state or anything you would like to add to your submissions. We have read your submissions, so we ask that it not just be a repeat of those.

Mr WIELINGA: The submission stands. We have nothing further to add and we are happy to help with questions.

CHAIR: Thank you, we will go to Government members for questions first and we will have 18 minutes.

The Hon. PENNY SHARPE: Mr Wielinga, could you explain to the Committee the operational status of existing nexus licences and how breaches of the operating conditions attached to nexus licences are being monitored and enforced?

Mr WIELINGA: I will start by saying that the situation with nexus licences was clarified in the legislation that was put through Parliament last year. It has been clarified so that they operate as they were always intended to operate, as a pair with a wheelchair accessible taxi [WAT] licence. That was part of the legislation that went through at the time. It makes clear how those licences can be transferred. They can be transferred between networks, but they have to move as a pair. Through our normal compliance activities in New South Wales Transport, as part of the new structural arrangements, we are putting in place compliance activities to ensure that that is the case and we will also be working closely with the networks to make sure that it happens. Those pairs of licences are going to be associated with networks. They have a responsibility—as well as us—to make sure that they operate appropriately. We expect that they will discharge that responsibility appropriately.

The Hon. PENNY SHARPE: In our previous hearing it was suggested that there were some discrepancies around estimated time in relation to wheelchair accessible taxi services for passengers and the difference between a wheelchair accessible taxi passenger and a non-wheelchair accessible taxi passenger. I notice in your submission that there is some information about the passenger wait times. Could you give us the most up-to-date information in terms of the gap between wheelchair accessible taxi passengers and non-wheelchair accessible taxi passengers?

Mr WIELINGA: Yes, we can. When you look at the wheelchair accessible taxi licences you need to look at them in a package. You need to look at them in the pipeline of activities that have occurred over the last few years to bring them up to parity with the normal taxi licences that are out there. Originally when those licences were created they went out with the nexus pair, but since 1990 some more sophisticated strategies have been put in place that include a growth of the fleet, which has come about by the low licence fee, the \$1,000 annual licence fee that has been put into place. The fleet has grown from 435 in 2004 to 735 in 2010. In 2004 an incentive payment of \$7.70 was put into place. At that time the waiting time for wheelchair accessible taxi licences was 12 minutes. By July 2008 that had reduced to just under 7 minutes. That is an average time. The average time for a normal taxi licence in Sydney is about 6 minutes. We are continuing to look at policies so that we can get good parity there. It is getting closer and we expect that to continue as we go forward.

The Hon. PENNY SHARPE: Transport and Infrastructure currently issue the wheelchair accessible licences, as we know, and they are for one year only with reissue being based on compliance with the conditions attached to the licence, including the priority given to wheelchair accessible taxi bookings. Can you give us an overview of the process and the criteria used by the department to assess compliance with regulatory obligations?

Mr WIELINGA: Could I ask Mr Dunn to deal with that? He can give you some details.

Mr DUNN: We assess reapplication for wheelchair accessible taxis on a number of criteria. In particular, we look at the number of jobs that the particular licence has done in the preceding period and we look at the number of bookings that have been accepted through 0200, the centralised wheelchair accessible taxi booking process, for that particular taxi. We also look at the number of TTSS vouchers—the taxi transport subsidy scheme vouchers—that have been presented by that particular taxi and we do an analysis of those to make sure that they are complying with the licence conditions. We also look at drivers' records to make sure that they continue to meet the legislative requirements to hold those licences.

The Hon. PENNY SHARPE: On the issue of the wheelchair accessible taxidriver incentive payment, can you advise whether it is only claimable by drivers for jobs booked through taxi networks?

Mr DUNN: No, you do not have to book a job through a taxi network to claim the taxi transport subsidy scheme incentive.

The Hon. PENNY SHARPE: We have had several submissions from people in wheelchairs indicating problems that they have with the current voucher system and how cumbersome it is. It is obviously difficult for some people with motor disabilities. I am wondering where the department is at in relation to introducing a card-based system.

Mr WIELINGA: We have been looking at a card-based system using technology to improve information and so forth. Most of the Committee will be aware that that tendering process is on hold at the moment subject to some litigation that is going on between the Australian Competition and Consumer Commission and Cabcharge. We are exploring other electronic opportunities at the moment that are based around a credit card type arrangement, so that we can use the new technology like wireless systems and so forth to provide an alternative to that. Given the litigation that is in place, we need to keep at top of mind competition issues. We are doing that, but at the moment we are waiting for the outcome of the litigation. At the same time, in parallel, we are exploring new technology options—as we speak.

The Hon. PENNY SHARPE: Your submission talks about taxi performance standards, measuring the performance of taxis in the Sydney metropolitan, outer Sydney, Newcastle and Wollongong areas. What is your view about how the key performance indicators have been running and are they successful in relation to measuring performance of these networks? I am also interested in whether you are going to develop similar standards for rural and regional taxicab networks.

Mr WIELINGA: We think that performance indicators are the key ingredients to get the industry performing adequately. The composition of those performance indicators is important. We need effective performance indicators that particularly measure customer satisfaction around these networks. We have indicators that we are continuing to develop around reliability and response times for taxis at the moment. We expect that to get better over time. We are working with the networks at the moment to start publishing this data in a little more detail on our websites. Further development is required. We are keen to get on with that. The measure of customer satisfaction is a bit of a challenge. The things that we are exploring at the moment are things like mystery shoppers—stuff that we can do to get a genuine feeling for how customers feel about the networks. There has been some good input from ombudsmen and other people in recent years about this particular aspect, but, as I have said, we now have a new set of performance measures in place, which appear to be working fairly effectively, or I believe that is the case because they are making everybody in the industry nervous, and I like to see that, and we will continue to develop those performance indicators.

The Hon. PENNY SHARPE: In terms of reporting those key performance indicators, are you looking at de-aggregating some of the data that is provided so that people can compare their performance across networks?

Mr WIELINGA: Yes, we absolutely want to go there.

The Hon. PENNY SHARPE: We had some discussion this morning about recent issues that the Victorian Government has put in place around taxis. It has established the Taxi Industry Safety Taskforce to look at initiatives to improve driver safety. Do you think that such a taskforce could be of benefit in New South Wales?

Mr WIELINGA: Yes, we do. There used to be a taxi advisory council in New South Wales. I will not go into why it is not functioning as well as it could be—these things often get down to personalities. I have already spoken to taxi industry people about reinvigorating and getting that going again. I think it provides valuable input to us about issues in the taxi industry. It provides us with an opportunity to invest appropriately in measures to improve safety, things like secure taxi ranks, the utilisation of funds for specific purposes, and to do that in cooperation with the industry to get the most effective outcome. It provides us with a forum to get very detailed input about what is actually going on out there. As I said, we strongly support it. I already discussed it late last year with relevant players in the industry, driver representatives, taxi council and so forth. I have said to those parties that I think it is a good idea. Without exception, all of them have said to me that they are willing to play a part.

The Hon. PENNY SHARPE: The big issue for taxi passengers is at peak times not being able to get in a cab. The provision of special licences over peak periods for Friday and Saturday nights or for special events seems to be something that Victoria has introduced. At our previous hearing the taxi council indicated that we already have those available. I think many would argue that perhaps they are not working as well as they could. Do you think there is value in some more targeted licensing around special events and peak times to try to deal with demand for taxis?

Mr WIELINGA: There was a lot of discussion about this issue as the legislation was going through Parliament late last year. Fundamentally it is about the number of taxis out there and putting in place an appropriate mechanism for getting an increased number of taxis with maximum flexibility to operate and service the market. When you look at the taxi industry itself it is different because it is not a contracted service to government. What we are talking about here is a whole lot of individuals, groups and so forth making a commercial decision to go out there into the market and to service their customers. We should be stipulating minimum conditions and standard. We should make sure there is an appropriate mechanism in place that allows us to increase the taxi numbers in response to demand. Parliament, in its wisdom, came up with an appropriate scheme late last year.

We have a situation now where we determine a number based on a number of criteria, including an assessment of demand. Those taxis go out for competitive tender. That process is to kick off in a larger way in the middle of this year. In the interim we are currently tendering for 100 new taxi licences. We have had a very, very good response to the tendering process and we are in the process of evaluating them at the moment. The short answer to your question is it really is about getting more taxis out there. If we can create an environment where those taxis have a maximum ability to operate without restrictions I think that will help the market.

The Hon. PENNY SHARPE: In relation to performance benchmark around booked calls, the statistics in the submission generally show a very good response in terms of answering booked calls. Do those statistics include web bookings, application bookings, voice bookings? Are they all included in the one set of statistics? When we talk about taking a booking, is that a person speaking to another person on the phone or does it include web and iPhone bookings and so on?

Mr WIELINGA: I do not think it does but we need to come back and confirm that with you. I would like to take that on notice and make sure that the advice we provide is correct.

The Hon. TREVOR KHAN: In relation to the second last question and your response, you talked in terms of maximising flexibility and getting the maximum number of taxis on the road. I turn to the issue of shift changeovers. It seems, perhaps anecdotally, notwithstanding the number of taxi plates that may be out in the market that trying to get a taxi at shift changeover time is difficult and has been difficult for many, many years. What is the answer to that issue? Do you know the issue of which I speak—trying to get a taxi at three o'clock in the afternoon?

Mr WIELINGA: I know the issue that you are talking about. This thing needs to start again. This is an industry that is not contracted by government. It is issued with a taxi plate. We have an accredited taxi operator, a driver, a passenger and a network. They are entitled to operate and go out there and get business where they will. What we are trying to do to address this issue is to look at the overall performance. Responsibility for that is given at the network. If this is an issue that is part of overall performance it is something we are going to try to address through the network. Shifts are determined by industrial agreements with taxi companies and their employees. They have got in mind the time of day when they want complete shifts to service customers. At some time of the day there has to be a change of shift. The question is when is the demand the least? Is three o'clock the time of day to have a change or do we try to create a situation where there are overlaps? I have not

addressed that issue in detail with the taxi industry. I have had one short conversation about it at this stage. I have been in the job only a few months. We went through the reform process of issuing new licences to deal with demand issues first. We have got that issue and a dozen others I could talk to you about that we would like to address as well.

The Hon. TREVOR KHAN: I am not attacking any of you personally but the three o'clock shift changeover seems to have been, at least anecdotally, an issue that many people have raised over the years. You talk in terms of whether that is a satisfactory time. I suggest to you one alternative is that you have a staggered shift change so that most drivers are not changing over at the same time.

Mr WIELINGA: I note your suggestion and it will be one of the things that we look at. We need to do that in an environment of what is the level of regulation that you want to put into this industry to allow it to perform and service its customers. I accept that is a problem that we should look at and we will.

The Hon. TREVOR KHAN: You have raised that there are a dozen other issues. What are the other issues that you identify as necessary to consider?

Mr WIELINGA: Let us start with the wheelchair accessible taxi [WAT] licence. We would like to continue to get parity between those two to make it fair for everybody. We would like to take a serious look at the number of taxis that are out there at the moment, the process we go through in competitive tendering to get a good understanding of the demand in the market and find out how many taxis we should let out there. At the end of the day it is about servicing our customers. We need to have a look at the performance indicators associated with our networks and continue to develop those. We need to get a good understanding of where the major problems are, particularly in our capital city areas. Is there a policy position we can put in place that better targets some of the areas in Sydney that do not have as many taxis as they could have otherwise? We have the issue with alcohol problems late on Saturday nights and Sunday mornings that we have to address. It is probably a combination strategy of taxis and other public transport to deal with that. I can go on and on with these issues. We understand what the issues are. We are working with those industries to start to overcome them.

The Hon. TREVOR KHAN: What key performance indicators do you have in place to identify the performance of taxis in regional centres?

Mr WIELINGA: At the end of the day the fundamental thing that comes out from customers is that they value reliability and response time for those sorts of things. Those two indicators are going to be a fundamental part of any performance regime. The hard bit is how you genuinely measure customer service satisfaction. It is a difficulty all around the world how to properly do that. You need to tailor it specifically to an industry. It is usually a multipronged strategy. In most circumstances you provide an opportunity for people to easily put their complaint in. You need to provide an opportunity where you receive that information in an environment where it is objective. How do you go about doing that? You need to independently assess it yourself in a process like mystery shopping. It is a combination of things. We are looking at that at the moment.

The Hon. TREVOR KHAN: I am not trying to press you too far on this but referring to your earlier answer in relation to disaggregating some of the information, taking a centre such as Wollongong, is there response time or waiting time data separately available for Wollongong as opposed to metropolitan Sydney?

Mr WIELINGA: I will ask Mr Dunn to cover that.

Mr DUNN: The information is something that we collect from each of the networks in Sydney and Wollongong, Central Coast and Newcastle. That data is currently aggregated and published on the website. It is not published in a disaggregated form at the moment.

The Hon. TREVOR KHAN: As the data comes from separate networks, is there any reason why it cannot be disaggregated and made available on the website?

Mr DUNN: That is something we are currently working on. We have already commenced discussions with the industry about that particular issue.

Mr WIELINGA: A couple of criteria need to be satisfied. You have spoken somewhat about the veracity of indicators and what they are measuring.

The Hon. TREVOR KHAN: I do not think I have been critical of that. Ms Sharpe may have.

Mr WIELINGA: The other factor that is important is that we need to make sure that what we are collecting is the right information, it is independent and it is a true indication about what is going on there. We have put the performance indicator system in place now, we have been collecting data, and we are checking the veracity of that. You will see stuff going up fairly soon.

The Hon. TREVOR KHAN: I suggest that the issue of the veracity of the data is separate from the issue of publishing it with regards to discrete regions. Otherwise you get some verifiable information and other information that is not so good, bundle it together and publish it. Surely you are not suggesting that?

Mr WIELINGA: No, I am not. I already said 5 or 10 minutes ago that we support disaggregated data going on the website. I just want to make sure it is kosher.

The Hon. TREVOR KHAN: In relation to the centres of Wollongong and Sydney, whether in whole or separated blocks, the Central Coast and Newcastle, do you have a time frame where we can anticipate seeing on the website the disaggregated data?

Mr WIELINGA: Can I come back to you on notice on that one and I will do the best I can to give you an estimate?

The Hon. TREVOR KHAN: Yes. I now move to centres such as Coffs Harbour, Lismore, Tamworth, Dubbo and Wagga Wagga. Do you have performance data available for those larger regional centres? I should not forget to name Port Macquarie or the Independent member will—

The Hon. PENNY SHARPE: Have you missed any seats?

The Hon. TREVOR KHAN: No.

Mr WIELINGA: I have spoken to Mr Dunn. He says we do not.

The Hon. TREVOR KHAN: Why?

Mr WIELINGA: I will have to take that on notice. I have not looked at the issue.

The Hon. TREVOR KHAN: Whilst I accept that Sydney is a very important component of New South Wales, there are other centres where the performance of taxis and level of customer service are of vital interest to members of the community. The availability of such data may well highlight issues in those communities.

Mr WIELINGA: I accept what you are saying. I have been fortunate enough to meet with some of the local taxi operators in the short time I have been in the job. They have raised other issues with me. That has not been one, but I can understand why—they are on the other side of the equation to customers. I will see what I can do.

The Hon. TREVOR KHAN: I do not suggest in any way that there is a specific problem at any of the locations I have noted. From the point of view of equality in the provision of information, people who live in a regional centre are entitled to a similar level interest from the Government as those in metropolitan Sydney.

Mr WIELINGA: Your point is well made.

The Hon. TREVOR KHAN: Is it correct that the wheelchair accessible taxi [WAT] incentive scheme, which commenced on 1 September 2008, was introduced on a trial basis for six months?

Mr WIELINGA: This is the TTSS, the Taxi Transport Subsidy Scheme, associated with WAT taxis and the \$7.70 that taxidriviers get when they pick up a wheelchair access person?

The Hon. TREVOR KHAN: Yes.

Mr WIELINGA: It has been in since that time. I do not know whether it is a six-month figure. The disadvantage we have is that I have been in the job for six months, Andrew has been managing for 18 months and Craig has been there for two years. I need to take it on notice and confirm that six months.

The Hon. TREVOR KHAN: Yes. I also invite you to take this on notice. If it has been a trial scheme that was introduced for a period and essentially has been rolled over for six months, what do you anticipate will be the ongoing nature of the scheme? Will the scheme be made on a permanent basis or will it continue to be rolled out on a six-monthly basis?

Mr WIELINGA: The policy driver here, as I mentioned earlier, is that we are trying to get parity between the response times for wheelchair access taxis and for normal taxi services. We have a three- or four-pronged strategy in place for the wheelchair access taxis. That \$7.70 was the first of those. That was an incentive for drivers to do those jobs. I spoke earlier about the improvement in response times as a result. The WAT taxi licences are \$1,000 only and they are free in some areas. We have had interest free loans going out in particular areas to deal with it and we are doing special training in special circumstances to encourage people to go into these particular licence areas. It is just one arm of an overall strategy to deal with this particular area.

CHAIR: Earlier the Hon. Penny Sharpe asked a question with regard to the WAT licences only being for one year. Mr Dunn responded by giving an explanation as to the review. In terms of the WAT licences that have been issued how many, if any, have been withdrawn following the review process?

Mr WIELINGA: I will ask Mr Dunn to deal with that, if I could please.

Mr DUNN: I do not have the exact number with me at the moment, but there have been some licences that have not been renewed or reissued as a result of our review process. I can certainly come back to you with the precise number.

The Hon. TREVOR KHAN: Has that related to the performance of individual operators or licence holders, or has it reflected some locational issue that has been related to that taxi licence?

Mr DUNN: It primarily relates to whether it complies with the licence conditions upon which it is issued.

The Hon. TREVOR KHAN: In that sense, in an earlier question which I think related to WAT licences a response was given that used the term "normal compliance activities". In essence I think it was saying that we have a process to determine that plates are being used in accordance with their licence conditions. What is that normal compliance activity that is undertaken to determine that licences are being used in accordance with the conditions?

Mr DUNN: We have compliance officers employed by New South Wales Transport and Infrastructure. They conduct regular inspections of taxis on the road to ensure that the taxi is being operated in accordance with the Act and the associated regulation. They are done at all times of the day and on all different days of the week on a random basis, and vehicles are therefore inspected to ensure that compliance.

The Hon. TREVOR KHAN: How many plates or taxis are operating in Sydney at any one time?

Mr DUNN: In Sydney at any one time, at the moment from memory it is about 5,400 taxis.

The Hon. TREVOR KHAN: How many compliance officers are there?

Mr DUNN: We have over 20 compliance officers based in Sydney.

The Hon. TREVOR KHAN: How many compliance officers are operating at any one time?

Mr DUNN: It can vary from 15 at any one time down to one or none at certain times of the day.

The Hon. TREVOR KHAN: Indeed, one would think that probably at 2.00 a.m. it is likely to be one. Would that be fair?

Mr DUNN: If it is at that time of the morning we would definitely have two; one would not be operating alone.

The Hon. TREVOR KHAN: In terms of the nexus licences, there seemed to be a problem that developed with those over time—that is, they did not seem to be operating, as I understand, in compliance with their licence conditions. Is that a reflection of the number of compliance officers, or not identifying that an issue was arising? What was it?

Mr WIELINGA: There appeared to be a lack of clarity that those licences worked in a pair with WAT licences. There seemed to be a perception out there that it was not possible to transfer nexus licences. That was not correct: the 1990 legislation that was put in place allowed that to happen. As I said, that issue was clarified when Parliament approved the new legislation late last year.

The Hon. TREVOR KHAN: In terms of the peak availability licences—and I am dealing with the compliance issue—during, say, the last financial year how many peak availability licences or plates were found to be operating not in accordance with the conditions?

Mr DUNN: I would have to check the details. We will take that on notice.

The Hon. TREVOR KHAN: In terms of taking that on notice can you also tell me what action was taken with regard to non-compliant peak availability licences—that is, what happened to the people who were identified as operating outside the conditions of their licence?

Mr DUNN: I will take that on notice.

The Hon. TREVOR KHAN: In a more general sense, what action is taken with regard to a non-compliant operator or driver?

Mr DUNN: In terms of the specific details, I would have to take it on notice and come back to you.

The Hon. TREVOR KHAN: In a non-specific case, what do you anticipate where a compliance officer finds that the taxi is being operated outside the terms of its licence? What happens?

Mr DUNN: In general terms, if a licence is not being operated in accordance with the licence conditions we would normally go through a process of issuing warnings. We can then have the option to cancel or suspend a licence, and then if it comes up for renewal, that the licence not be reissued or renewed. So there are a range of measures that we can take.

The Hon. TREVOR KHAN: What happens to the driver who is operating a taxi outside the conditions?

Mr DUNN: There is a process in terms of the authorisation process of the driver and there are a number of checks in place for drivers to ensure that they continue to be a fit and proper person under the legislation to hold a driver authority.

The Hon. TREVOR KHAN: Putting that aside, we have a taxi that is on a restricted plate and the driver is driving a taxi around Sydney contrary to the conditions of the plate. Is any action taken against the driver as well as the operator?

Mr DUNN: The operator is responsible for the operation of the taxi.

The Hon. TREVOR KHAN: So no action is taken against the driver?

Mr DUNN: No, it is not, not in terms of licence conditions.

The Hon. ROY SMITH: A number of submissions referred to a high turnover of drivers in the industry because of the lack of viability for drivers. Can you tell us how many drivers licences are on issue, and also the figures relating to the turnover rate relative to the number of shifts that are available? How long is a drivers licence issued for? Is it a one-year, three-year or five-year licence?

Mr WIELINGA: The figures I have are: 23,725 authorised drivers, 5,408 accredited operators, and 99 authorised networks.

The Hon. ROY SMITH: How long are taxidriver licences issued for?

Mr WIELINGA: You are talking about the driver authority?

The Hon. ROY SMITH: The drivers themselves.

Mr WIELINGA: They actually get a car licence from the Roads and Traffic Authority as an initial step and a separate authority from the New South Wales Transport-operated taxi.

Mr DUNN: Initially the authority is issued for 12 months and then it is renewed for a three-year period.

The Hon. ROY SMITH: Can you tell us how many are issued annually? It goes up and down obviously. Perhaps you could take the question on notice and provide figures as to how many new licences have been issued over the last five years or so?

Mr DUNN: Yes, we will take that on notice.

CHAIR: I am happy for these questions to be taken on notice. You have indicated that there are 23,000-plus authorised drivers and 5,000-plus operators. Do you have the figures for the taxi plate owners as to how many comprise only one plate compared with those that would own, say, two or three plates and those that might own 100 plates? Are those figures available?

Mr WIELINGA: We do have some preliminary figures, but I will confirm them. 84 per cent of people who operate a taxi work it with one plate, another 12 per cent have two plates, and that represents about 60 per cent of the taxis out there.

CHAIR: For example, if I were to buy a taxi plate I do not have to manage that taxi plate, do I? I can enter into an agreement with another operator to take control of their taxi plate and that second operator can then deal with the drivers. That is a situation that is permitted?

Mr WIELINGA: It is actually a very good question, Mr Chair. When I got into this job a few months ago I got a little flowchart put together to show me how it all operates. I can give this Committee a copy of that. There are five major components of the way taxis operate. There is a licence holder, and they own the plate. They can be anybody—they can be an investor. Anybody who wants to buy a taxi plate can do it. The second thing is an accredited operator that operates the taxi itself with that plate on it. They have some obligations to make sure that the taxi itself operates in an appropriate way, that they are part of the network. Those accredited operators bail or rent a driver to operate that taxi. They could be one and the same thing, but that is the general process. The accredited operator has to be part of the network; there is a passenger that will either bail the individual taxi out or go to the network for the booking service.

We hold the networks responsible for the customer service performance side of things. When you have an industry that is dominated by small business people with one or two taxis you need some way to bring them together as a group and get the customer service. We do that through networks. It is a very common approach around all the States. They call it slightly different things, but that is the way they structure their industry to make that happen. The driver itself has to get a driver authority and we monitor what is going on. If individual drivers sin, they get punished. Networks do performance. The accredited operators have to make sure that the taxis are fitted out and operate appropriately.

CHAIR: You say that 84 per cent of taxi plate owners are individuals. However, it may be that a large number of those individuals have absolutely nothing to do with the management of the plate or have nothing to do with dealing with the drivers. It may be that that one person or organisation may take complete control, and it may be operating over 100, 200 or 500 plates. Is that information as to who has the actual control of the plate available?

Mr WIELINGA: That is not our understanding of the industry. Our understanding is that they operate as small business companies. There are a lot of individuals. There are a couple of players that have a large

number of plates, as you are aware, but they tend to be associated with managing networks. There are 12 networks in Sydney. Those individual drivers can choose to become associated with one of those networks.

CHAIR: Some of the submissions and some of the complaints I have heard say that in the old days it used to be one plate, one owner, and most of the time that owner drove or they could put on another driver. So there was that absolute direct nexus between the owner-driver and the public. Whereas today there appear to be complaints that some people are controlling far too many plates and almost creating a monopoly-type situation. What would you say about those complaints?

Mr WIELINGA: My view at the moment is the statistics speak for themselves, and we will confirm the numbers. Given the number of individual operators or people with just one or two plates being at least 60 per cent of the taxis that are out there at the moment, it is not my view that that assessment applies. But I am happy to go away and have another think and we will provide a more detailed response to you.

Ms LEE RHIANNON: I apologise if any of my questions are repetitive. I have a problem in that I am attending two inquiries today so I am not fully aware of what my colleagues have said. Mr Wielinga, you would be aware that New South Wales remains in breach of the National Competition Council ruling that its taxi licensing regime be overhauled and the industry deregulated, and that in 2003 when Mr Carr was Premier the Government was fined \$12 million for ignoring this ruling. Could you inform the inquiry what your section of Government is doing to ensure that these breaches do not continue?

Mr WIELINGA: Our understanding of that competition Act is that it requires us, with regard to the WAT licences and regular taxi licences, to get parity in response. The \$12 million, from my understanding of it, was associated with a number of things across the board. It was also based on a mistaken assessment of what the Passenger Transport Act required in 1990.

Ms LEE RHIANNON: But it was paid?

Mr WIELINGA: I cannot tell you whether it was paid or not.

Ms LEE RHIANNON: Are you stating that the fine was incorrectly served?

Mr WIELINGA: I guess I am trying to say, in a long-winded way, that we believe we are complying with the competition Act, which is the fundamental tenet of your question.

Ms LEE RHIANNON: Considering one of the key points from the National Competition Policy was that the taxi licensing regime should be overhauled, you believe that has happened? If you do believe it, can you say when that happened and what are the key aspects of it?

Mr WIELINGA: To get parity in response times, I mentioned earlier in response to questions, we put a multipronged strategy into place. The first strategy was to issue wheelchair access taxis at a considerably lower licence fee of \$1,000 a year, some areas free. We did some training. In addition to that there was a driver subsidy put into place of \$7.70 to pick up wheelchair access people. The response to those particular strategies and more specific strategies has been an improvement in the situation. We have increased the number of taxis from 435 at that time up to about 700 now. The response times have been improving. They are now slightly under seven minutes with the regular average taxi responses around six minutes. So we are continuing to move in the right direction.

Ms LEE RHIANNON: I would like to ask about the issue of taxi plate owners. Why are the full details about who the owners are or the taxi plates not publicly available?

Mr WIELINGA: This question first came to my notice late last year when we were looking at the new 100 licences on display. You would be aware when we invited tenders for those we advised them we would be publishing the names of people who obtained the licences for those hundred. The situation was, going back to some licence holders of 40 years, they were not aware at the time their names would be published. It is an issue we are looking at. We need to talk to those individuals. There are Privacy Act issues and commercial issues to deal with. I realise the importance of it. When this new invite went out for the 100 licences we told people up front that we would be publishing that information.

Ms LEE RHIANNON: Considering we are talking about a \$2 billion industry, and this has been an issue of dispute for a long time, when is this issue going to be resolved? I took from the tenor of your comments that they are going to be published. Is that what you meant to say, and when will it happen?

Mr WIELINGA: I cannot confirm one way or the other for the licences before the 100. All I can say is we are looking at the issue. It is a bit complex with Privacy Act and other things we have to deal with. I will need to be appropriately advised before we finalise our position.

Ms LEE RHIANNON: I would like to ask about the issue of driver training schools. My office has received a number of complaints about how that is managed. Could you explain if it all comes under the New South Wales Taxi Council and why the Government has not made an attempt to monitor the performance of driver training schools?

Mr WIELINGA: Can I come back to you on that question? In the few months I have been in the job that is another issue I have not looked at. Thank you for pointing it out. I will check it out and come back to you with a response.

Ms LEE RHIANNON: If one of your colleagues wanted to answer that question, I am happy with that.

Mr WIELINGA: I just invited them to do that and they have declined.

Ms LEE RHIANNON: They want to take it on notice, okay. I would like to touch on the issue of the conditions under which taxidriviers are employed. The Industrial Court, I imagine you are aware, ruled that taxi operators must fund entitlements such as holiday and sick pay, and the taxi industry has acknowledged that does not happen in 70 per cent of the cases, 70 per cent of the cases that it is aware of. Could you comment on what your department is doing to ensure that taxidriviers have these conditions?

Mr WIELINGA: We normally do not get involved in awards between private companies and their employees. As I explained earlier, we have the taxi industry out there. It is not a normal transport service that is contracted to government. It is a commercial industry in its own right and there are other laws, the Industrial Relations Act, that are administered by other government departments that deal with this issue.

Ms LEE RHIANNON: I appreciate that, but why I was asking the question is—and I imagine this is a major aspect of what your work would entail when you come to the taxi industry, the delivery of good service—you cannot deliver the conditions of the drivers, the key people who deliver that service, if they are working under poor rates of pay and poor conditions. That is going to impact on the service. I would have thought you would have had some involvement in ensuring that there is an improvement in the standards under which they work, because it is quite extraordinary to have this 70 per cent rate at which you are finding these taxi operators and drivers are missing out on their holidays, their sick pay and other conditions that many of us take for granted?

Mr WIELINGA: Mr Nicholls can give you a bit of background on what we did, if it is all right with you?

Mr NICHOLLS: As Mr Wielinga mentioned, we are not directly involved in the employment relationship, that is a matter for the New South Wales industrial relations organisation. However, we work closely with that organisation to help in providing information, because I think part of what you are talking about is getting information out there so people understand their rights and obligations when they are entering into arrangements. I understand in September last year there was a specific campaign that the New South Wales industrial relations group operated, and we have attached to our submissions a copy of the brochure. We helped in the development of that. Following the campaign, New South Wales Transport and Infrastructure was involved in undertaking some inspections of 20 of the major operators to see how the levels of compliance were going. In addition, I would add that the recent licensing reform that I am sure you would be aware about is also about getting the opportunity for drivers to become more driver operators and break that employment nexus.

Ms LEE RHIANNON: Mr Wielinga, I imagine you are aware that an enormous number of inquiries and reports have been written on the taxi industry. Many of those reports have not been made public. If we provided you with a list of those inquiries and reports would you endeavour to provide that material to the inquiry?

Mr WIELINGA: If you give me the list I will come back with advice. If you look at our website now you will find a lot more have been put up in recent times.

Ms LEE RHIANNON: I would like to ask you about a government-run taxi committee. This was reported in 2009—and I must admit I am still having terrible trouble trying to understand how all this works so I do look forward to seeing your flowchart. I understand there was a government-run taxi committee and in 2009 it became apparent it had spent \$7.6 million over five years even though the Government had abolished it in 2004, when a review by the Department of Premier and Cabinet found concerns over potential conflict of interest in tendering and also no clear probity process. Could you explain how this came about?

Mr WIELINGA: I would have to take that on notice; 2009 was some time before I came into the job. I understand the question. With your permission I will come back to you with a detailed response.

Ms LEE RHIANNON: You would obviously be aware, in preparing for the inquiry, of the ongoing controversy about the relationship between the taxi industry and Cabcharge and Mr Reg Kermodé. Could you explain how often you meet with the Taxi Council and what that relationship is and how you act on the advice it gives you?

Mr WIELINGA: In the broadest terms, I meet with the taxi industry driver representatives on fairly regular occasions. That happened late last year because the legislation was going through Parliament. It was simply to get input into it. The position from my point of view in New South Wales Transport is that we present options to government, and there could be several options for going forward. At the end of the day it is the Government and Parliament that make those policy decisions and that is what happened with the legislation that went through Parliament late last year. But I encourage a relationship with all those people. At the end of the day we put up options and the Government makes decisions about policy. Everyone gets a say, but government makes the call.

Ms LEE RHIANNON: Could you explain the current status of the Taxi Advisory Committee?

Mr WIELINGA: Yes. It is not meeting. I mention to the Committee earlier that it was raised with me when I was having meetings with industry representatives, drivers and the Taxi Council that it was not in place. I said I think it is a good idea that we have this and we reinvigorate it. As I said earlier, without exception all of them agreed to become a part of it. We will be putting it in place and making it function this year.

Ms LEE RHIANNON: Considering how it was dogged with so much controversy, how are you going to put it in place so it is a body that works to make the industry more transparent, clean up these issues to do with plates and services, et cetera, and learn from the many mistakes when the Taxi Advisory Committee was operating earlier?

Mr WIELINGA: At the end of the day it is always a challenge. What was said to me was that some personality problems created the drama that was around before. I think if you put these committees on a professional standard, you give them an agenda and there is a collective will to address issues for the industry, you can make them work. But, at the end of the day, there is nothing easy about these things. When you have a group of people in an industry with a difference of views, you have to be prepared to accept some of the turbulence that goes along with that, and I am prepared to accept that and to have these meetings.

Ms LEE RHIANNON: Turbulence is an interesting description. In 2004 the Taxi Task Force was set up to examine reforms into the industry. Its draft findings to the Government recommended that it dissolve the Taxi Advisory Committee and replace it with another body. It sounds like that is not what you have done; you have just revamped it. Again I am trying to understand how this is all playing out and what is the status of these groupings.

Mr WIELINGA: What we are trying to do is not rocket science. We are trying to collect together the obvious representatives of this industry, bring them together in a group to collectively address issues. It is as simple as that.

Ms LEE RHIANNON: But there was clear advice from the Government's own body to dissolve the Taxi Advisory Committee. From what I am hearing from you, you decided not to do that.

Mr WIELINGA: My view is that we need a taxi advisory council to work. If that means I am not following a recommendation, I have to come back to you. I just cannot bring to mind the particular recommendation you are talking about.

Ms LEE RHIANNON: If you could take that on notice, because it seems to be an enormous break with a clear finding from the Taxi Task Force.

Mr WIELINGA: There have been a number of investigations into the taxi industry over the past few years. We came together to bring a culmination of all of those things. The legislation went through Parliament. I could say, for example, Parliament did not agree with a number of recommendations that came out of that report. As it has a right to do, it made a decision and put it through. So, the significance of that may not be as great as you are putting.

Ms LEE RHIANNON: Totally. So, when you give your answer maybe you could say why you did not go along with that recommendation, because I agree with you, it could be totally legitimate. If you could explain, that would be excellent.

Mr WIELINGA: My job is to implement government policy. I am not determining these things.

Ms LEE RHIANNON: Precisely. That is why I was asking that question, because that was where there was a clear finding from a government committee. If you have not implemented its, there must be a good reason for it.

Mr WIELINGA: I am not sure it is even government policy, but I will check it out for you.

(The witnesses withdrew)

ANNE TURNER, President, New South Wales Taxi Drivers Association Incorporated, ,
 , and

TREVOR BRADLEY, Treasurer-Committee Member, New South Wales Taxi Drivers Association Incorporated, , , and

ERNIE MOLLENHAUER, Delegate-Nominee, New South Wales Taxi Drivers Association Incorporated, , , sworn and examined:

CHAIR: I understand that you want to show us a DVD before we commence questions.

Mr MOLLENHAUER: I am very keen to present information to you and I am very keen to field your questions, but I am not sure where you want to start.

CHAIR: We are happy to deal with the DVD. Can you indicate how long it will be?

Mr MOLLENHAUER: Say, 10 or 15 minutes. Is that okay?

CHAIR: All right. It will take up time for questions, but we will play it.

Mr MOLLENHAUER: Certainly our intention is to improve the lot of taxidrivers. We are all volunteers. We are here on behalf of taxidrivers. The whole thrust of this inquiry, I hope, will be an improvement in working condition of taxidrivers.

There are so many issues that you could address. Unfortunately, regulators often have resorted to imposts, penalties and restrictions. The net effect of all those is avoidance of the industry. You can certainly impose things that will drive us out of the industry. We are pleading with you to implement things that will attract people and retain people in the industry.

I will start with the road rules and regulations. There are so many fines that taxidrivers cop just doing their job, it is sufficient to drive many people out of the industry. Many people's primary ambition in the industry is to get out of the industry as quickly as possible. A no stopping fine is \$197, and that is more than a day's earnings for a driver. We are required on the one hand by regulation to do as we are bid by our passengers—stop where they tell us and go as directed—and then we are fined for letting passengers get in or get out where they choose. I have been stopped at a red light and I have had a passenger get in. I cannot stop them from getting in; but I can get fined for letting them get in, and I cannot drive away from them.

The fine for stopping in a disabled zone is \$422. That is outrageous for taxidrivers. If I take a disabled person to a point where they can alight, they can put their permit in the window and I can drop them at that disabled person's disembarkation point. But if I return to pick them up, I will be fined albeit that they are disabled and albeit that I am a taxi, because the permit is not in the cab. If they can throw the permit over the window of a moving cab, I can then legally stop and pick them up. But unless you can help us to stop in disabled zones to pick up and set down passengers, we choose to leave them behind but we cannot risk the fines.

There are no standing zones that have been phased out by the national body of road rules. If you can restore no standing zones, which specifically permitted or authorised the picking up or setting down of passengers, it would make life a hell of a lot easier for taxidrivers. We can use no parking zones to pick up and set down passengers, but when passengers enter or alight at a no stopping zone, we are liable to a huge fine which easily enough could drive cabbies out of the industry. It gets worse in school zones, but I will come to that.

For school zones, the fines are listed on the screen. There might be some kid with a broken leg who wants a cab home because he cannot get a bus; there might be a teacher who is trying to get to a gynaecologist in a rush out of a school; but as far as a driver goes, there is no way I would accept a radio booking from a passenger at a school zone in school zone hours because I am liable to such outrageous fines. If I ring the poor blighter and say, "You're going to have to walk, limp or crawl down the road so that I can legally pick you up", I lose four licence points and get a \$668 fine. So when I see a booking that comes in from a school, I just say, "Forget it, buddy. Wait there until Saturday. I will come back for you after the school zone no longer applies."

It is a horrible impost upon taxidrivers to have to face those kinds of fines for doing what the public wants us to do. Certainly, rather than implementing more punishments for us, we would like to see some relief. The simplest relief that you could advocate is that we, as part of the public transport system, be allowed to use the infrastructure that is out there. Buses pick up kids at schools all the time in bus zones. Some years ago we asked Michael Costa for access to bus zones. He set up the Taxi Access Working Party and it was carried over by Tripodi and carried over by Roozendaal who caved into our opposition and said, "No taxis are to be allowed to use bus zones." And why not? We are part of public transport. We are taking people where they want to go. It does not take them any longer to get in and out of a taxi than it takes them to get in and out of a bus. Why fine us for taking people where they want us to go, as part of the public transport system?

Transitways are a particularly sore point. We are forbidden to use transitways. A transitway is a bus-only corridor that links the outer western suburbs. It runs between Liverpool and Parramatta, it runs between Parramatta and Rouse Hill, and it runs between Blacktown and Castle Hill. People in Mosman and people in Vaucluse wait at a bus stop and grab whatever comes first, a taxi or a bus. If they see a taxi, they grab it; if the bus comes first, they grab that. But there is no conflict or no contention over access to space at a bus stop. If the bus is in sight and pulling up, they get on the bus; but if they miss the bus, if they are running late, at a normal bus stop they can grab a taxi and they can catch up on their time. However, on a transitway, there is a concrete wall between where the taxis have to go on Sunnyholt Road, Blacktown, and where passengers wait at bus stops on the transitway. If they decide to try to get a cab and they leave to climb over the concrete wall to wait on Sunnyholt Road, they then cannot get back in time to get the bus.

You want disabled people to have access to public transport. A disabled person needs to be picked up from their door in a cab. An able-bodied person gets the benefit of a quick trip down a transitway because they can walk the last kilometre or two to and from the bus stop. But the poor blighter in a wheelchair, who is blind, frail, disabled or whatever, sits in crawling lines of traffic waiting for the traffic to move up with all the other motorists while the able-bodied people fly past in the buses at a cheaper and faster rate. Give us access to the transitways—please. Certainly if you are coming in from Mosman or Cremorne, you get access to lane seven on the harbour bridge along the bus corridor, but if you live out west you miss out. Why?

You have asked about network services. What is on the screen is a quote from a document that I will leave with you. I do not need to read it to you; you can read it yourselves. But it is an example—happily, this one is in writing—of networks threatening to fine driver's \$300 for being late to have their display screens updated. Networks run riot and ride roughshod over taxidrivers and operators. We are a captive audience because you allow the networks to force us to be a member of the networks. It is only the spectre of taxi operators being free of the obligation to join a network that will deliver any real negotiating power for all operators in their dealings with the networks. The networks screw us blind.

For example, to adjust an electromechanical meter, like a Schmidt meter, takes approximately 15 minutes. They have to take it out of the car and they have to put in a chip and put it back in the car. It takes about 15 minutes. A typical charge is a bit over \$100. A cab charge meter is updated electronically with virtually a text message sent by radio, and we still get charged \$80 for that. Why—for receiving a text message? They charge because they can. A blazer for a prestige driver costs more than a blazer for The King's School. Why? We have to buy meters and cameras. I can buy an infrared or CCD camera for \$50 at Tandy, but if I buy it through a network, it costs \$500. Why? Because they can. We have to have one, but we have to buy it from these people. Certainly the ATIA's Michael Jools might address some camera issues later on. There are lots of fees charged by networks to drivers and operators because they can—because you endorse that monopoly.

I turn now to premium booking charges. A premium booking charge is an over-the-meter payment. It gives people an opportunity to pay what they think the journey is worth to them. If I have teenage daughters waiting at a suburban railway station in the middle of the night having come home from a pop concert, and I have had a shandy or two and cannot drive down to pick them up, I just want someone to go there and get them. I am prepared to pay whatever it costs to get someone to drive there and pick them up. We have seen Janine Balding killed at Sutherland station. We have seen Anita Cobby killed at Blacktown station. You just want someone to go there and pick them up. If that journey is worth that money to the buyer of the journey, let them pay it. Do not force them to pay only as much as the metered fare runs. The driver is put in the invidious position of saying, "Well, for the amount of money that is on offer, it is not worth my while going there, especially when I take away the 25 per cent likelihood that by the time I get to that railway station, the fare has been picked up by some other cab anyway."

You can authorise the relaying of over-the-meter payments and job offers through the networks to drivers. They have it on the trunk. We three are all members of trunk radio groups because we get direct conversations from the passengers, we hear what they say, we get their phone number, we meet their needs, and on occasions they pay us extra. But they are never forced to. They always have the option of ringing somebody else, or of waiting for a bus, or whatever. We just try to provide what the customers want, but the taxi pricing regulations prevent us from being able to rise to meet what people are prepared to pay for.

The Australian Hotels Association's submission has suggested a \$5 premium to be paid for early morning or wee hours work. For example, the Mean Fiddler Hotel, which now has a dreadful reputation, used to be owned by Mrs Tuite. She paid drivers \$10 to come and get their drunks, and they had nowhere near the violence problems that they get now. It was money well spent. People were happy to pay. The regulations prevent us from rising to that challenge.

I refer, next, to paid running. Paid running is a concept of paying the driver for his journey from his starting point to his pick-up point. At the moment we are not allowed to charge for paid running. However, if I get a private booking and one of my passengers rings me up and says, "I am at Kings Cross, will you come and get me", I might tell him, "I am at Leichhardt and it will take me 10 or 15 minutes." He is quite prepared to pay something towards the cost of me coming there to pick him up. But the current booking fee is a farce, as \$2.10 buys nothing. We would love to see you authorising over-the-meter payments to be solicited by the networks—not compelled or forced—and then relayed to the drivers on behalf of those passengers who are willing to pay.

The Hon. TREVOR KHAN: At 2.00 a.m. what would that do to the availability of taxis?

Mr MOLLENHAUER: It would encourage us to be out there more. Many operators choose to lock up their cabs to prevent them from being on the road in those hours because of the risk of damage. Many drivers abandon any prospect of earning money as drivers because of the risk of physical harm. I have had three windows smashed on the cabs that I drive. I have been assaulted and I have been robbed. It is no wonder that drivers do not want to work those hours in the morning. Picking up strangers in unknown locations with no details about who they are or where they are going makes it quite risky for me. If I have someone's phone number on my phone, which shows that that person has rung from that number, I do not have a problem. At least I can give that number to the police and say, "He rang me from this number."

CHAIR: If I were to ring you and give you my number and then say, "I want to go from the city to Rockdale and I am prepared to pay \$80 for it", is that an incentive for you to come out and pick me up?

Mr MOLLENHAUER: Absolutely.

CHAIR: It is my option to pay that extra just to get you out there quickly?

Mr MOLLENHAUER: It is your right to offer it and it is certainly my right to accept it. At the moment the networks are set up as a conduit of communication between intending travellers and drivers, but in fact they are choking communication. They do not relay all the information that a driver needs. They do not provide the feedback that the driver needs as to whether the passenger is still there. It is like a lottery. We are looking at a 25 per cent failure rate of bookings accepted by drivers. When the driver goes there, instead of getting paid something he gets paid nothing. It makes you very negative about looking at a similar booking. If you get a booking from the Coke sign at Kings Cross you think, "Fat chance." People grab the first cab that they see. I have picked up people from the Coke sign at Kings Cross because they have rung me and said, "Hey, Ernie, it is me. Can you come and get me?" I commit to that person and he waits for me. He knows that he is getting a cab and I go there and take him to Rockdale, Glenora, or wherever he is headed.

CHAIR: You need to move on otherwise we will run out of time and there will be no time to ask questions.

Mr MOLLENHAUER: You have heard mention of the Taxi Advisory Committee. We have been given an undertaking by Les Wielinga that the New South Wales Taxi Drivers Association will be a placeholder in that committee. However, we have not been told when that committee might resume, and we have not had an opportunity to participate in the administration of the taxi industry. One of the recommendations you can make is that the New South Wales Taxi Advisory Committee, which is quite different from the Taxi Council, be reconstituted and that stakeholders such as the New South Wales taxidriver be given an opportunity to participate. Similarly, the Taxi Safety Committee has been set up and has died.

There are a whole lot of suggestions in our written report relating to floor and console emergency buttons. The car that Trevor drives has a console emergency button and the car that I drive has a floor emergency button. However, when I had some clown's arm around my neck trying to strangle me I could not reach the floor switch. That is why David Madden said console switches were a good idea, but nobody bothered to implement them. There are a whole lot of safety issues to which drivers could contribute. We could make the industry more attractive to drivers if only you listened to us. We appreciate the opportunity to appear before this Committee today. Many onlookers to the industry do not understand the various peaks and troughs.

The slide that I am now showing is a bit complicated. There are two pictures on this slide. The top photograph shows of a set of taxi statistics in high demand times. I draw your attention to the word "City" in the top left-hand corner. The second column shows that there are 63 cabs. That is the maximum number to which that computer is capable of counting, but it indicates that at that moment in time there were 63 cabs on this network with passengers between Central rail and Circular Quay.

The Hon. TREVOR KHAN: What does the number 37 depict?

Mr MOLLENHAUER: That is the number of vacant cabs in the same area at the same time. The zero in the third column is the number of jobs that were awaiting selection by a driver. Sadly, the fourth column is the number of radio bookings received in that area for a taxi. The top photograph, which was taken on the eve of New Year's Eve at about 7.00 p.m., shows that heaps of cabs were occupied in the city but, again, virtually no-one in the city was ringing for a cab; they were ringing from Randwick and so on and not from the city. The second photograph is a good indication of off peak times. In the city there were only two vacant cabs, three with a passenger in them, and again no jobs pending.

If you try to fix the 3 o'clock changeover problems you need to understand that there can be a thirty-fold differential in the demand for taxis, depending on the hour of the day. You cannot just say that that is something more taxis will fix. Those kinds of peaks last for only a couple of hours. One of the things that those who wish to solve the problem can do is to leave early or to leave later. By 4.30 a.m. on any day of the week there is a flood of vacant cabs in the city. Anybody who kicks on until then can always get a cab home. It is only between 1.00 a.m. and 3.30 a.m. on Fridays and Saturdays that there is an issue. If people are serious about avoiding that issue they can get a cab home earlier.

The Hon. TREVOR KHAN: It would be a bit hard for those coming out of a pub or for those being turfed out of a club at 2.00 a.m. if as you say no taxis are about.

Mr MOLLENHAUER: There are reasons why cabs are not there. The biggest concern is that the taxis are off the road not because of the changeover but because of a driver's fears for his or her personal safety. If you could make it safer and more rewarding for drivers they would be there. I draw your attention to the right-hand side of the bottom picture, which reflects the figure 167m. It indicates that at the time that cab had been vacant for 167 minutes—nearly three hours without a passenger. People who try to estimate taxidriver's earnings need to bear in mind that sometimes we sit for three or four hours at a time without a passenger and we get paid absolutely nothing while we are sitting in those vacant cabs.

The Hon. TREVOR KHAN: Apart from that screen snapshot are you aware whether any data is available from the networks that shows the performance of individual taxis and networks relating to their loadings at particular times?

Mr MOLLENHAUER: I am sure the networks have that information but I guess they would regard it as commercial in confidence. They certainly have the master version of this screen. That screen is what a driver is allowed to see about the suburbs near him. I could select other suburbs but I could not see all of Sydney. I draw your attention, next, to incentive payments. This message from the network states that if I go to Riverstone station I will be paid \$15 for picking up somebody who is waiting there, on top of the ordinary cab fare. The networks understand that these incentives work—and of course they do—but the passenger is forbidden to relay that incentive offer to the driver. Only the networks can offer it. I want the networks to be required by you to enable a system that allows customers to pay more than the metered fare, to signify their willingness to pay, and to relay that information to the driver. That passenger probably had that incentive added to his booking because he kicked up a fuss. Apparently, he was not picked up. It was changed to \$20.

CHAIR: Will that create a system whereby those with money receive priority and obtain a cab at any time and those who do not have that extra money continually will be put at the end of the queue? Is there not a fear that your system will allow that to happen?

Mr MOLLENHAUER: In every occupation the people who offer the most money get the best service. If you were offered more money to do something other than be a politician you would probably go there.

CHAIR: No, I can assure you that that is not the case.

Mr MOLLENHAUER: If most taxidriviers could earn more money elsewhere they would go there. One of the reasons there is such a huge exodus out of the industry is that it is so easy for drivers to earn more money somewhere else. That incentive payment was raised to \$20, which is quite unusual. However, it probably led to the booking being picked up. If the passenger could have triggered it he probably would have been picked up much sooner.

The Hon. PENNY SHARPE: When the network offers an incentive of \$20 does the passenger pay the \$20 and it goes to the driver, or does it go to the network?

Mr MOLLENHAUER: Quite the reverse. Networks draw all their money from the mandatory subscriptions from taxi operators. The money that is being paid to drivers is their own money coming back to them.

CHAIR: I do not understand that.

The Hon. PENNY SHARPE: No. That is not an answer to my question. In the example that you have just given us the \$20 is being offered by the network for a taxidriver to go and pick up a passenger.

Mr MOLLENHAUER: Yes.

The Hon. PENNY SHARPE: The \$20 goes from whom to whom?

Mr MOLLENHAUER: It goes from the network to the driver. But the network—

The Hon. PENNY SHARPE: So the passenger does not pay the \$20?

Mr MOLLENHAUER: The passenger can only ever be charged the metered fee, but the networks that are handing over that \$20 have drawn that from their radio fees. In due course drivers' operator radio fees are increased to cover payments such as this.

The Hon. PENNY SHARPE: The network pays the driver to go and pick them up?

Mr MOLLENHAUER: Yes. It is an incentive to go and pick them up.

The Hon. TREVOR KHAN: To keep their key performance indicators [KPIs] in reasonable order.

Mr MOLLENHAUER: We get our own money back but our radio fees go up accordingly. The passenger, who may have wished to pay that money himself, is not allowed to do so. People complain about wheelchair assisted taxicab [WAT] shortages. Many people have suggested all kinds of penalties and restrictions on WAT drivers to make them do more work. All you need to do is create some incentives. If you could make it worth our while to drive a WAT we would all drive WATs. There is nothing to stop unrestricted plate owners from putting a WAT on their unrestricted plates. They can choose whatever vehicle they like, but drivers do not want to drive WATs for a whole host of reasons.

A letter went to Les Wielinga—I will give you a copy of that letter today if you do not already have it—which specifically requests the removal of this 5.00 p.m. start for WAT drivers. As a WAT driver I am not allowed to start until 5.00 p.m. on any day of the week, which is stupid. Some bureaucrat decided that as a day driver I should be forced to work through the changeover, so driver changeovers were banned until 5.00 p.m. Most driver changeovers, which occur through a mutual arrangement, take only five or 10 minutes. In practice, I stagger the changes on the cab that I drive—

The Hon. TREVOR KHAN: Are you seriously saying that a changeover takes only five or 10 minutes?

Mr MOLLENHAUER: Yes. One guy gets out and one guy gets in.

The Hon. TREVOR KHAN: With respect, that is not entirely the case. You have a lead-in time and drivers do not take fares in the lead-up before they get to the changeover.

Mr MOLLENHAUER: The letter to Les Wielinga talked specifically about destination signs. That would certainly help cabs get back to their pick-up point with a passenger on the way. That is a critical issue. Could you help us to use destination signs more freely? At the moment destination signs can be used only around the standard changeover times. You could free that up and allow us to use destination signs at other times so that we could be in our changeover area when the changeover falls due. Again, we are not allowed to use those destination signs at non-standard times. If you want to changeover at noon you cannot use a destination sign.

There are a lot of reasons why drivers do not want to drive WATs. If you make WATs more attractive—pay the drivers rather than the parasites—we will drive WATs. It is not that we object to wheelchairs. Both Trevor and I are accredited WAT drivers. I have a little tag that states I am an authorised WAT driver. You will see these tags in lots of standard cabs around the city. However, we make less money driving WATs so we do not drive one. It is up to you to offer those incentives.

The Hon. PENNY SHARPE: If you are an accredited WAT driver does that overcome the issue of stopping in disabled parking areas to load and unload?

Mr MOLLENHAUER: Not at all, it makes me more liable. If I take a WAT to a disabled zone and I do not have a parking permit, even though a passenger is disabled I can still be fined. The 70 hours a week provision that a WAT has to be on the road is killing WAT owners. I think that some of them are handing back their plates because they cannot get night drivers. They cannot get night drivers because a night driver's earnings in a WAT is less than it is in any other car. Drivers pay the higher fuel costs. Operators pay the higher running costs. Drivers pay the higher WAT costs. It costs me more to sit in a WAT and I cannot work the same hours. The 3.00 p.m. to 5.00 p.m. weekday timeslot is a very busy timeslot, but as a night driver I am not allowed to be in a WAT unless I start before noon. Make it more attractive and we will do it.

I refer, next, to upfront payments. We just want to be paid for what we do. It avoids physical confrontation or it does not provoke physical confrontation. You heard representatives from the Taxi Council say that it could lead to confrontation. I do it now anyway. I explain to people the reasons and about 2 two per cent get out. Some of those who get out might have paid me to the other end of the journey.

The Hon. TREVOR KHAN: What percentage?

Mr MOLLENHAUER: Maybe 2 per cent. All those who were never planning to pay me get out at the beginning of the journey. If we can ask for a reasonable deposit before the journey commences everybody will be happy. A lot of drivers are stressed and anxious about whether or not they will get paid. For some youths it is a game to see whether they can do a cab run, as they call it. It has certainly led to violence. About 20 years ago a driver ran over and killed a runner and he hung himself whilst on remand. The confrontation that you want to avoid occurs when the runner commences his escapade. Those are far more serious than any confrontation that occurs when you ask for a deposit upfront. Victoria has legalised it and you can also legalise it. You pay upfront for everything else, why not for a cab? What we would like is to charge a low estimate of the fare, rounded up or down when we get there. It is not unreasonable.

The Hon. PENNY SHARPE: How do you deal with electronic payment?

Mr MOLLENHAUER: No trouble at all.

The Hon. PENNY SHARPE: Are people happy?

Mr MOLLENHAUER: I put a low estimate of the fare on the card, say \$50 if I am going to Cronulla, and when I get there it might be another \$5, so I put that on the card on arrival. On one occasion I had a guy say to me he was going to Cronulla and he only went to Woollooware. I had to give him a refund. That hurt because

I had to pay him the Cabcharge service fee that I was not getting. A low estimate of the fare is what we would invite you to pay.

The Hon. TREVOR KHAN: You were here for the evidence that was given by the Taxi Council. With regard to what you describe as a reasonable deposit, the Taxi Council witness referred to the Victorian exercise and, yes, it is legalised in Victoria. He said that there were some issues with regard to the Victorian experience of physical confrontation.

Mr MOLLENHAUER: Conflict resolution is something that training can help drivers manage. I am quite sure it is possible to ask for an upfront fare in an offensive or affronting way. Certainly drunks will arc up about those requests. It is possible to upset people in different ways but it is also possible to get upfront payments despite that.

The Hon. TREVOR KHAN: I accept that, but do you know whether in the Victorian experience there have been problems with additional physical confrontation as a result of asking for fares upfront?

Mr MOLLENHAUER: I have no personal knowledge of that and I would predict that it is a non-issue. The people who arc up about paying were never going to pay.

CHAIR: I am going to ask you to tender the rest of your presentation so that Committee members can ask questions because we are down to the last half hour. I am going to give everyone 10 minutes each. You might incorporate those answers in the questions being asked. Crossbench members now have 10 minutes to ask questions.

Ms LEE RHIANNON: I understand drivers are considered to be self-employed contractors, not employees. Would the taxidriviers you represent prefer to be employees with a regular, clearer set of conditions that are abided by? I am also asking that in the context of what you see as the key points to retain taxidriviers in the industry.

Mr MOLLENHAUER: The key points to retain taxidriviers are certainly rewards and safety. If you can improve their safety and improve their rewards it will keep more taxidriviers in the industry. Everyone wants an experienced cabby. Most people who have experienced what it is like to drive a cab clear off.

Ms LEE RHIANNON: Can you explain what you mean by "rewards"? Are rewards separate from pay and conditions? I am trying to get a sense of whether you want to be an employee or whether you are happy with what you have.

Mr MOLLENHAUER: I cannot speak on behalf of all drivers. Certainly some would want to be an employee; some relish the prospect of being self-employed. I am sure they would all like a reliable income, but I cannot speak for all drivers.

Mr BRADLEY: I think it is simply the underlying situation with the way the taxi industry is and the fact that there are too many taxis out there already. There is just not enough money around to make a decent living. That just kills off all the incentive. Whether you channel it via an employee structure or an independent owner structure essentially does not matter that much. Some way or other you have to get enough money per shift to make it worth your while to do the shift. That has not been taken into account to a great extent. I believe that in Tokyo there are long lines of cabbies wearing white gloves waiting in queues. I believe they only do two or three jobs a day. There are lots and lots of taxis but when you get in the taxi it is extremely expensive. That is what I have heard. I am alluding to the fact that this call for more and more plates has never taken into account that once you dilute the market you have to increase fares to compensate.

That equation has never been looked at. That has to be put to the public. You have to say to the public that if they want more and more taxis they will be very, very expensive. Otherwise the situation will remain in limbo. On one hand you are trying to get more plates and on the other hand the taxidriviers in the industry are starving. They cannot even get enough drivers to fill the taxis they have got. I think the question of which structure it is is a minor point. My answer is that the simplest solution is to acknowledge that inherently taxi driving is on a casual basis because 95 per cent of the relationships are on that basis. You come for a shift and go, and you can be dismissed on any shift. The taxidriver can walk away after any shift and an operator can say to a driver, "Don't come back for the next shift", at any time. That being the case, acknowledge it, and compensate by increasing the rate of return for drivers. In other words, base it upon a casual rate.

A considerable time ago taxidrivers were supposedly awarded \$19 an hour by, I think, Justice O'Connor, in the Industrial Commission. They have never got it. Recently the Taxi Council said that according to them taxidrivers were getting an average of around \$14 an hour. An independent survey of experienced WAT cab drivers, who really know what they are doing, came up with a figure of about \$12 an hour. These guys are really good drivers and that is probably a good indication of what you might expect as a market. I think most drivers' mean is probably close to \$10 an hour and a large number of drivers who come in for three or four months and find it is too hard and get out—students and young drivers and new drivers—are probably making something like \$5 an hour. It is peanuts.

Take into account the amount by which the taxi industry has expanded. My perhaps shocking suggestion is that you have to increase the fares by something like 20 per cent just to start with. We are way under. I am sorry, but it is one of the more shocking and sobering things. We go to the Independent Pricing and Regulatory Tribunal [IPART] and get a 2, 3 or 4 per cent increase, but it is nowhere near what we need by way of adjustment. One thing that needs to be done is to make an underlying adjustment so that taxidrivers can get enough money per shift to make it worth their while and an operator can still get enough money out of that taxi to make it worth his while to provide the taxi.

Ms LEE RHIANNON: When you say "enough", can you define it? Is it a wage?

Mr BRADLEY: Just to kick it open, I would say enough is at least a 20 per cent increase in fares to compensate drivers and operators and make it worth their while. We are way under what we need to make it worthwhile and that is what is killing the industry, a great deal of it.

Ms LEE RHIANNON: Thanks for those details. I understand drivers can work under two arrangements at the moment. If you could flesh this out it may help us resolve some of the issues. You can split the taxi takings with the person you lease the vehicle from or you can pay a rental. I am interested in the fact that the second method seems more popular but you actually get less money that way. Can you explain why that is?

Mr BRADLEY: What has happened is that after some ups and downs and arguments some time in the past the department—the Taxi Industry Association and the Taxi Council made representations—effectively came up with an agreement. A long time ago the arrangement was a 50:50 basis. They paid lip service to that and it was possible to have a 50:50 split. That was method A. Method B was a fixed pay-in system. In reality what happened was that 99 per cent of the operators simply said to the drivers, "Here's method B; you'll sign that, won't you?" If you said no, it is a casual basis, they said, "Don't come back next shift." One fellow, who may come forward as a witness, tried method A, because he was a persistent sort of person. I think he had to go to something like 20 different operators before he finally persuaded one to let him use method A.

In reality you really are allowed to use only one method, and that is method B, which suits the operators. It is not entirely fair to the drivers but in the taxi determination there are other aspects that are wrong. The whole thing has to be restructured. What we are putting forward, and where we hope you can help us, is for this inquiry to do one major thing and ensure that the Taxi Advisory Committee is reinvigorated. That has to actually be done, not just promised, because these sorts of problems are really difficult. It is virtually impossible to resolve them at a parliamentary level. It has to be first sorted out with the stakeholders in the industry. The vehicle for that is the Taxi Advisory Committee. If you can do that for us it will be a fantastic benefit.

Ms LEE RHIANNON: I am interested in your experience of the driver training schools. I have had some criticism come from taxidrivers that the Government never monitors them and that the way the Taxi Council runs them it is pretty much a closed shop. Could you comment?

Mr BRADLEY: It is very much a closed shop, as I understand it. That has been my experience. As I understand it the schools are reasonable, but in a bureaucratic response to complaints more and more restrictions have been imposed on the length of time and the cost involved in getting a taxi licence. I think it has choked off the number of drivers. I do not think it is so critically important to be more rigorous with the taxidriver schools. Most taxidrivers, once they get some basic knowledge, really learn their job after they get started. If we could have better conditions so that we retained taxidrivers you would automatically have many more reasonable or good quality taxidrivers. People would stay in the industry. It is the turnover that kills it and the turnover is due to the bad conditions. Improving or working on taxidriver schools is ultimately a pointless exercise because no

matter how many people you turn out more people are turned over. You still have that large number of drivers being turned over. That large turnover of drivers reduces the quality of taxi service dramatically.

The Hon. GREG DONNELLY: In terms of the reinvigoration or revitalisation of the Taxi Advisory Committee, help me understand the organisations that represent the interests of drivers. The representative of the Taxi Council in his opening comments this morning indicated that they as an organisation at least in part represent the interests of drivers. Obviously you come before us today putting the case as an organisation representing drivers, and no doubt the Transport Workers Union, which also has members in this area, would argue that it represents the interests of drivers. There may well be others who say they represent the interests of drivers. Is that the case? Are there others who say they represent the interests of taxidrivers in this State and, if there are, who are they?

Mr BRADLEY: Yes, we believe so. There are taxidriver associations other than us.

The Hon. PENNY SHARPE: How many?

Mr MOLLENHAUER: We know of one other.

Mr BRADLEY: I believe there is one other that we know of.

Mr MOLLENHAUER: It has made a submission to you.

Mr BRADLEY: Our position is this: the purpose of the Taxi Advisory Committee is to have input. We have no objection to other stakeholders that are considered appropriate being part of that council and having something to say. It does not matter if we necessarily agree with them. We think they should have a right to say what they want to say. So all the appropriate stakeholders, as far as we are concerned, we are quite happy to have them as part of the taxi advisory council. The only thing of most significance to us is we are one of the stakeholders because we believe that we are the mainstream representative of the rank and file drivers.

The Hon. GREG DONNELLY: Were you represented on the committee when it operated in the past?

Mr BRADLEY: No, we have not.

Mr MOLLENHAUER: The New South Wales Taxi Drivers Association has operated for about five years and is democratically elected by drivers. It has no paid employees; none of us are paid to be here.

The Hon. GREG DONNELLY: In terms of this representation of the interests of drivers on some of these key issues that you have gone through today in your Powerpoint presentation and also in your submission, is there much common ground between yourself, the Transport Workers' Union and to the extent the Taxi Council represents the interest of drivers? Is there much common ground in terms of those respective organisations on some of those key issues?

Mr MOLLENHAUER: No, there are many areas on which we agree with the ATDA. There are many areas with which we agree with the Transport Workers' Union. The New South Wales Taxi Council submission is primarily aimed at guarding their monopoly on providing training, meters and EFTPOS terminals. We would condemn any agreement on your part to force drivers to use the Taxi Council recommended equipment. We would like to see an open market for drivers and operators to choose which EFTPOS terminals and meters they use and so on. The Taxi Council is funded by the plate owners and says that it is the peak body but it gives no voice to drivers or lessees unless they also own a plate. Their interests are primarily for plate owners. There are no voting rights, for example, given to lessees or drivers unless they simultaneously own a plate.

The Hon. GREG DONNELLY: You just used the word "equipment". Would you describe what you mean when you say "equipment" so that the Committee is clear about it? Is it just the meter or other things as well?

Mr MOLLENHAUER: It costs more to do a Taxi Council registered training course than it does to do a TAFE course.

The Hon. GREG DONNELLY: I refer to equipment specifically. I will come back to training shortly.

Mr MOLLENHAUER: The Taxi Council is urging the EFTPOS terminals recommended by it to be anchored into the cab and, of course, if they are and they are interfaced with the e-tag and meter and they can only be its equipment. We would like that equipment to be portable and owned by the driver so that the surcharge on the EFTPOS transactions goes to the driver, not to the monopoly.

The Hon. TREVOR KHAN: Would you elaborate?

Mr MOLLENHAUER: The EFTPOS terminal as advocated by the Taxi Council would be interfaced to the meter and the e-tag and would necessarily be wired into the car. Whoever owns that equipment would have somewhat of a monopoly if you endorsed it. Drivers have their own EFTPOS equipment which they carry with them in and out of the cab.

The Hon. TREVOR KHAN: Are they wireless?

Mr MOLLENHAUER: Some of them yes, the latest ones are.

The Hon. PENNY SHARPE: What percentage of drivers use those?

Mr MOLLENHAUER: A steadily increasing number.

The Hon. PENNY SHARPE: Yes, I know.

Mr MOLLENHAUER: I have no figures. If you were to mandate the forced installation of a machine that read the e-tag and meter and handled EFTPOS it would again provide a monopoly to those people supplying them.

The Hon. GREG DONNELLY: When you talk about "equipment" are you talking about the EFTPOS—

Mr MOLLENHAUER: and the meter. Taxi meters are available from Schmidt and Novaks and Digitech and those are not currently interfaced with the e-tags and EFTPOS terminals.

The Hon. PENNY SHARPE: Are cameras an issue?

Mr MOLLENHAUER: They are not interconnected, no.

The Hon. GREG DONNELLY: Are cameras part of the equipment of a taxi?

Mr MOLLENHAUER: Certainly. Every taxi must have a camera.

The Hon. GREG DONNELLY: You referred earlier to training. Will you elaborate on your concern about the current training regime?

Mr MOLLENHAUER: The weaknesses in training are well reported. Our reputation as professional drivers is sorely by inadequately trained drivers. The current training regime is more expensive than a TAFE course. We have no objection to the proposed national licensing of training which would take it out of the hands of the people who own it now. We believe that national licensing of training would lead to higher levels of training.

The Hon. GREG DONNELLY: What are your comments in relation to the recently announced Commonwealth Government's national minimum standards for taxidriver's?

Mr MOLLENHAUER: It is somewhat over time. It is overdue. By and large, I think, the other States are being raised to our standards. I do not think there is any diminution of a standard of training in the proposed national training standards but certainly there are local issues that need to be addressed. I think the national proposal includes addressing local issues. One of the current affairs programs said something about a taxidriver not knowing where was the MCG. It was a Brisbane taxidriver who was asked. Certainly I know where it is.

The Hon. GREG DONNELLY: I have not read the report but is there anything other than training or competency that we should be aware of?

Mr MOLLENHAUER: I am not sure I am thinking of the same report but if you give it to me I will read it and get back to you.

The Hon. GREG DONNELLY: I will put that on notice. I am referring to the report that was released 2½ months ago. I want to know whether it contains anything other than training and competency to which you want to draw the committee's attention.

The Hon. PENNY SHARPE: I am confused about the representation of the different organisations in the taxi industry. Clearly there is an overlap and some long-term politics between the different groups.

Mr BRADLEY: There is.

The Hon. PENNY SHARPE: How many members do you have? Who do you seek to represent? I am clear about the Taxi Council but I want to get an understanding of who represents who.

Mr BRADLEY: I will give a general overview. The Taxi Council claims to be the overall—

The Hon. PENNY SHARPE: I am okay with the Taxi Council; it is the other driver representative groups.

Mr BRADLEY: That was true a long, long time ago when there was cooperatives but it has changed a lot. They have changed the companies. Their interests have changed a lot. We came in because the underlying rank and file no longer have a voice. Every plate owner is arbitrarily forced to join the Taxi Industry Association and they take compulsory fees from him or her. They are a party to the industrial relations, actually for basically the pseudo employers, the operators. The union, the Transport Workers Union, answer nominally for the employees, in other words the taxidrivers. That is in the industrial relations but there has been a big gap for the voice for the ordinary people who actually work in the industry. It had a few members, they have got very few. It is not very popular and most of the people it did have, have joined our organisation.

The Hon. PENNY SHARPE: How many members do you have?

Mr BRADLEY: That is confidential.

The Hon. PENNY SHARPE: Are you an incorporated association?

Mr BRADLEY: Yes.

The Hon. PENNY SHARPE: Are you required to report how many members you have?

Mr MOLLENHAUER: No. We put in an annual financial report. We have got the audited statements here if you want to view those but our membership is open to everybody who drives a New South Wales taxi, be they a bailee, a lessee or an owner/driver.

The Hon. PENNY SHARPE: Are the majority of your members bailee drivers?

Mr MOLLENHAUER: Yes.

The Hon. TREVOR KHAN: I make it clear that this may be unfair to the Taxi Council but are you aware that earlier I asked a number of specific questions with regard to recommendations? I think you may have read its submission from what you have already said?

Mr MOLLENHAUER: Certainly.

The Hon. TREVOR KHAN: Recommendation 3 states that a regulation be introduced to stipulate that EFTPOS devices must be attached to the taxicab and the taxidriver details entered at the start of the shift itself?

Mr MOLLENHAUER: We would oppose that most stridently.

The Hon. TREVOR KHAN: Why?

Mr MOLLENHAUER: It would oblige us to use their equipment which, if it is wired into the cab, would then render the Cabcharge empire all those services fees that come with the EFTPOS transactions. Many drivers have their own equipment, which provides some of the service fees to them.

The Hon. TREVOR KHAN: Is there any reason why every taxicab should not be in some way equipped with an EFTPOS machine?

Mr MOLLENHAUER: The question is cost. I think certainly every Sydney cab already has an EFTPOS machine and some have more than one.

The Hon. TREVOR KHAN: If an EFTPOS machine is fitted is there any reason why it should not be capable of producing a receipt that shows the correct identification details of the taxicab network and driver identification?

Mr MOLLENHAUER: No, we would probably welcome that.

The Hon. TREVOR KHAN: You believe there should be the flexibility of a portable system?

Mr MOLLENHAUER: The driver should get the credit that goes through. Many drivers are owed money by their operators because that anchored machine credits the owner's account with the taxi network, and does not credit the driver. So at the end of the night sometimes the driver is in credit with the owner of the cab but unable to pay for bread and butter.

The Hon. TREVOR KHAN: Recommendation 4 deals with the installation of a toll meter interface device to record tolls on taxi meters. Is there any reason why that should not occur?

Mr MOLLENHAUER: It is a fool of an idea. There is no way to register a toll when you travel north over the harbour bridge. In a taxi you pay the toll only southbound so what would the trigger be?

Mr BRADLEY: No, to correct that. A passenger pays the toll going north in a taxi but there is no actual toll at that time.

Mr MOLLENHAUER: There is no trigger.

Mr BRADLEY: So that would not trigger it so that is a major flaw with that proposition.

The Hon. TREVOR KHAN: Putting aside the Sydney Harbour Bridge is there any reason why there should not be a device that records on the taxi meter or the like what the actual toll has been?

Mr MOLLENHAUER: There are two different types of e-tags in use now. Drivers have to have their own e-tag. Would this lead to a pressure on a driver to buy a particular brand of e-tag? I think it might.

The Hon. TREVOR KHAN: Why?

Mr MOLLENHAUER: Well, would it be interfaced to all e-tags? It is currently not interfaced to any. There are Roam e-tags. There are Roads and Traffic Authority e-tags. The drivers pay the e-tag bill and they are free to choose whichever one they like. Some drivers have got more than one tag. I think they might object to being forced out of a particular kind of tag. They should be given the freedom to choose whichever one they want.

The Hon. TREVOR KHAN: From the customer's perspective is it not reasonable that the actual charge appear somewhere?

Mr MOLLENHAUER: I say that responsibility is for the State Government to put up signs at the toll roads to show what the charges are. They are in many places but they are missing from the Cross City Tunnel and from the Lane Cove Tunnel. Certainly when you drive over the harbour bridge it says whether it is \$4, \$3 or \$2.50 as you come south over the bridge. For the M7 we are all issued with a Ready Reckoner every three months that sets out the charges and you go down and across and you see that from this entry point to that exit point the toll is so and so and that is readily available in taxis for passengers to see.

The Hon. TREVOR KHAN: Recommendation 5 proposal is that a regulation be introduced to make it compulsory for printed receipts to be issued upon request that contain the fare and toll details recorded. Is there any reason why that should not occur?

Mr BRADLEY: I think it is an unnecessary restriction. It does not really affect much. I have had no real problems with the fact that it is not recorded as such because you can just tell the people what it is and you can give them a receipt for what they pay. It is very simple to get around that. I have never had a problem in regard to a receipt for a toll. Also most of the modern meters you can add in the tolls as an extra so you can actually do it on a meter output.

Mr MOLLENHAUER: It would be an unnecessary expense for taxi operators. If passengers want a detailed receipt, we can write one—there is no problem there.

The Hon. TREVOR KHAN: Recommendation 7, which was not discussed, was the feasibility of a regulated premium service fee for customers who make a fully informed choice for a higher level of service. What is your view on that?

Mr MOLLENHAUER: I think customers should be allowed to buy what they want. At the moment people who are prepared to pay more are prevented from doing so by the existing structure.

The Hon. TREVOR KHAN: I know that is your proposal, but I would glean a premium service fee not to be, in a sense, a bidding war, as I think you invite, over the network. Would that not be the case?

Mr MOLLENHAUER: Certainly we would like passengers to be allowed to offer incentives to drivers. I do not imagine there would be any objection to that.

Mr BRADLEY: We agree with the idea.

Mr MOLLENHAUER: Let customers buy what they want to pay for. Of all the things that consenting adults are allowed to do, surely they can agree on the cost of getting a cab.

The Hon. TREVOR KHAN: I am going to run out of time, so I will invite one final thing—

Mr MOLLENHAUER: We are happy to return. I will be here each day.

The Hon. TREVOR KHAN: That might be the case, but let me invite you to go away with this, or you may respond now if you like. My concern with your proposal for, in a sense, an unregulated premium service fee is that what will occur is essentially the rich will get taxis and the poor pensioners will be standing out on the street waiting for a taxi for longer than they do now. I would like you to address how you overcome that problem if you want a recommendation by us—

Mr MOLLENHAUER: Every individual has a right to sell their labour to the highest bidder. Why exclude us?

CHAIR: If you accept that the taxi industry is a public industry and has the duties and responsibilities of a public industry as opposed to a private industry, do you not fail in the argument you have just put?

Mr MOLLENHAUER: I do not think so.

Mr BRADLEY: I would like to respond to that a bit in that, first of all you are talking about the rich getting the best taxis. That happens already, and it has been happening for a long time. Secondly, to solve the problem with the poor pensioners, many of the people, who are in isolated situations and are restricted, cannot say, "I really, really need a taxi, I am prepared to pay \$5.00 extra", which is not a lot of money, or \$10.00 extra to attract a driver. They are not allowed to do that. We say let them do that if they want to. A lot of the improvements to do with network services had been suggested four years ago in the Cook report—many suggestions—and they have just been ignored. One of the suggestions was that for people who are isolated and cannot get a taxi—and it is a problem and the networks have not been able to solve it—we simply say, "Let the people make an offer if they want to". That would, 90 per cent of the time, solve it, and it is only a matter of

another \$5.00. I think a lot of pensioners would be happy. If they are in an isolated situation and cannot get a taxi, when they need a cab bad enough, another \$5.00—even for a pensioner—is not that much.

The Hon. TREVOR KHAN: When a call comes in, essentially it goes out on the network and there is an invitation for a driver to pick it up.

Mr BRADLEY: That is right.

Mr MOLLENHAUER: Like an advertising service, yes.

The Hon. TREVOR KHAN: When it is not picked up, after a period of time, eventually the job is allocated.

Mr MOLLENHAUER: Quite often the job lapses, marked NCA.

The Hon. TREVOR KHAN: So when I am sitting in a cab and I hear it essentially once, twice or whatever else—you are saying that does not occur where it is allocated to a driver?

Mr MOLLENHAUER: The two jobs on the screen would never be picked up. Town Hall to Central Rail and Anzac Parade, Centennial Park, going anywhere would not be picked up because it is impossible to find the designated passenger, so those bookings would just lapse. They might be marked as no car available, but in fact they would be rejected.

The Hon. PENNY SHARPE: The passenger does not get a cab and makes a complaint or says, "There is no point in making a complaint."

Mr MOLLENHAUER: Those passengers, I am sure, travelled in a cab, but nobody responded to the booking.

The Hon. TREVOR KHAN: Say a person is waiting for a cab to travel from their home to hospital and the job is in existence for a period of time. It is eventually allocated to a particular vehicle to pick up, is it not?

Mr BRADLEY: No.

Mr MOLLENHAUER: No. The drivers are free agents to accept or reject all job offers, so if it should occur that a passenger is known to be violent and the drivers continue to reject that person or address because they had bad times before, that job will never be assigned to a cab.

CHAIR: What you are saying is that there is no such thing as a compellable job on a driver?

Mr MOLLENHAUER: Correct, and nor should there be either.

CHAIR: Thank you very much for your time today, which is greatly appreciated. The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to the questions you have taken on notice. Committee members also may have additional questions, which will be put on notice in the same 21 days.

Mr MOLLENHAUER: I assume there are no questions on notice at the moment?

CHAIR: Not at this stage, the secretariat will write to you and let you know. You referred to some documents and we would be grateful if you would tender those documents. The secretariat will deal with you in relation to obtaining those.

(Luncheon adjournment)

JOANNA SHULMAN, Principal Solicitor and Director, NSW Disability Discrimination Legal Centre, and

JORDANA GOODMAN, Policy Officer, Physical Disability Council of New South Wales, affirmed and examined:

CHAIR: Ms Shulman and Ms Goodman, would you state whether you are appearing in person or representing an organisation?

Ms SHULMAN: I am representing the NSW Disability Discrimination Legal Centre today.

Ms GOODMAN: I represent the Physical Disability Council of New South Wales.

CHAIR: Would one of you like to make an opening statement? I ask that it be limited to either expanding any submission you have made or explaining part of the submission.

Ms SHULMAN: We will both say something briefly.

Ms GOODMAN: I was going to give a personal account. First of all, I think we all understand the importance of transport. How many times per day do you get in your car, whether it is for education, whether it is to go to work or whether it is to visit family and friends, medical appointments, financial appointments? I am all right now, but when I was not driving not long ago I would use up to 12 cabs a week. That would be about \$15,000 per annum, which is a considerable amount. These subsidies certainly do help but it is a major financial impediment that people with disability have because they do not have proper access to all public transport.

In Sydney, there are some black spots around Sydney where taxis are really hard to access. The areas I want to draw attention to are the Liverpool and Campbelltown areas, Penrith and generally the western suburbs. But the area I want to talk about is the northern beaches. While the documentation shows that taxi response times have improved, on the whole there have been improvements except for some of the black spots. In the northern beaches because of the geography of the area there are only two main ways in and out. A lot of the cab drivers either go over the Roseville Bridge or come back. Because of the geographics of the area there are not very many wheelchair cabs. There are four large non-government organisations that are increasing demand—the Spastic Centre, the House With No Steps, Sunnyfield and the Autistic Association. All of them impact on demand.

CHAIR: Thank you, Ms Goodman.

Ms SHULMAN: I will just add to that. I briefly wanted to speak about the legal framework under the Disability Discrimination Act and the obligations upon taxis set by that Act. I will try to keep it very brief and I will try not to make it too boring. The Disability Discrimination Act is a Federal Act which, amongst other things, operates to prohibit discrimination on the basis of disability and the provision of taxi services. In simple terms, in order to comply with the Disability Discrimination Act if an act or practice causes disadvantage to a person with a disability and it is reasonably possible to do something differently to alleviate that disadvantage, then not doing something differently is a breach of the Disability Discrimination Act. Under the Disability Discrimination Act sits the disability standards for accessible public transport, which are standard prescriptive measures that stipulate what a transport provider must do in order not to discriminate against a person with a disability. It is binding on all transport providers in Australia and a breach of the standards is a breach of the Disability Discrimination Act.

In relation to taxis, the transport standards stipulate that response times are to be the same for accessible taxis as they are for non-accessible taxis. The standards also prescribe the space dimensions for accessible taxis. Evidence from our clients at the Disability Discrimination Legal Centre and, indeed, the evidence obtained by the Allen Consulting Group in its review of the transport standards indicate that the standards are not being met, particularly in relation to response times for wheelchair accessible taxis. In this regard and in relation to other issues highlighted in our submission and by Jordana, the Department of Transport and Infrastructure is opening itself up to the possibility of legal action. In terms of the solution, our major recommendation—and something, I guess, that did not come up so clearly in our submission—is that we think the Department of Infrastructure and Transport needs to build compliance with the disability standards for

accessible public transport into its licence review mechanisms for the taxi industry, which would also include a mechanism for monitoring complaints. I am happy to talk about that further.

The Hon. TREVOR KHAN: I am interested in your last comment. Were you here for this morning's evidence?

Ms SHULMAN: I was not.

The Hon. TREVOR KHAN: If we accept what was said this morning, the difference in response times is six minutes and—

Ms LEE RHIANNON: Seven minutes. The Taxi Council said they were the same and Mr Wielinga there was a minute difference.

The Hon. TREVOR KHAN: I think both of them had a minute difference. Would you say that is breaching the Act if the statistics are right that there is a minute difference in response times?

Ms SHULMAN: The disability standards said that as of December 2007 the response time was to be equal.

The Hon. TREVOR KHAN: We are now dealing with 2010.

Ms SHULMAN: Exactly.

The Hon. TREVOR KHAN: If the response times are within a minute, putting aside that everything could be done better, are you saying that constitutes a breach of the Act?

Ms SHULMAN: If you take the disability standards for accessible public transport as a black letter law reading approach, yes, a minute difference is not equal. Would a court find that it was good enough? Probably. The bigger issue, I think, is the questions around that data and the accuracy of that data. What came out clearly from the Allen Consulting Group draft report reviewing the standards was that there was a lack of available data monitoring the standards. What has come out from a freedom of information application issued by the Public Interest Advocacy Centre, which is highlighted in its submission, is that there are great discrepancies in the data. I would pose questions around the capturing of that data. Indeed, the statistics that you just cited to me and the statistics that are cited in the report are not ones that correspond with the experiences of our clients.

The Hon. TREVOR KHAN: Without getting too personal, it does not coincide with my personal experience either, but I will not get there. Would it assist if the data captured are more geographic specific?

Ms SHULMAN: Yes, that would assist.

The Hon. TREVOR KHAN: For instance, picking a place entirely at random, an average of seven minutes, if that is the figure, for metropolitan Sydney, Wollongong and Newcastle does not actually highlight what the problem is in Wollongong or on the northern beaches.

Ms SHULMAN: That is right. In our experience the response times seem to change according to where you are, where you are going, how long the trip is going to be and the time of day. So if you could capture data according to those questions you would get much more accurate information.

The Hon. TREVOR KHAN: There is also a difficulty for the individual driver in terms of estimating. Without getting into specifics, getting some people in and out of a taxi can be a significant time-consuming element, can it not? If they have a number of jobs lined up they can go wildly out of their time frames because of the difficulties of getting a customer in and out of the vehicle. Is that right?

Ms GOODMAN: If they are not doing pre-booked driver work, they should have only one booking at a time anyway. I want to make a comment particularly about the time of the day and the day of the week. A lot of the cabs do other contract work in the afternoon from about 2.30 to about 3.30 and it is much harder to get a cab because they all doing work for the Department of Education. I know people who do not bother using cabs on the weekends or in the evening because they know that they are unreliable.

The Hon. TREVOR KHAN: I think you may have inadvertently answered a question that arose out of some early evidence. That was that the WAT taxis are required to start/finish at 5 o'clock in the afternoon. Do I glean from your last answer that the rationale behind that may be the requirements of school kids, in terms of getting them back home in the afternoon?

Ms GOODMAN: Yes.

The Hon. TREVOR KHAN: I did not understand what that rationale potentially was. That is likely to be it, is it?

Ms GOODMAN: Yes, because they would be finishing at three.

The Hon. TREVOR KHAN: Right in the middle of the end of school period?

Ms GOODMAN: Yes; otherwise it would not make sense. Then it would just be overtime, when people who might need them would be going home.

The Hon. TREVOR KHAN: I suppose that raises the issue of the 5 o'clock knock-off. Does that potentially give a difficult knock-off/start time, in terms of people who are working and require WAT taxi transport?

Ms GOODMAN: It is not ideal. I guess no time is perfect.

Ms SHULMAN: I guess what would be ideal is if there were more wheelchair-accessible taxis.

Ms GOODMAN: Or a universal—

Ms SHULMAN: A universal fleet would be the ultimate solution.

The Hon. PENNY SHARPE: What do you mean by a universal fleet?

Ms SHULMAN: If all taxis were wheelchair-accessible, as all licensed taxis are in London, we would not be having this issue.

The Hon. TREVOR KHAN: Is that right: all taxis in London are wheelchair accessible?

Ms SHULMAN: That is my understanding.

Ms GOODMAN: My understanding is that the on-the-ground service we are opting for will gradually be replaced, so that in 10 years time it will be replaced.

Ms SHULMAN: They are moving towards that.

The Hon. TREVOR KHAN: With respect to the availability of wheelchair-accessible taxis at night, would you like to make a comment in that regard?

Ms GOODMAN: Again my understanding is that it really depends. On Saturday night it can be harder. But then again, it depends on the pick-up point, and how big or how small the trip is.

The Hon. GREG DONNELLY: Thank you for coming along today and providing some additional evidence to your submission. With respect to the increased adversity of the shape, size and weight of the mobility devices that people use, I presume that looking into the future the types of equipment and machines will continue to expand and develop. Do you have a particular view about a way of overcoming this issue of the constant change in the weight, size and shape of equipment for disabled taxis?

Ms GOODMAN: I wish I could give you a good answer. I had better try to get back to you.

The Hon. GREG DONNELLY: That is fine. I do not have a detailed knowledge of the dimensions of all this equipment. I naturally thought that most of the taxis would be able to accommodate this equipment. But I think you are identifying that there is an issue here.

Ms GOODMAN: And I am aware that a lot of cab drivers will not take people with scooters because of safety reasons. There are four wheels on my chair, but the wheels are in a different location.

The Hon. PENNY SHARPE: Is there an issue of training of the drivers in relation to how to secure a scooter? Is that part of the issue, or is it the design of the scooters themselves?

Ms GOODMAN: It would be more the design.

The Hon. PENNY SHARPE: In terms of resolving that, it is a standards issue in relation to scooters so that they can be secured? Is that the key that would help solve that issue?

Ms GOODMAN: Yes.

The Hon. GREG DONNELLY: We have the Taxi Transport Subsidy Scheme and the Taxi Drivers Incentive Scheme. Have you given thought to, or are you possibly advocating, other types of incentives that might not yet exist that you think might be worthwhile initiating which might assist this issue of the general availability of taxis for people with disability?

Ms SHULMAN: In our submission we pointed to an increase in lifting fees. For example, the ACT has increased its lifting fees and as a result satisfaction with response times has increased from 28 per cent to 57 per cent in accordance with that increase. We would say that a similar increase in our lifting fee in New South Wales—which is currently, I think, \$8.47—to \$10 would hopefully make a difference, as it did in the ACT, all other things being equal.

The Hon. GREG DONNELLY: With respect to that correlation between the increase in the fee and the better result, if I can put it that way, is there some research that supports that correlation or is that simply an assertion you are making?

Ms SHULMAN: That is an assertion I am making based on the ACT wheelchair-accessible taxi scheme.

The Hon. GREG DONNELLY: There was not some other extraneous factor operating there at the time that this happened; that seems to be what is likely to have happened? You believe the increase in the fee had that effect?

Ms SHULMAN: That is our belief. I can take that question on notice and tell you definitely.

The Hon. TREVOR KHAN: Are you able to give us a comparison of fees in all the States?

Ms SHULMAN: Not currently, no.

The Hon. TREVOR KHAN: Would you have that research available to you, in terms of a comparison?

Ms SHULMAN: We could certainly have a look into it for you. We will take that on notice.

The Hon. GREG DONNELLY: I take you to page 6 of your submission, which contains three case studies. I have a general question about the issue of people with a disability and regular bookings to meet their needs, whether they be to visit the shops, attend an educational institution, or whatever the case may be. With regard to these regular bookings, what is the arrangement? Do the individuals set up in advance, say each six months or each year, with a taxidriver or a taxi provider a schedule of their needs and say, "I need a taxi at 8.30 a.m. every Monday during the semester", or, "I need to go down to the shops every Wednesday at 10 o'clock"? Or is it the case that they simply put the phone calls through and hope that someone comes? Could you give us an overview of your understanding?

Ms GOODMAN: We all have mobile phones now, and if you know the cab driver and you know that he is reliable and he generally works in the geographic area, sometimes it is easier to do private bookings.

The Hon. GREG DONNELLY: Would it be the case that a number of people who need to access disabled taxis have those relationships with drivers, where they have their mobile phone and will ring the driver?

Ms GOODMAN: My belief is that it was a lot more common, say, 10 years ago.

The Hon. GREG DONNELLY: Would you hazard a guess at how many people who need to have regular bookings for a disabled taxi would do it that way as opposed to simply booking the taxi over the phone and taking luck? Do you think it would be the majority of disabled people? It might be a difficult question to answer, and that is fine. Would you say that the greatest difficulty that disabled people have with taxi bookings is when they have a need for a taxi at short notice, where they get caught and simply need to ring up and book a disabled taxi? Is that the real problem they face for these unexpected needs?

Ms GOODMAN: No, I still think there are areas where taxis do not meet demand. I do not know whether it is at certain times of the day or in certain geographical areas, but it means that every time you ring up, whether it is Tuesday to Tuesday—

The Hon. GREG DONNELLY: There are difficulties?

Ms GOODMAN: Yes.

Ms SHULMAN: I can perhaps add to that, given that at the Disability Discrimination Legal Centre half of our employees have a physical disability. We have started scheduling meeting times and meeting locations—regardless of whether we do or do not need taxis—around when taxis are likely to be available because it is such a problem, regardless of whether the booking is a regular booking or it is made three days in advance. There is a shortage of taxis to respond.

The Hon. PENNY SHARPE: Your submission talks about the Allen Consulting Group review as a draft report. I could not find the reference to it. If it is available, could you provide it to the Committee? It seems to have quite a lot of information in it.

Ms SHULMAN: We can certainly provide it to the Committee; I can send that through. It is a review that was conducted of the disability transport standards.

The Hon. PENNY SHARPE: It was done by the Commonwealth?

Ms SHULMAN: It was done by the Commonwealth Government. In the standards it is mandated that a review occur within five years after the standards being passed. That review started a little bit late and there have been a number of draft reports. There was then a change in Federal Government and the final report has not been released, but the draft report from the Allen Consulting Group is available and I can send it through.

Ms LEE RHIANNON: Thank you very much for coming in to give evidence. Could you comment on the scheme that is in Victoria that offers loans to regional taxi operators with a view to increasing the wheelchair accessible taxi numbers up to parity with regular taxis? In the context of that I am also interested for you to nominate the three top things that should be done in New South Wales to address the problems, the accessibility issues, that so many people confront when they use taxis?

Ms GOODMAN: I am not that familiar with what they are doing in Victoria. In New South Wales, in the country, the availability of wheelchair accessible taxis varies enormously. Some areas on the Northern Rivers, up north, they have 65 per cent of the fleet accessible, whereas there are areas in New South Wales—I have not had this for a while—in the Bathurst region, I think, or the Blue Mountains region that have very few. Can I change that to the Blue Mountains have a very limited number of cabs.

Ms SHULMAN: Perhaps we can take the first part of your question on notice, and we will get back to you in more detail about that, but in relation to the second part, the three key things we think should happen in New South Wales, I guess the first one is the movement towards universal design, so universally accessible cabs. Secondly, an increase in the subsidy for wheelchair accessible taxis, similar to what has been done in the Australian Capital Territory and, thirdly, what is really needed is some sort of compliance check on wheelchair cabs. We would say that the Department of Transport and Infrastructure should build in compliance with the

disability standards as part of its licensing conditions for cabs. There should be a review mechanisms in place to make sure that that occurs.

CHAIR: When you say a standard for a vehicle, are you saying only one kind of vehicle, one standard, or irrespective of the vehicle and where it is acquired from it needs to be a set standard of how that vehicle is modified?

Ms SHULMAN: At the moment the standard is prescribed in the disability standards for accessible public transport, so that would be the standard we would see needs to be maintained.

CHAIR: Irrespective of the vehicle you use?

Ms SHULMAN: Irrespective.

CHAIR: Or whether it happens to be a Toyota Tarago, a Ford or a Holden being altered?

Ms GOODMAN: It needs to be in whatever vehicle.

Ms LEE RHIANNON: We hear from most drivers that there should not be any more plates because they see that with more taxis their conditions and pay will suffer even more, but what I have heard from disability groups is there is a need for more plates. Do you have any views on this? I am sure you would be conscious of the need for decent conditions for the drivers. How do we resolve this apparent contradiction?

Ms GOODMAN: My view of what happens is for everyone, not only for people in wheelchairs. So, it does not preclude the driver from making an income.

Ms SHULMAN: Would you ask the question again, I am sorry?

Ms LEE RHIANNON: What I have heard from some drivers who spoke this morning, and just over the years, and often from just catching taxis, is they do not want to see more taxis on the road as they see it will erode their chance of getting some decent income, and many of them really struggle. Not all of them have second jobs, by any stretch of the imagination, and it is a tough industry. Whereas, what I have often heard from people in the disability industry is that there needs to be more plates and more taxis. So, we have this sharp contradiction that we need to resolve. I was interested in your viewpoint on that.

Ms SHULMAN: I guess the answer is really that if all taxis are accessible there is no contradiction. You can meet the needs of both interest groups in that you can have a set number of taxis and at the same time you can make sure that the disability community is being serviced.

Ms GOODMAN: Everyone.

Ms SHULMAN: Everyone has equal access.

CHAIR: Are you saying that every taxi should have wheelchair access?

Ms SHULMAN: Yes. We realise that might not happen tomorrow.

CHAIR: I understand that. I just wanted to make sure of the point you were making.

The Hon. TREVOR KHAN: Do you know the relative cost of the two different sorts of vehicle?

Ms SHULMAN: I do not, I am sorry.

CHAIR: My understanding is it is anything up to about \$18,000 to convert a vehicle, a standard vehicle, for wheelchair access. I could be wrong, but that was my understanding. Perhaps that is something the secretariat could check up later, or if you want you can take that on notice.

Ms LEE RHIANNON: The head of Transport Infrastructure, Mr Les Wielinga, spoke this morning about the Taxi Advisory Committee being revamped. There was some questioning to him about how that is proceeding and to what degree it has taken on advice from the Government's Taxi Task Force, which suggested

it should be resolved. I was interested in whether you have had any involvement with the Taxi Advisory Committee? If so, could you outline how useful that has been and are you part of the revamping of this organisation?

Ms GOODMAN: I have not been involved. I am not involved in that revamping.

Ms LEE RHIANNON: Have any of your representatives been involved?

Ms GOODMAN: Yes, probably.

Ms LEE RHIANNON: If you could give us feedback on that, because I was under the impression he would be putting considerable energy into it and taking a positive approach that it could be important to bring the different aspects of the industry together. So, your feedback would be valuable. I was also interested in the taxi transport subsidy scheme, your views on that. Some of the submissions have suggested it needs to be reviewed with the aim of increasing it. So, any details you have on that would be useful.

Ms GOODMAN: Me personally? You did not mean disability medication, aids in the treatment, personal care? At the moment the Government pays half the taxi fee but the subsidy would be higher if the Government would pay more.

CHAIR: Ms Shulman, I have been advised that some operators are being asked to specifically by wheelchair access a vehicle from a specific entity, if I can use that term, and that immediately gives them access to network, yet if other operators go and buy a car themselves and modify it accordingly they are finding it difficult to get the network access. If that is correct, from a legal point of view, would you consider that a breach of the Act?

Ms SHULMAN: Getting access to the network—by that you mean the licence?

CHAIR: The network, the radio operated network?

Ms SHULMAN: I cannot comment on the intricacies of how that scheme would work. All I can say is the Department of Transport itself has an obligation to make sure the taxis are accessible, and it needs to work out how it does that.

(The witnesses withdrew)

JENNIFER ROBERTS, General Manager, Lime Taxis, , , , sworn and examined:

CHAIR: Do you appear as an individual or as a representative of an organisation? If so, which organisation?

Ms ROBERTS: I represent myself as a participant in the taxi industry. The company I work for is aware that I am here today at the inquiry. They welcome anything that better the industry.

The Hon. GREG DONNELLY: Could I just clarify your explanation of your presence so that I understand? Are you representing the organisation you work for?

Ms ROBERTS: Yes, I do—Lime Taxis.

CHAIR: You are appearing as a representative of that organisation, not just for yourself.

Ms ROBERTS: Yes.

CHAIR: If you would like to make a statement, expand in that on any point that you made in the submission, or make any new point, as opposed to simply repeating a submission.

Ms ROBERTS: I just hope that we get an outcome from this inquiry. I think we have had a lot of different task forces and inquiries over the years, and I do not think that has really achieved. I think we are always on the backfoot in New South Wales, not on the frontfoot. We have other States leading us in the areas of the taxi industry where we do not demonstrate leadership for that area of transport.

The Hon. PENNY SHARPE: Ms Roberts, thank you for coming today. You said in your opening statement that you want to see an outcome. Could you perhaps tell us what concrete things you would hope this Committee would recommend as a result of the inquiry?

Ms ROBERTS: Regarding nexus plates, I would like to see the door shut on it. I think the Government needs to make a decision on it. I do not think it should rear its head all the time. If there has been an error made, it should be corrected. I gather it was a Government decision at the time.

The Hon. PENNY SHARPE: To make the plates transferable—is that what you mean?

Ms ROBERTS: Yes.

The Hon. PENNY SHARPE: Are you suggesting that the plates should no longer be transferable, or that we should move on from the past?

Ms ROBERTS: It is the past, but if something has been done wrongly there, I think it should be corrected, an outcome achieved, the door shut, and move on.

The Hon. PENNY SHARPE: Are there other specific recommendations you would like us to make generally, particularly around wheelchair accessible taxis?

Ms ROBERTS: Yes, I would. Lime Taxis was the brainchild of Bill Moss. They put a hell of a lot of money into this project. I left RSL Taxis after 18 years to join this project because I believed in it. I had a passion and I really believed in it, but it has been really, really hard. It has not been easy. We have 60 wheelchair accessible taxis. I find that driver attitudes are not the best at times, but I cannot say all driver attitudes. There are some really good compassionate drivers out there that should have a wheelchair taxi because that is what they do.

However, there are some drivers are that you are constantly telling them they need to be on. We have to have the 0200 network, of course, plus we have our own network. They have to log into the 0200 to get the wheelchair bookings as well, even though Lime Taxis does accept wheelchair bookings. We can see them from our system if they are logged into 0200 as well. They say, "Oh no, I'm on a job", and they are not. We are constantly battling these drivers and it is very hard—very, very hard.

The Hon. PENNY SHARPE: What would make it easier for you to be able to provide the service? What can you do about drivers who will not log into the network? What do you require to make them log in?

Ms ROBERTS: We have been monitoring flow charts where we suspend them from our radio network so they can only use the 0200. But at the end of the day, they are grown men and there are rules to be abided by, like we have with the Government. We have to keep complying and renewing our licence every 12 months. We have the outlay of the vehicle, not the driver. We need them to just sign onto the system and do their wheelchair work. They should make themselves available for wheelchair work.

The Hon. PENNY SHARPE: How many other cabs do you have that are non-wheelchair accessible?

Ms ROBERTS: We have 15.

The Hon. PENNY SHARPE: As a new entrant, obviously it has been quite difficult. Your submission discusses some of that. But what does your business need? What would make it easier?

Ms ROBERTS: Of course, numbers matter in the taxi industry. You cannot afford to run a call centre and a fleet if you have just got 75 taxis on the road. It costs money to have people answering phones and monitoring alarms and complying. Our alternative would be to bureau with another network and cut the cost of having a call centre. It is not viable with 75 cars. There is no way of basically supporting the network. You are just robbing more plates off maybe another smaller network. It is very hard to get the plates through the larger network, of course: they have already established. They have 50 years on you.

The Hon. PENNY SHARPE: You touched on driver training. I understand the drivers of WAT vehicles have had two days of training. Can you comment on that? Do you think that is sufficient? In particular, do they do any disability sensitivity training, or disability understanding training, in terms of dealing with clients?

Ms ROBERTS: They do customer service. Their course is accredited. I have yet to receive a complaint where a driver was inadequate in securing a wheelchair. I do believe that part. Lime Taxis train them as well in our vehicle because our vehicle is a Mercedes Vito. We do have some Taragos, but the fleet that we manage is the Mercedes Vito. We train them on securing. They have to demonstrate to us that they can do the job.

The Hon. PENNY SHARPE: Can you take scooters?

Ms ROBERTS: Yes, we can. Another area is the standard of the types of wheelchairs. They are not fitting in cabs because the standard vehicle will sometimes not match the standard wheelchair. There is no standard for the wheelchair.

The Hon. PENNY SHARPE: You run your own training. Is that additional training?

Ms ROBERTS: It is just network training. They are network trained so that they know how to use the dispatch system, customer service, the 0200 system, and then they need to demonstrate that they can secure a baby seat and a wheelchair.

The Hon. PENNY SHARPE: Some of the submissions have indicated that while the drivers might be able to do all those physical things, there are some issues around attitudes towards people with disabilities.

Ms ROBERTS: Sure.

The Hon. PENNY SHARPE: How do you deal with that in relation to your drivers?

Ms ROBERTS: I have not had any complaints to say that I have had a driver in that situation with a person with a disability, but I know I have got some good drivers that are doing the right thing. Probably the ones that are not doing the right thing hardly do any wheelchair work. But if we did have that problem, they would have to come back into retraining.

The Hon. PENNY SHARPE: That is what you would enforce on them?

Ms ROBERTS: Yes.

The Hon. PENNY SHARPE: We have had lots of discussions, both anecdotal and probably some more in evidence, around real black spots in terms of geographic areas and accessible taxis. Is that your experience?

Ms ROBERTS: Exactly.

The Hon. PENNY SHARPE: Where do you believe those black spots are? How far do your 60 vehicles cover?

Ms ROBERTS: We have to cover the Sydney metropolitan area.

The Hon. PENNY SHARPE: Where are you based out of?

Ms ROBERTS: Alexandria. We are in the city, basically.

The Hon. PENNY SHARPE: Are all your cabs housed there?

Ms ROBERTS: Yes. They changeover there, unless they live out there.

The Hon. PENNY SHARPE: The previous witnesses mentioned needing cabs in the northern beaches and western Sydney.

Ms ROBERTS: We have drivers out there. There is one gentleman who covers the Westmead Rehabilitation Centre. He is always working out of there.

The Hon. PENNY SHARPE: Are there issues to do particularly with changeover time? I imagine you work with schoolchildren and taking them home.

Ms ROBERTS: Yes, but they are private runs. They do not have anything to do with the network itself. The school runs would be private contracts that the driver has with the education department.

The Hon. PENNY SHARPE: But that impacts on accessibility for other passengers.

Ms ROBERTS: Of course it would, especially at 3.30 p.m.

The Hon. PENNY SHARPE: That is what I am saying. If the vehicles are tied up, that is definitely your experience?

Ms ROBERTS: Definitely, yes—plus they cannot changeover at that time.

The Hon. GREG DONNELLY: Thank you for attending today. The submission you made to the Committee, on what is effectively page two at point 1 (d)—

CHAIR: I remind some Committee members that the Committee has received confidential submissions.

The Hon. GREG DONNELLY: I will perhaps not ask the question in the form that I thought I might.

Ms ROBERTS: Okay.

The Hon. GREG DONNELLY: Without referring to your submission, and more generally albeit related in terms of the 60 vehicles that you have referred to, was that something that you had expected to increase over time, and has not, from Lime Taxis's point of view?

Ms ROBERTS: Yes. We actually modified 90 vehicles. We had to perform to get more plates. At that time, Macquarie—

The Hon. GREG DONNELLY: I am sorry to interrupt. Could you explain what you have just said?

Ms ROBERTS: We had to perform with our wheelchair work and signing on to 0200 to enable us to get more plates from the Government.

CHAIR: You needed to achieve certain targets. Is that what you are saying?

Ms ROBERTS: Yes, correct. For us to meet that, Macquarie Bank at the time were giving a lift fee of \$20 per job. This is before the \$8.47 incentive came out. We were offering \$20. I know that our wheelchair work was like 1,500 jobs a week and had increased because the drivers were getting that extra money from that incentive that we were paying. But naturally you cannot sustain that for too long when drivers are doing 1,500 jobs a week.

The Hon. GREG DONNELLY: Can I ask you what the current lifting fee is?

Ms ROBERTS: It is \$8.47 on the TTS.

The Hon. GREG DONNELLY: I am sorry; with respect to Lime, is that what you currently pay?

Ms ROBERTS: We do not offer any incentive at the moment. When the \$8.47 came in, we dropped it to \$10. They were still getting the \$20. When the Macquarie Bank sold it, the new owners dropped it altogether, and they got the \$8.47 from the Government subsidy.

The Hon. GREG DONNELLY: It has been argued by other witnesses to this inquiry that that fee, in and of itself, if it is at the right amount and struck at the right level, can be influential in providing motivation for the provision of taxis with disabled passenger capacity. Would you agree with that statement?

Ms ROBERTS: Yes, I would.

The Hon. GREG DONNELLY: Do you have a view about what might be an amount which might concentrate drivers' minds to enter into the disability field?

Ms ROBERTS: I think it would be between \$10 and \$15. I think other States are higher. If you go to the ATIA site, they list all the wheelchair rates.

The Hon. GREG DONNELLY: Which site?

Ms ROBERTS: The ATIA site. I think it is their site. I can send you some of the sites.

The Hon. GREG DONNELLY: If you have a schedule.

Ms ROBERTS: I think I have. We conducted investigations as we were doing papers on it.

Ms LEE RHIANNON: As you would be aware, the Government still keeps secret the list of taxi plate owners who trade their licences. We are talking about an industry worth more than \$2 billion. You spoke earlier about the difficulties that your industry has had in gaining certainty about how you would operate. Do you feel that this secrecy about who owns the taxis and how the industry works has contributed to these problems?

Ms ROBERTS: That is a hard question. I would not like my name accessible to every taxi network, unless I was advised. You do not want people ringing you up and offering you more money for your plate and things such as that as it could lead to that type of behaviour. At the end of the day I do not know what the result will be but I do not think you will get too many taxi networks operating in Sydney because there is no avenue for them to participate in the industry.

Ms LEE RHIANNON: So 200 plates have been free while the majority have paid about \$350,000 for a plate. How much did your company pay for its plates?

Ms ROBERTS: We paid \$1,000 for short-term licence plates.

Ms LEE RHIANNON: You paid \$1,000 for 10?

Ms ROBERTS: No per year. They are renewable annually.

Ms LEE RHIANNON: Was that negotiated? Was that part of the deal in the whole arrangement that you had?

CHAIR: That is the set figure that is paid for all these plates—\$1,000 per year per plate.

Ms ROBERTS: Per plate.

CHAIR: And you provide your own vehicle?

Ms ROBERTS: Every year there is a criteria you need to meet to renew the plate. You have to ensure that you tick off that you have done wheelchair work, that your driver has been on the 0200 system, and that he has been doing his wheelchair work.

Ms LEE RHIANNON: I pick up on a point that you made relating to drivers and to the challenge with which you are faced in getting them to undertake this work.

Ms ROBERTS: Yes.

Ms LEE RHIANNON: At one point you said that they say they are busy but you can see that they are not busy. Why do you think that is? We heard from drivers again today. Many of us who jump in a taxi are told about their financial problems and about how little they are paid. Do you believe that they are not going out on a call because they do not think it is worth their while, or are you suggesting that there is some other reason?

Ms ROBERTS: I do not know whether they are waiting for the big miracle job. They are supposed to be working. They are available for work and they have an obligation to log into the 0200 system if we are to keep our taxi plates.

Ms LEE RHIANNON: Is that a stumbling block and is that why your project is not working as well as you had hoped?

Ms ROBERTS: Yes.

Ms LEE RHIANNON: If the driver's attitude is a stumbling block do you need to get to the bottom of that? What is the reason they are not taking these jobs?

Ms ROBERTS: They might not be offered a job anyway but they should make themselves available. Maybe they do not want to do wheelchair work. Maybe they want to drive around in a big nice Mercedes van, pick up six passengers and go to the airport. At times I do not know what they are thinking. All I know is that they need to comply. Maybe some drivers out there should not have a wheelchair accessible taxi licence.

Ms LEE RHIANNON: I was trying to get to the bottom of that.

Ms ROBERTS: We need to get a good pool of drivers who really want to do the work.

Ms LEE RHIANNON: When you spoke earlier you seemed to be concerned about the fact that the project had not gone as well as you would have liked.

Ms ROBERTS: No.

Ms LEE RHIANNON: From what I have heard you are putting more of an emphasis on the drivers rather than on how the project is playing out or how the Government interacts with you. Is that what are saying?

Ms ROBERTS: Basically the fact that we do not comply comes down to the network; it does not come back to the driver. At the moment, even though we have a judiciary within the 0200 for non-performing drivers, I do not think it is being used to its full potential. We need to crack down and to start putting some drivers through that judiciary system.

Ms LEE RHIANNON: What would that involve?

Ms ROBERTS: It goes from counselling through to seven-day suspensions and to being reported to the Ministry, or to NSW Transport and Infrastructure.

Ms LEE RHIANNON: And has that not happened so far?

Ms ROBERTS: It used to happen but it has not happened recently.

Ms LEE RHIANNON: Are you a member of the Taxi Advisory Council?

Ms ROBERTS: No.

Ms LEE RHIANNON: Do you think it would be useful for you to be on that body?

Ms ROBERTS: Yes, I think so. We need to hear about the needs of people with disabilities if that is part of the advisory committee. If you are a member of the New South Wales Taxi Council that council usually represents you. I am not too sure.

Ms LEE RHIANNON: To date that was the body that you had hoped would take forward your interests?

Ms ROBERTS: Correct.

Ms LEE RHIANNON: Do you concede that there could be a role for your group to be a member of that council?

Ms ROBERTS: Yes.

Ms LEE RHIANNON: As you are substantially different from other taxi networks?

Ms ROBERTS: We are different from other taxi networks in Sydney.

Ms LEE RHIANNON: What is your relationship to Cab Charge?

Ms ROBERTS: We have Cab Charge terminals in our taxis. We use a 0200 system. We submit dockets for payment that we receive through Cab Charge. Our relationship with Cab Charge is a normal working network.

CHAIR: I refer again to the issue of drivers. As I understand it your company owns all the cabs so you simply employ all the drivers?

Ms ROBERTS: Yes.

CHAIR: As such are any of the drivers owner-operators?

Ms ROBERTS: There are some owner-operators in our fleet.

CHAIR: Within that figure of 75?

Ms ROBERTS: Yes, there are.

CHAIR: How many would be owner-operators?

Ms ROBERTS: At the moment we are probably looking at about 20.

CHAIR: So 20 of the 75 drivers are owner-operators?

Ms ROBERTS: Yes.

CHAIR: If drivers become a serious problem are you liable to suspend them or simply to terminate them?

Ms ROBERTS: Terminate them.

CHAIR: How difficult is it to find replacement drivers?

Ms ROBERTS: Very difficult.

CHAIR: Are you saying there is a problem within the market because either there are not enough drivers per se or there are not enough drivers interested in undertaking this work?

Ms ROBERTS: I would say that there is probably a bit of both there. There is definitely a driver shortage, but there is more of a good driver shortage.

CHAIR: Ms Rhiannon said earlier that the drivers are not able to derive sufficient income by driving wheelchair-assisted cabs to assist these persons. They are trying to obtain a reasonable income but there are no incentives for them?

Ms ROBERTS: I disagree with that statement.

CHAIR: You mentioned earlier that when the company first started, via the Macquarie Bank, there was a \$20 incentive.

Ms ROBERTS: Yes.

CHAIR: It appeared to work well, there were plenty of drivers, you were not having the problems, and you were meeting all the targets?

Ms ROBERTS: We were.

CHAIR: Clearly that amount of \$20 was the right amount?

Ms ROBERTS: Yes.

CHAIR: We are now down to \$8.47 and it is not the right amount. I think you mentioned a figure earlier but I missed it.

Ms ROBERTS: I referred to \$10 to \$15.

CHAIR: You believe that \$10 to \$15 is the appropriate amount?

Ms ROBERTS: Yes.

CHAIR: That would be an appropriate incentive?

Ms ROBERTS: Yes, that is an incentive. However, at the end of the day it is a job and I think they should do their job. If what they want to do is drive wheelchair accessible taxis they have a responsibility as the drivers of those vehicles.

CHAIR: To your knowledge is the pay-in fee to your company too high by drivers acquiring a shift?

Ms ROBERTS: No. We are less than the contract determination.

CHAIR: Compared to other normal taxis?

Ms ROBERTS: Compared to other normal taxis we are much less.

CHAIR: You are below?

Ms ROBERTS: Yes.

CHAIR: Are you able to tell us what the amount is, or is it commercial in confidence?

Ms ROBERTS: No, but I will get that comparison to you on notice.

CHAIR: I would appreciate that. Are you able to tell us what you think is the general rate within the market?

Ms ROBERTS: Of the wheelchair accessible taxis?

CHAIR: The wheelchair accessible taxi pay-in for a driver.

Ms ROBERTS: I think it is between \$1,000 to \$1,150 and that is a weekly figure.

CHAIR: What is the figure for a normal taxi?

Ms ROBERTS: Usually it goes on the contract determination. They go shift by shift.

CHAIR: It would vary depending on whether it was the morning or the afternoon.

Ms ROBERTS: And it might be a different type of vehicle. It might be a Silver Service vehicle or a White Taxi, which has a different network.

The Hon. TREVOR KHAN: You commenced by stating that you felt the taxi industry in a sense needed to be a leader rather than a follower. I think that was the general drift of your statement.

Ms ROBERTS: So far as incentives and things like that are concerned I think we were the last State to introduce an incentive after the other States.

The Hon. TREVOR KHAN: An incentive for?

Ms ROBERTS: Wheelchair taxis.

The Hon. TREVOR KHAN: I do not wish to belittle that, but apart from that issue what other problems have you identified in the industry that need a proactive response? I think that was the general drift of what you were saying.

Ms ROBERTS: Recently there has been a draft on security cameras and taxis. Recently it was reported that there were 72 sexual attacks concerning taxidriviers. In the new draft taxis will have seven days of footage. It might take someone who has had an incident in taxi seven days to report that incident, and that footage would have gone. I am not saying that every driver is doing the wrong thing. Drivers could be accused of something that they are not doing. I think that the cameras should be there as a protection for drivers and for passengers. These allegations are not good. We hear about these allegations but we do not hear how many attacks there have been on drivers. The media reports these incidents but it is time for us to look at those cameras and to establish whether we should have different types of cameras. There are issues involving the Privacy Act and things like that but I think everyone wants to be protected. I would prefer to have something that is running all the time and to have that protection.

The Hon. TREVOR KHAN: Are there any other areas that you believe need to be addressed?

Ms ROBERTS: The tender that just went out for the 100 plates showed that there was a demand for taxi plates. It has been a long time, looking at that need. With all the reporting that we do and that we can do we should be a bit more proactive with that.

The Hon. TREVOR KHAN: I refer to the issue of nexus plates. I think the Chair asked you a question about nexus plates at the commencement of your evidence and, to be frank, I was a bit mystified about what you were saying. You suggested that there has been a problem. What would you identify as being a problem with the nexus plates?

Ms ROBERTS: Everyone was saying that they were given to the networks for free. If the Government made that decision at the time and it was incorrect, it should correct it. It should charge them for the plates. I do not know; that might be the wrong thing to say. However, it should be fixed. I do not think our industry needs to be dragged down into nexus plates. There are other things out there that we need to fix and I do not know what nexus plates will do for anyone in this industry. We have to move on. If the Government does not charge networks for nexus plates, as a network I would like some free nexus plates. All I am saying is that you will not get new networks in Sydney. A decision must be made about those nexus plates. We should then close the door and go forward.

The Hon. TREVOR KHAN: I refer to performance indicators in your operation. Does your network have individual key performance indicators?

Ms ROBERTS: Yes.

The Hon. TREVOR KHAN: What do they cover?

Ms ROBERTS: Call centre times, pick-up times, telephone statistics on how many calls we received, how many calls were abandoned, and things like that. That is done on our WATs and on our normal cars. With the bookings we have bookings received, bookings completed, no car available and percentages. There is a whole list but it relates mainly to bookings. This is over a one-month period and we submit that by the 15th of each month.

The Hon. TREVOR KHAN: To whom?

Ms ROBERTS: To NSW Transport and Infrastructure.

The Hon. TREVOR KHAN: Do they identify performance by area or is it over the whole of the network?

Ms ROBERTS: Over the whole network for the month.

The Hon. TREVOR KHAN: Is your system capable of identifying performance over particular areas?

Ms ROBERTS: All jobs completed in the western suburbs?

The Hon. TREVOR KHAN: For instance, or the northern beaches.

Ms ROBERTS: We do have a recording tool that we use. I do not know what other networks do.

The Hon. TREVOR KHAN: I am only asking about yours.

Ms ROBERTS: I can tell you how many jobs we completed in the western suburbs, yes.

The Hon. TREVOR KHAN: Have you been asked by the Government to provide it by geographic area?

Ms ROBERTS: No.

CHAIR: It is always globally? Just the one figure?

Ms ROBERTS: It is just the one mass.

The Hon. TREVOR KHAN: Are you able to identify the usage level of individual vehicles?

Ms ROBERTS: Yes, how many days they are on the road.

The Hon. TREVOR KHAN: And how much time they are actually operating in a shift?

Ms ROBERTS: Yes, on an hour.

The Hon. TREVOR KHAN: Is that the sort of statistic that is provided to the Government?

Ms ROBERTS: For wheelchair taxis, yes.

The Hon. TREVOR KHAN: What about for your 14 or 15 other taxis?

Ms ROBERTS: No.

The Hon. TREVOR KHAN: Is your system capable of providing it for the other taxis?

Ms ROBERTS: Yes.

The Hon. TREVOR KHAN: Would you agree that the usage levels by shift, time and location are the sorts of statistical material that may assist a government in planning the provision of plates?

Ms ROBERTS: Probably for area, definitely, and time, of course. You just cannot put out plates for Friday and Saturday night, of course, but you might be able to look at a different type of plate for Wednesday to Sunday. I do not know. There might be something that someone could be interested in. But a wheelchair accessible taxi costs a lot of money to put on the road.

The Hon. TREVOR KHAN: I will come to that question.

Ms ROBERTS: That plate would not be viable if it could not be operated seven days a week and it would not be an advantage to the wheelchair accessible—

The Hon. TREVOR KHAN: I was not necessarily directing my questions to what your organisation does but in a more general sense. Can you indicate what is the cost of your vehicles compared to what we could describe as the usual taxi-style vehicle?

Ms ROBERTS: The total cost of our vehicle is \$90,000 and \$23,000 of that was the conversion.

The Hon. TREVOR KHAN: What does the standard taxi running around Sydney cost new?

Ms ROBERTS: Probably \$30,000 to \$36,000, maybe.

The Hon. TREVOR KHAN: That would be a Ford or a Commodore or something like that?

Ms ROBERTS: That is right—an upmarket car with leather trim, because ours have leather trim. Lime taxis have to have leather trim.

CHAIR: What about a converted wheelchair accessible vehicle? What would be the additional cost above a standard taxi?

Ms ROBERTS: I would not know, I am sorry.

The Hon. TREVOR KHAN: Essentially what you are describing are costs in excess of twice the cost of the vehicle. Is that the general drift?

Ms ROBERTS: Correct. Yes. I think someone investing that type of money must have an interest in providing services to the wheelchair community.

The Hon. TREVOR KHAN: It is a significant investment.

Ms ROBERTS: It is.

The Hon. TREVOR KHAN: You talked about the difficulty of attracting drivers or, as you described them, good drivers. We have heard some evidence on this issue today. Are you able to give an opinion as to why it is difficult to attract good drivers?

Ms ROBERTS: Possibly because a lot of the good drivers have become operators of wheelchair taxis. They want to start their own business, and I am all for that. That is where it gets a bit deluded because those drivers have become their own businesses. The training is subsidised anyway, so it is not a cost of the training.

The Hon. TREVOR KHAN: No, I am not suggesting it is, but if there is a labour shortage in the industry—I suppose I am inviting an explanation as to why there is a labour shortage. Some of the evidence we have heard would suggest that it is not limited to Lime Taxis but is a wider problem and not limited to wheelchair accessible taxis. If that be the case, it cannot only be an issue of dedicated owner operators going out there. It has to be something more.

Ms ROBERTS: We have a fleet on our base that operates 40 normal taxis and they are full, so they do not have a problem.

The Hon. TREVOR KHAN: Full in what sense? Full of customers?

Ms ROBERTS: All the shifts are full; full of drivers.

The Hon. TREVOR KHAN: Can I go to a couple of issues regarding customer experience, and again this is not directed at Lime, but you have had experience in the industry for some time, have you not?

Ms ROBERTS: Yes.

The Hon. TREVOR KHAN: Do you have any suggestion as to how the apparent shortage of taxis at shift changeover times could be addressed?

Ms ROBERTS: You could possibly bring up more night plates to start at 12 o'clock in the day. Probably there are not enough of those in comparison to a 24-hour unrestricted taxi plate.

The Hon. TREVOR KHAN: Sorry, could you explain that to me please?

Ms ROBERTS: There is a 24-hour taxi plate that normally changes over between 2.00 and 3.00 p.m. Maybe you need more night plates that start at 12 noon and work through.

The Hon. TREVOR KHAN: There is a way of controlling the changeover by making it a condition of the licence plate itself?

Ms ROBERTS: Correct, yes.

The Hon. TREVOR KHAN: With regard to the anecdotal stories of new drivers in particular who have difficulty in finding their way around the city, why is that occurring in light of the training that is available in the industry?

Ms ROBERTS: I could not comment on that. I just do not know. I am not associated with any training school for new drivers.

The Hon. TREVOR KHAN: Does your network receive any complaints with regards to—

Ms ROBERTS: Not taking the shortest route and things like that, yes. Using the Eastern Distributor, which is my pet hate, because it charges someone an extra toll. We get complaints about that and possibly going out to Parramatta and using the M5 and the M4. Sometimes we have issues with that. We have a fare calculator and we give them an estimate of what the fare should have been for their journey and if the driver has made an error they have to pay the portion back.

The Hon. TREVOR KHAN: Is that right?

Ms ROBERTS: Yes.

The Hon. TREVOR KHAN: We have heard some evidence from the department, I suppose we could describe it, with regard to compliance officers. I think the evidence was there were some 20 of them. What

contact has your network had with the compliance officers with regard to non-compliance with your plates and the like?

Ms ROBERTS: I have not met a compliance officer. Is that through the Taxi Council compliance?

The Hon. TREVOR KHAN: No.

Ms ROBERTS: Is it government compliance? We have a taxi base at Alexandria and they turned up about four months ago and went through all the cars and checked security cameras and things like that.

The Hon. TREVOR KHAN: When you say "they", whom do you mean?

Ms ROBERTS: NSW Transport and Infrastructure officers. I think there were three of them. I do not have anything to do with the fleet per se as far as that is concerned.

The Hon. TREVOR KHAN: Are you aware of any other times that compliance officers have attended the base to check on the vehicles apart from that one occasion?

Ms ROBERTS: No. It is random. You do not get any warning.

The Hon. TREVOR KHAN: It would seem to be very random if we know of one occasion.

CHAIR: Are you aware of instances of drivers complaining to you that they have received infringement notices or compliance officers have come up to them and indicated they are not permitted to do certain actions? Has that come back to you or is it information that would not come back to you?

Ms ROBERTS: It should come back to us but, no, I have not received any information.

The Hon. TREVOR KHAN: Do I take it that apart from this one occasion involving three officers turning up at the base to check on the vehicles you are not aware of any other instances where compliance officers have had some interaction with your 74 taxis?

Ms ROBERTS: No.

The Hon. TREVOR KHAN: How long has Lime been operating?

Ms ROBERTS: Since October 2006.

The Hon. TREVOR KHAN: And how long have you been involved with Lime?

Ms ROBERTS: From the beginning, in December 2005.

The Hon. TREVOR KHAN: Can I go on to motor traffic regulations and the like and ask you—I am not sure whether you were here before lunch and heard certain evidence that was given—

Ms ROBERTS: No, I was not.

The Hon. TREVOR KHAN: Are you aware of any problems for individual drivers or owners of taxi plates with regard to fines being imposed in no-stopping, no-standing or no-parking disability car parking spaces?

Ms ROBERTS: No. I am not aware of that. That would go to our fleet manager and he would be the best person for me to check.

The Hon. TREVOR KHAN: I would ask whether there have been issues with regard to fines levied for drop-off and collection of passengers, particularly disabled passengers.

Ms ROBERTS: No problem.

CHAIR: I have one last question that touches on something you said earlier. A number of people have suggested a plate be issued for the sole purpose of Friday night and Saturday night and that would solve everyone's problems. The reality is that even if the plate was leased at a very low cost you still have to come up with all the other costs—the vehicle, in particular if you are going to convert it into a wheelchair access vehicle.

Ms ROBERTS: Meter, roof sign.

CHAIR: And all the other equipment. You are looking at a \$50,000 to \$90,000 investment to drive a car for two nights. That is not workable. Is that your opinion?

Ms ROBERTS: It is not feasible.

CHAIR: Ms Roberts, thank you very much for your time. It has been most helpful for this Committee. The Committee has resolved that answers to questions taken on notice should be returned within 21 days. The secretariat will contact you in relation to questions you have taken on notice. Committee members may also have some additional questions that will be sent to you and again you have 21 days to respond.

(The witness withdrew)

(Short adjournment)

GARTH MULHOLLAND, Chief Adviser, Transport Workers Union
and

DARCY TREVOR WALLER, Official, Transport Workers Union,
examined:

CHAIR: In what capacity do you appear before the Committee?

Mr MULHOLLAND: I am here on behalf of the Transport Workers Union of New South Wales.

Mr WALLER: I am here representing the Transport Workers Union.

CHAIR: Do you want to make an opening statement? Do you want to expand on anything in your submission or provide new material as opposed to simply repeating what is in your submission which has been read by members of the Committee.

Mr MULHOLLAND: Darcy would like to talk about a couple of issues that we have not covered in the submission. The first is in relation to regional and country drivers and the second is in relation to some tangible issues of actually, I suppose, providing some evidence of some of the things that we have said in the submission.

Mr WALLER: On behalf of the TWU, I represent members of the union that are taxidriviers both in Sydney, up and down the coast and inland areas of New South Wales including Dubbo and Orange, et cetera. When I knew of this hearing I made a couple of phone calls as I am a little bit new with these type of inquiries. I will start with an area that appears to be neglected by all and sundry, that is, stories that drivers tell me about country areas where there is no contract determination. There are no rules of thumb anywhere. The drivers out there usually work under what the co-ops or the operators tell them to do.

The general rule of thumb that I have been able to understand is that there is a 60:40 ratio in the pay-in—60 goes to the operators and 40 to the driver. On a bad day in Port Macquarie, Bourke or Dubbo that 40 might not be very much at all. One issue they have is that there is no down time if the cab is off the road. Say they are asked to do a shift and through whatever reason there might be a problem and the cab is off the road for two or three hours and they do not get paid for it. They also feel because there is no maintenance of cameras, the radio reception is poor and GPS location devices are not accurate that puts them in a position of vulnerability under attack. I will quote something that happened to one driver after he was attacked.

Also in the country they allege there is a lot of bullying and standover tactics by operators. For example, "You will do what we would like you to do or you will not have work". The driver that I quote, who asked me to keep his name private, is from Port Macquarie. After being bashed at night he raised some issues with the co-op. I believe the co-op and the operator were not happy with him raising the issues so they said they would take him off the night shift and that would limit his opportunity to be bashed. By not being out there he will not have a problem, but it meant that somebody else would. During the next course of events he was also told that he would be taken off the early morning shifts because again you could have the same problems about being bashed.

Also he raised the issue of radio reception and said he was told because he was not doing those early morning shifts he would not have any problem with the radio reception. Eventually there was no work at all for him. So by him raising his concerns about the safety of him and his colleagues, he was dismissed. He turned to the union for support and our country organiser for that area has been up there. The taxi owner said that the best thing he could do would be to move him away so therefore it was not putting him at any risk of any attack or assault. When he was asked if he had an occupational health and safety policy in place that would cover anything like this, or whatever security positions were in place, the owner just said "I am sick of all this. We don't have any of that and we are not likely to want to have any of that" or words to that effect.

In the country, that has been coming back to us on a reasonably increasing load. It has happened in Katoomba I know on a number of occasions. So country drivers tend to feel that they are totally left out of the big picture. People here in Sydney do not know about them and a lot of people in Sydney do not care about them. This particular gentleman asked me, on his behalf, to thank you for at least listening to his words at this forum, which brings me back to Sydney.

I have been an official with the union for more than six years, mainly with the private bus industry. I am the official who looks after that and as a sideline I do a lot of taxi. I have been around taxi ranks for a fair amount of time in my spare time, when I get some. I do a Silver Service seminar on a monthly basis with the Taxi Council as part of the training for taxidriviers. I give a very brief 20-minute presentation on industrial rights. This morning I was to be at a meeting in our office but that was cancelled. I was able to swap my days around and attend the Silver Service presentation this morning, which I thought would have been timely. Instead of going through my normal presentation I started off in a slightly different manner.

I will explain it briefly. If I say anything wrong I am sure it can be corrected. The taxidriver starts and goes to a training school. There are four schools in Sydney that do training. I think one of them is owned by the Taxi Council, I am not sure about the others. They do bronze and silver training programs. The bronze gives them introduction to the industry. They are supposed to talk to the drivers a little bit about industrial rights. When they move through there they come into the Silver Service and they do things such as the Ministry of Transport, the Police are there to address them, the Guide Dogs, Tax, WorkCover and all of those organisations address the drivers. So they get 20-minutes for each presentation.

The very first question I asked the 50 or 60 assembled relatively new cab drivers this morning was "How many people are aware that their operator has to supply them with a work uniform such as a shirt?" I asked the question twice because I was stunned by the silence and a lot of the people do not have English as a first language. I made sure they understood the question and not one of them was aware or had been told by anybody after six or nine months of driving that they were entitled to have shirts provided to them. This came after the presentation from Transport and Infrastructure who told them that they had to be neatly presented and well dressed otherwise they could be breached. I felt that was very sad, looking around the room and the differences in nationalities out there, that they could be breached for something they did not know about.

I then showed them a copy of the taxidriviers contract determination. I asked how many had seen it and did anyone understand what was in it? One fellow said that he thought he had seen it and the rest were very sullen and quiet. I think my next question was, "Has anyone actually been spoken to by anybody about their industrial rights?" Probably one-third of those 50 or 60 people said something along the lines of "We have heard something. We know about holiday pay but mainly through other drivers." I then went on and gave my 20-minutes about what they are entitled to and what they can do. I told them about the opportunity to join the union and whatever else is required, and what we can do for them.

When I was giving that presentation and afterwards in question time the question was about holidays and sick pay. Are we entitled to it? Yes, you are. "Oh, but our operator says that if we only charge you the lowest pay-in figure you are not entitled to sick pay or holiday pay." Basically that means that you are trading away your entitlements and rights. It is a sad state of affairs to see that some of these people who understand that they are on, if you like, the lowest end of the food chain—I am trying not to be derogatory towards anyone else in the industry because I do not think I need to be. The new taxidriver is told about his customer service. John Costa from the Ministry is excellent in what he does and they talk with a Powerpoint presentation about all the penalties. The police talk about penalties that can happen to them. The ATO talk about penalties that can happen to them. The union gets 20 minutes to talk about "We can help you out, maybe, if this happens to you."

Please forgive me if I am being over the top a little. I do not know who has preceded me today or who will proceed me but I believe this is the voice of a lot of taxidriviers. People say that they are bailees so they are not employees. That in itself is a complicated system, and please try explaining that to an individual who has just come from a foreign country and been here 12 months and is trying very hard to settle into this country and be a good Australia. Try to explain that to him because I do not think I fully understand it either. When you say to them that they have got the rights that a lot of other workers enjoy, but a lot of people are not giving you those rights, they say "Why? Why are we different to a bus driver, truck driver or tram driver or anyone else?"

On behalf of these people I ask this Committee to please look at those issues. I do not know what a full answer would be, and I know there would be opposition from various parties, but we are talking about improving the standard of customer service basically and the cab industry. Customer service to my way of thinking starts at the very top and it works its way to the end user who is the taxi operator, the driver. If that driver has not been looked after by the rest of the chain, of course, he will probably be a bit gnarly at the end of the day when he has not got a clean shirt to wear and Transport and Infrastructure has picked him up and given him a breach notice.

If the chain fails it is the taxidriver who has to wear it and has been told things like "Just get on with your job and get on with your life." If he breaks down in the city, even though the taxi determination says that he should be paid make-up time, most times they are not. The operators that are out there—and I am not casting aspersions on all of them but I do know of a couple that I have had to chase up just over Christmas were not paying holiday pay. I got a very abusive overseas phone call, with the time change it was quite early but unfortunately I picked up the phone, only to be told that I had no right to be ringing anybody complaining about how much my worker is getting. I told him that I did have that right and I would see him in the Industrial Commission upon his return. He settled out of court very quickly and paid the driver what he was entitled to. I thought that was a bit of a victory—it probably was—but I do not know how many others are out there that do not have that support network that we are able to provide.

In summing up I would have to say, on behalf of the taxidrivers that are out there, that the bailee situation is not working. I call them employees. They are entitled to holiday pay and they are entitled to sick pay. They are employees of somebody. We just need lawyers and barristers to explain to us the system, but we need to look at exactly what is in it for these taxidrivers. I have run over the time limit I gave myself, so I thank you for your patience.

CHAIR: That is fine, we will start with the Opposition, then the crossbench and then the Government with 10 minutes each.

The Hon. TREVOR KHAN: There has been a suggestion made that a card-based electronic payment system should be introduced as soon as possible to replace the paper dockets being used by the taxi transport industry subsidy scheme. What is your opinion on that recommendation?

Mr MULHOLLAND: We would not provide an opinion on that. It is not in our area of expertise.

Mr WALLER: I would have to agree with my colleague. I know it is coming in to the bus industry, that type of thing, but bus drivers have been prepared for change. It has been spoken about for some time—and not particularly the one just announced—but I think we would have to get consensus from the staff. There are a million reasons for it I think. In my personal opinion, taking away my Transport Workers Union hat and as a member of the public, it might be a good system, but I cannot speak for the drivers.

The Hon. TREVOR KHAN: Why do you think it would be a good system?

Mr WALLER: In a position where people are expected to be changing \$100 notes or in a position where there are people carrying a lot of cash around. A cab driver might have \$400, \$500 or \$600. Once you have that sort of money on you and you are pulling money out of your pocket, you are a target. It probably would work, but again that is a personal opinion and I would not want to speak on behalf of taxidrivers at this stage.

The Hon. TREVOR KHAN: I will move on to another proposal, that is, that a regulation be introduced to stipulate that EFTPOS devices must be attached to the taxicab and taxidriver details entered at the start of a shift in such a manner to ensure that correct identification details of the taxicab, authorised taxi network, taxidriver identification and taxidriver ABN are printed on all receipts issued. Mr Waller, what is your view about that?

Mr MULHOLLAND: Would we be able to see the proposal and provide a response on notice? It is very difficult for us to answer a question like that when you have not even actually shown us the detail of the proposal. It does relate to the driver work situation, so I think it is important for us to look at that.

The Hon. TREVOR KHAN: Mr Mulholland, I take it that in coming before this inquiry you would have taken the opportunity to apprise yourself of the other submissions that have been made?

Mr MULHOLLAND: I have looked at some of them, but not all of them.

The Hon. PENNY SHARPE: There are 50 of them.

The Hon. TREVOR KHAN: What about the one from the Taxi Council of New South Wales? Would you not have taken the opportunity of looking at that one, essentially the employer submission?

Mr MULHOLLAND: We have had a look at it, but I have not looked at that particular submission in detail on the issue you have raised. I will take the question on notice and if you give me the information I will provide you a written response.

The Hon. PENNY SHARPE: Witnesses are allowed to take questions on notice, and they should be able to do so without badgering from the members.

Mr MULHOLLAND: We will keep looking after our workers because that is how we spend our day.

The Hon. TREVOR KHAN: What is your view about introducing a requirement for provision of receipts upon request? Do you agree or disagree with that proposition?

Mr MULHOLLAND: How does that differ from the current scenario? You can ask for a receipt now, can't you?

The Hon. TREVOR KHAN: Printed receipts.

Mr MULHOLLAND: You can get one now, can't you?

The Hon. TREVOR KHAN: You are the representatives—

Mr WALLER: You can. I have been in cabs—

Ms LEE RHIANNON: So has he.

Mr WALLER: Yes, but you can get receipts. I was going to the Industrial Relations Commission the other day and the guy was a bit concerned about printing the receipt out because he stopped in a bad—there was nowhere to stop anyway, and he was very concerned and said, "I hope I don't get booked giving you a receipt", but you can do it, and it has been quite common for some time.

Mr MULHOLLAND: We state in our submission that we focus our attention on the worker rights issues that come up. When you talk about an industry where people cannot even get paid their normal entitlements, the last things we are going to spend time on are other issues when those issues need to be resolved.

The Hon. TREVOR KHAN: Let us deal with something that directly impacts upon the workers, and that is traffic regulations. What is your view on the problem of stopping in no-stopping zones?

Mr MULHOLLAND: We acknowledge that it is an issue and obviously needs investigation, but there are safety issues that need to be taken into account, so it is not something that we could provide a response on. It would have to be researched and looked at.

The Hon. TREVOR KHAN: What about disabled parking zones? Have you come to a view about collection and drop-off in those areas?

Mr WALLER: I do not believe that we, as a union, can be responsible for where every taxidriver stops and picks up, but if that is the only safe place to pick up a fare—if he drives on and does not pick the fare up he is going to be breached.

Mr MULHOLLAND: We also cannot endorse a breach of the law. We understand why taxidrivers sometimes do these things and how they get caught out, but we cannot endorse it—that does not make any sense. But when you are talking about fundamental changes like that, which involve safety and other issues, we might say that we would like to see the life of a taxidriver—and of a passenger—made easier, but we do not want to see people getting killed or injured because of policies that are put in place to try to achieve that particular outcome. People might have to walk to the nearest taxi rank and be put out a little bit. We just do not know what other scenarios or options are available.

The Hon. TREVOR KHAN: Have you given consideration to whether taxis should be allowed to use transit lanes?

Mr WALLER: They are now.

Mr MULHOLLAND: They do.

The Hon. TREVOR KHAN: All transit lanes?

Mr WALLER: Yes, to the best of my knowledge. I might be wrong, but I am nearly sure I am right.

CHAIR: Order! I ask those in the public gallery to please not interject or intervene.

The Hon. TREVOR KHAN: The reason I ask is that we have received evidence today that there are specific transit lanes in various parts of Sydney where taxidriviers are allowed to drive and others where they are not. It is an issue that makes it difficult for the individual driver and the passenger in terms of accessing taxis.

The Hon. GREG DONNELLY: I think the questioning this morning, at least in part, dealt with bus lanes.

The Hon. TREVOR KHAN: It did too.

The Hon. GREG DONNELLY: That is what I recollect, so I think you need to clarify whether you are talking about bus lanes or transit lanes or both.

The Hon. TREVOR KHAN: I am talking about transit lanes.

Mr MULHOLLAND: Based on the submissions of our drivers, they have said they would like to see as many advantages as possible over normal private vehicles, so obviously that would be looking at the use of other types of lanes where it is safe and appropriate.

The Hon. TREVOR KHAN: Have you made any submissions to the Government with regard to access to transit lanes and, if so, when?

Mr MULHOLLAND: I suppose what is the time frame on questions is the first thing I would ask you. When you say the Government, you are talking obviously about the transport Minister?

The Hon. TREVOR KHAN: I am talking about the State Labor Government, so that would limit it to some decade and a half.

Mr MULHOLLAND: Okay, the last 14 years or whatever. We have extensive discussions with the Government.

The Hon. TREVOR KHAN: With regard to transit lanes, Mr Mulholland?

Mr MULHOLLAND: Am I on trial here or something?

The Hon. TREVOR KHAN: No.

Mr MULHOLLAND: I am feeling like you are very hostile, to be perfectly frank. You know where I come from, you know who I represent and what I am about, and at the end of the day, as I said to you, we are about representing workers' rights. I think some of your line of questioning is trying to find out whether we have made a submission to the Government to see whether they have taken no action, and I think it is a political type of question. I really do not think it is on topic. I do not know whether I am allowed to actually object to answering, but I would like to.

CHAIR: Mr Mulholland, could I suggest that if you have an answer to the question, answer it; if you do not have an answer or you do not know, simply say that you do not know.

Mr MULHOLLAND: Well, I have been here—

CHAIR: Please allow me to finish.

Mr MULHOLLAND: Sorry.

CHAIR: If you want to take it on notice, take it on notice. We are not going to get anywhere if you and the member asking the questions are going to have interjection arguments. Please continue, Mr Khan.

The Hon. GREG DONNELLY: I think you should direct the same comments to the Hon. Trevor Khan, Mr Chair.

CHAIR: Thank you, Mr Donnelly.

The Hon. TREVOR KHAN: Have you made any submission?

Mr MULHOLLAND: No, I have not made any submission. I will take on notice whether we have made a submission in the last couple of years, which is probably a realistic time frame.

The Hon. TREVOR KHAN: With regard to issues such as changes in traffic regulations in respect of no-stopping zones, parking zones and disabled parking zones, do you know if any submissions have been made?

Mr MULHOLLAND: We have extensive discussions with the Government about these types of issues on an ongoing and regular basis. We are always talking about different options and different opportunities, but there is no formal specific written proposal or submission.

Mr WALLER: I think I can answer that question in the affirmative, going back a couple of years. I do not have the details—I was not involved—but I am sure there was something because I remember it being said, but exactly when and the details of it, I am not sure. We did speak about it, naming the number of stops, whether it was two-minute stops or whatever. We certainly did get involved in that.

The Hon. TREVOR KHAN: Your submission makes reference to the difficulty with regard to drivers being pinged in terms of stopping in those locations. Have you any statistics in terms of how often that has occurred to your members and in what circumstances?

Mr MULHOLLAND: We are taking calls like that on a regular basis, but we do not have actual statistics that we have gathered. Doing an extensive research program would be fantastic, if you want to help provide some funding or something along those lines for us to go and do that. It is very difficult for us to do that. The number of calls we have—we have one organiser who looks after the taxi industry and has heaps of issues and problems. Darcy, you would be regularly dealing with matters, wouldn't you?

Mr WALLER: During the Silver Service training up until probably 12 months ago I was handing out the survey and asking, "Have you been assaulted?" and "Have you been booked?" And it was coming back. I do apologise because those figures would probably be available somewhere along the track, but if you were to attend one of the Silver Service seminars and ask the people sitting there, who are new to the industry, how many times they had been pinged for one of these things, I would suggest that probably a minimum of 50 to 60 per cent of those people would say at least once, if not more. It is a fairly regular occurrence and—as we have all read and heard about—some areas are far more aggressive at what I will call revenue raising, as other people have, but there are areas that come down heavy on anyone who stops, particularly Sydney airport, but that is another story.

Ms LEE RHIANNON: We have had conflicting evidence with regard to the need for more taxi plates. Could you outline what the Transport Workers Union position is?

Mr MULHOLLAND: Our position is that there is obviously a need for extra taxi plates, but you have to balance the need for the extra taxi plates with the rights of people who currently own taxi plates because they are not all multi-millionaires. A lot of them are mums and dads just trying to make a living and that quite often makes up their super. We just want a balance between—excuse me, if you expect me to show you—

CHAIR: Order! The member is asking me a question as Chair, which he is entitled to do. The question that was directed to you is from Ms Rhiannon. We can read the transcript. Please do not interject when somebody is trying to ask the Chair a question. If you could continue with your answer, I would be most grateful.

Mr MULHOLLAND: You need to balance the needs of the community and the users, make sure that you have accessible and affordable taxi plates, but also that you respect the rights of people who currently have plates and maintain their current investment.

Ms LEE RHIANNON: It is mainly from taxidrivers and also from the taxi industry council that that position has been put. From what I gather, and I think you have touched on it to some extent, it is particularly linked to the serious worry about one's economic income and one's future. I was just wondering how the union arrived at that position?

Mr MULHOLLAND: I think when you have people who mortgage their house to basically go and buy themselves a job, when there is any talk of change in the system, that causes great fear and concern. I would not be surprised if we sat down with taxidrivers and they gave us that kind of thought, but at the end of the day, if there is a need for more taxis out there, we also need to think about consumers, so it is just balancing the two. Darcy, do you have anything to add?

Mr WALLER: No, I think you have covered it.

Ms LEE RHIANNON: I was also interested in the industrial court ruling that taxi operators must find entitlements, such as holiday and sick pay, and that the industry has acknowledged that it does not happen in 70 per cent of cases. I was really surprised at (a) them acknowledging it and (b) it being so high. Could you indicate what the union is doing to address that, because the issue of employee conditions does seem to be incredibly serious?

Mr MULHOLLAND: We take individual operators to the commission. Obviously we have an organiser allocated. Given the level of breaches, the industry structure and the fact that you are dealing with people who quite often come from extremely disadvantaged backgrounds, it makes it very difficult to try to get any control over what is happening in the industry. Unfortunately, it is an industry where you have to say there are special requirements, special needs. We have identified other industries that are the same: textile, clothing and footwear. When you have people who are under threat and danger every day going to work, being poorly paid, not getting their entitlements and benefits, what you really need to say is not what can the union do but what can everybody do together to bring about a change?

Ms LEE RHIANNON: You are in the front line and we are getting different advice from different people.

Mr MULHOLLAND: Of course you are.

Ms LEE RHIANNON: What would you say are the key things that have to happen to change that situation?

Mr MULHOLLAND: Darcy is on the ground. He might want to talk to that one.

Mr WALLER: The key things are probably many and varied. In a nutshell, it is to have a system where a taxidriver working for an operator is regarded as an employee. Using the word "employee" over the word "bailee", as I said earlier, whether or not that could be done on an award rate of pay or an hourly rate of pay or collection basis. One of the things that would go a long way to making sure that these people were paid their entitlements is that we can force or use the legislation on that contract determination to take someone to the commission. A lot of our matters are settled before it goes to the commission because they know. The operator goes to the Taxi Council and says, "The union's on my back about this." The Taxi Council rightly tells them, "You have to fix the problem." So it is usually fixed out of court. There is a little bit of toing and froing because the operator will want to pay less than he has to. But we normally get a happy result for everybody.

I would think more pressure on the operator. I can go in and do, for example, a TNT assessment. I can do a back wage inspection on the TNT books under the law and the legislation. Maybe that is what I need to do with some of the big taxi operators too. But I would feel that would be a bit like herding cats because I do not know how strong the documentation would be. In a nutshell, it needs more power to ensure that these people are paying the right money. Just how that comes about, I think the first step would be to have an employee situation more so than a bailee.

Mr MULHOLLAND: We are greatly outnumbered as well. Obviously there are only a few of us and hundreds and hundreds of them in terms of operators. A good starting point, I was thinking just as Darcy was speaking, is do we really think that 20 minutes of industrial rights training is enough to help these guys do what they need to do, to understand their rights and to be able to stand up to their boss when they need to? They would not even know who to call or who to talk to. Really it is the level of understanding. It is not at the normal sort of level you come across in the transport industry.

Ms LEE RHIANNON: Mr Mulholland, are you suggesting that drivers be given more training in terms of their industrial rights?

Mr MULHOLLAND: Absolutely 100 per cent. That would make a difference on its own.

Ms LEE RHIANNON: You would be aware that periodically stories blow up about the state of the industry and accusations have been made that the union is too close to the Taxi Council, Mr Kermod and Cabcharge. How do you respond to those allegations?

Mr MULHOLLAND: We maintain relationships with all industry players and sectors. There are no ifs or buts about that; we would be crazy not to. But any suggestion that we are in bed with any particular individual I can tell you 100 per cent is not true. I actually get involved in these conversations and dealings, so I know it is a fact. There is no issue there. Our issue at the end of the day is getting the right outcomes for drivers. The players you are talking about are more concerned about other issues that we are not really talking about today, to be frank.

Ms LEE RHIANNON: What is your relationship with Taxi Industry NSW and Taxi Industry Australia?

Mr MULHOLLAND: We will occasionally share submissions. We will occasionally talk as well. From time to time that happens when things are afoot. There has been a little bit happening in the taxi industry recently, as you know, with licence plates and that kind of stuff. If you have a look at our position on that, we took a position that was not totally in accordance with what the rest of the industry was saying. From that perspective, that would allay your concern about the previous issue.

Ms LEE RHIANNON: Why is your coverage so low for taxidrivers? I realise how difficult it is to organise. You must grapple with that yourself?

Mr MULHOLLAND: Particularly Darcy.

Mr WALLER: It is a very good question. I wish I knew the proper answer to give you. We have run campaigns and we have been out and about. One of the reasons is that a lot of them are casual and work weekends or only a couple of days a week. When you look at the mainstream force of taxidrivers, the numbers are probably higher there. I was talking to someone the other day and I asked the question, "Why can't we get your friends to join the union?" The answer given was that a lot of them work only two days or three days a week. There are various reasons.

Mr MULHOLLAND: Financially it is a problem.

Mr WALLER: Financially it is a problem. They say that \$10 a week is too much. Some of them do not want to go onto direct debit and ask is there another way. That is probably one of the most common problems I have. When I talked to the people this morning they said, "How much is it?" and I went through the details. They said, "How do we pay? Can we come into the office and pay \$10 a week?" That is never going to work. Most of them want to pay upfront in cash. I suppose we have got to get out there and be able to show them what we have achieved. That is difficult. The only place that we can really get a whole group of them together is Sydney airport. I can tell you, at six o'clock in the morning that is a dangerous place to walk around, not because of anyone intentionally doing something but they are sitting there ready to go and the minute there is a gap in the traffic everyone is moving. I go out there a bit and I will talk. But it is funny how nearly every time you talk about joining the union they have to move their taxi or the phone rings.

Mr MULHOLLAND: I suppose the other issue for a lot of them is they do not understand what the trade union is or what they do. Everyone around the table here does. I know that some of you would know and respect what we do and others not so much but at least you have a view. For a lot of them they do not have the

knowledge of what we do. We have to educate them at that level in terms of making sure they can see what a trade union is all about.

Mr WALLER: That comes back to a proper induction such as we run in the bus industry, for example. The bus industry has similar problems, particularly one depot at Northmead where they are doing a lot of major work. They have 300 drivers, 35 different nationalities. There are about 240 members of the union out there, the reason being that we are out there all the time talking to them, there are delegates and we do inductions and get through to them their industrial rights. At that particular company we have had very little industrial unrest in the last few years because these people now know their industrial rights. They now know where they can go and what they have to do and we are able to solve any problem on the ground or through the assistance of the commission. I would suggest again, as Mr Mulholland mentioned earlier, the education of the drivers of their industrial rights through a proper induction system. A 20-minute induction or 20-minute talking to is not going to cut the mustard.

The other thing we have not touched on, there was an issue in yesterday's *Daily Telegraph* that showed exactly one of the other problems—a picture of a man wanting to punch a taxidriver. Recently a fellow was stabbed at Cronulla or in that region and there have been a number of terrible deaths of taxidrivers being burnt to death in the boot and shot at, the whole deal. A lot of that can be assisted with personal protection training. None of that has ever been applied to the taxi industry. There were things done such as screens put in place or better duress alarms. I mentioned that earlier in the country but again there is no guarantee with a lot of the operators that all these things work. If we were able to say to them that this is what is happening, the union or the Government or whoever is improving these standards, you probably would then have people looking at their industrial rights. I am not advocating mass industrial action all over the taxi industry because that certainly would not work. What I am advocating is again we have to come back to the education of these people because they do not have it.

I spoke to one fellow this morning from Guyana. We had a cup of coffee before the presentation started. I spoke to him because he had this great big red shirt on. He was a lovely fellow. We were talking about where he came from. He said that if you argued too much about what was happening to you then you were found around the back somewhere dead. I said, "That is not happening here." He said, "But I have been told taxidrivers get bashed all the time." That was a pretty sad statement. These people come from Vietnam, Thailand, the Middle East, everywhere there has been conflict—not so much Thailand I suppose, but Vietnam, Cambodia, Africa and all these places. They do not know about their industrial rights. Therefore, they feel as if they are being hard done by because their boss is saying, "No, you are not entitled to that", "No, you can't have a shirt", "Yes, you will pay for your accident." We have had that many times. The operators will say, "You have to pay a \$500 if you have an accident." They do not. We have had the Sheriff's Office knocking on doors of drivers. I have had to get involved personally with sheriff's officers and explain it to them. We got right to the point where the sheriff's officer was ready to confiscate the man's personal belongings before his operator would pay the insurance money. Education would help to solve that so they can say, "We don't know" or they can come to us and we can help them out.

The Hon. PENNY SHARPE: Occupational health and safety is a huge issue for taxidrivers. It is probably one of the things that everyone has agreed on today. Your submission deals with the issue of violence, anger, long shifts and driver fatigue. Are there any other issues you would like to highlight to the Committee that you think are occupational health and safety issues for drivers?

Mr WALLER: A taxidriver comes in, he has to take the taxi out clean and he has to be clean. The Department of Transport and Infrastructure said this morning that if they turned up at the airport not clean or not with a clean cab they would be breached. A lot of the time they go to drive the cab and things may not work. I will not say the two-way radio because that is probably wrong but little things in the cab may not be working correctly, such as the lights. They go to their operator and say, "There are no lights on this taxi." He says, "That's all right, you will be back before dark." That is incorrect. They still need the lights because heavy rainstorms or anything could happen. "The indicators aren't working"—"It's okay, it's only the front left-hand side." "The brakes aren't working properly"—"Yeah, I know about that. I've got it reported and I'll fix it up later on. Take the cab out or you won't have a job." I recall one case last year about bald tyres. The operator said, "I haven't got the tyres here yet. The guy's let me down"—or words to that effect—"either go out now or he will." The next person in line waiting for a shift took the cab because the driver who was originally scheduled to take it refused to drive.

I have spoken to WorkCover at some of these seminars. WorkCover goes on about workers compensation. They are entitled to do that. You go out into these yards, depots, and you will see taxis being washed. There is water everywhere. Drivers are coming in to start their shift. I do not usually get there at 3.00 a.m. but I get there quite often at 3.00 p.m. certain places. There is water everywhere. It is unsafe just to walk to the cab to start with. The maintenance of a lot of the cabs—although that is regulated by the Roads and Traffic Authority—the little day-to-day maintenance normally does not get done. Technically you are not to take a taxi out until the maintenance is done. But because you are not getting downtime and it is mortgage payment this week or your kids need school shoes you take the cab out and you take the risk.

Mr MULHOLLAND: In an ideal world you would like to get to the level of detail that they know how to safely pack and unpack the back of the vehicle and that kind of stuff as well so that they have appropriate training in those areas, particularly given they are brought together in their first three or four weeks. It probably would not take a lot of extra time to bring a lot of these things on board.

The Hon. PENNY SHARPE: Is there occupational health and safety training at the schools they go to?

Mr MULHOLLAND: Yes.

The Hon. PENNY SHARPE: Your evidence is that is probably inadequate. How would you like to see that changed from the current arrangements?

Mr WALLER: Again a lot of it comes back to the ability of the operator. I am not trying to belt the operator on the head with a stick. The operator has a responsibility to provide a clean, safe, healthy workplace. None of them would have an occupational health and safety policy. Probably again the education is a quick 20 minutes. I know that the Taxi Council puts up their presentation. I have seen them, but they go through fairly quickly and ask the drivers to have a look at certain slides, some of them quite comical. Everyone has a bit of a laugh and thinks that is good, that is an easy way to go through it. Again, we have to educate people, particularly the operators and the people working in those depots. They have to ensure the occupational health and safety issues are in place.

We now have a situation where the Government is saying from now on that children under the age of seven will be required to have capsules in the cabs. That is going to cause a fair amount of grief out there in taxi land when you want to get three adults in the back of a taxi. Where is he going to put the capsule? He will have to unload it. If he goes to his next job and there are people there with suitcases he says, "Sorry, I can't put the suitcases in." That is another issue that we will be facing very shortly. Where is he going to put the suitcases if there is a baby capsule or a young child's seat in the back? Those of us with grandchildren or children will understand that they are not just little things anymore. It takes two grown men and my daughter to put the one that we have for our grandson in the car when they come to visit.

There are a lot of issues there. Where to start, I really do not know. I think the whole system needs to be pulled apart. But the occupational health and safety at a transport depot or a bus depot starts off with a committee of workers, management, office workers—whoever works in there. When there is a problem, they regularly meet and they solve the problems. But a cab driver, for the safety of the public, has to be fully conscious that when he goes out of that depot that taxi is roadworthy, for his own benefit and, as we all know, most importantly for the benefit of the taxi industry, the passengers and other road users. So it involves education once again. I cannot see any other way around it apart from getting the message across.

The Hon. PENNY SHARPE: Your submission also talks about instances where drivers are being asked to pay an excess for operators. I do not know whether you are aware of this, but the New South Wales department has arrangements in place with insurance companies to ensure that that should not happen. Basically it allows drivers to submit claims on operator policies. Even if you are aware of that, perhaps you could reinforce in these sessions you are doing that they should report it to the department straightaway if they are being asked to pay an excess because, as you know, they should not be.

Mr WALLER: I would love to do that, but the timeframe we have is just probably not enough. But again, it is sheer ignorance. If a driver comes back and says, "I have just had an accident" and he is at fault, the operator knows he is up for the \$500. So he does not tell them anything. He just says, "You are going to give me \$500." Some of the more generous ones will say, "I will go you halves, \$250. I am doing you a favour."

You asked at the seminar this morning how many people have been stung in that way. It would vary between one and 20. The way Sydney traffic is, those of us who drive and have gotten through years and years of driving without an accident would say we are very, very lucky. It is not a matter of our ability; it is a matter of the whole road system's ability. That does happen a great deal, I believe, and I think it is a blight. As I said, up to the point where the operator does not say anything and you get the sheriff's officer knocking on the door because the guy is ignorant of what the procedure is, he has no idea what the sheriff is. Then they come to us. It happened just before Christmas.

Mr MULHOLLAND: It is a real positive for the drivers.

The Hon. GREG DONNELLY: Mr Mulholland, with regard to the issue of entitlements, and specifically the relevant award, can you give us a thumbnail sketch of the situation in New South Wales?

Mr MULHOLLAND: It fits into the contract determination structure, so it is not technically an award, although I suppose it operates effectively like one.

The Hon. GREG DONNELLY: Is that a determination of the New South Wales commission?

Mr MULHOLLAND: You are correct. I am sorry. Of course, with the changes that have been made in terms of the industrial relations system, this kind of stuff is up for review. This is the kind of thing that we are particularly interested in because it affects our drivers, so there will have to be talk about this moving forward. Before we came here we were talking with one of our colleagues from another body about that very issue. Talking about how you break it down, it is probably better that Darcy does that because he is the organiser who looks after the industry.

Mr WALLER: You are asking how does it work?

The Hon. GREG DONNELLY: Essentially, is there an award? I think Mr Mulholland said there it is a determination. In effect, that operates as a de facto award in terms of what it covers?

Mr MULHOLLAND: Absolutely, and we do that in a number of our industries, such as for our lorry owner-drivers et cetera. It works on that framework, yes.

The Hon. GREG DONNELLY: Is that up for review and amendment every 12 months or two years?

Mr WALLER: It did get reviewed under the old system, under the State Industrial Commission. I asked the question to our legal office what is going to happen to it. We have been told it will stay in place and eventually will have to be moved aside because all those determinations will fall by the wayside and new agreements will need to be negotiated in the future.

The Hon. GREG DONNELLY: This is a technical question. Has the new Commonwealth legislation drawn its work into that?

Mr MULHOLLAND: Not yet, no. It has been carved out.

Mr WALLER: At one stage there was discussion that it was going to be put in with the public transport award, which is mainly buses and what have you, but certainly that would not anywhere near cover it. Although the determination is fairly thick a lot of it is just one paragraph per page, but it is fairly clear on what is required of both the operator and the driver. It is not the greatest thing I have seen but it is certainly better than what—

The Hon. GREG DONNELLY: It sets the framework. The Transport Workers Union is responsible for maintaining that?

Mr MULHOLLAND: In 1995—I think it was before your time, Darcy—we made a concerted effort within the taxi industry. One of the key things we did was to have a determination made. As you have asked, yes, it is reviewed on a regular basis. Obviously costs go up and down, so that is all considered. Superannuation, annual leave, and all those things are considered and included in the whole process. Now we are at a situation where we will potentially be moving to a new framework. That is how it worked in the past, under that framework. As I said, it was the Transport Workers Union that had the determination brought into place.

CHAIR: Please take this question on notice if you wish. How many of your members in total are taxidrivers?

Mr MULHOLLAND: We had a bit of a look through the system before we came today because we knew you might ask the question. But to answer it properly we should take it on notice and come back to you.

CHAIR: Would you please take that on notice? Could you also indicate your total membership? Also, of those members that are taxidrivers can you indicate how many are drivers/operators?

Mr MULHOLLAND: They would not be drivers/operators. I am correct there, Darcy, am I not?

Mr WALLER: There is only one operator that I am aware of, and he is from the Central Coast and is a member of the union. What happens is that in the system if Darcy Waller joins the union and he does not put down what his occupation is, it goes onto a list, and there are probably quite a few of those. But we do have a split-up in other areas. We will come back to you.

Mr MULHOLLAND: What we can guarantee is that we will come back to you and give you the number of taxidrivers we cover, as against the industry. Relative against our membership I do not understand the point of that question, but as against the industry I think it is a fair question to ask of us.

CHAIR: Do you have a problem with telling us—?

Mr MULHOLLAND: No. What I am saying is that I do not think it makes any sense. I think it makes more sense as against the industry, so you get the industry penetration. You can get our member numbers.

CHAIR: It just gives us an indication of the percentages of taxidrivers compared with bus drivers, et cetera. Thank you for your cooperation; it is greatly appreciated. Gentlemen, thank you for appearing today. The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to the questions you have taken on notice. The Committee members may have additional questions for you to be given on notice and the same 21-day rule applies.

Mr MULHOLLAND: Thank you.

(The witnesses withdrew)

GRAEME CAMERON, President Elect, Taxi Industry Council of Australia, sworn and examined:

CHAIR: Mr Cameron, firstly thank you very much for coming today. I understand you travelled all the way from Melbourne, so we are very grateful for your time and effort today.

Mr CAMERON: Thank you for inviting me to the parliamentary inquiry into taxis; it is very important. I am currently President Elect of the Taxi Industry Council of Australia; I am national secretary of that organisation currently. I am also the acting secretary of the Taxi Drivers Association of Victoria, who also made a submission to this inquiry. The association is the registered trade union for taxidrivers in Victoria.

CHAIR: You are appearing on behalf of all those organisations today?

Mr CAMERON: I appear on behalf of the two I mentioned. I have three titles.

CHAIR: Would you like to make an opening statement? In that regard if you want to add to your submission or explain a specific point as opposed to going through your submission, which members have read.

Mr CAMERON: Thank you. Essentially, the Taxi Industry Council of Australia is an organisation made up of State-based organisations, and not dissimilar to that of the Australian Taxi Industry Association. As national secretary it is my responsibility to invite submissions to government authorities, inquiries, and the like. We have done so on many occasions and have presented evidence to similar inquiries. Also the Taxi Industry Council of Australia was party to the transport and storage industry sector for Victorian employees, which was a minimum wage order of the Australian Industrial Relations Commission.

With respect to the submission, there are a number of grammatical errors and one minor change, if I can make that, as well as an addition. With regard to the submission in toto, it is accurate as far as we know. There may be changes, depending on the industrial relations situation between the States and the Federal jurisdictions, given the changes that took place federally on 1 January this year.

On page 3 of my submission under "New South Wales", the current award that covers the occupation of taxi cab driver is the transport award. The classification would be that of chauffeur/driver of the vehicle that carries passengers for hire, or something along those lines. With respect to the number that I have been sent in the passenger vehicle award 2010, a Federal award, the number of passengers I mentioned was eight. In fact, it is carrying eight people, so that would be seven passengers. There are a number of typographical errors. For example, I think on one occasion the AIRC became the "IARC" or something similar.

With regard to tabling other documents, I would like to seek the indulgence of the Committee to table the New South Wales Industrial Relations Commission contract determination between the New South Wales Taxi Industry Association and the Transport Workers Union (New South Wales). I also seek your indulgence to table the constitution and rules of the Victorian Taxi Association Incorporated, which is a like-minded organisation, a State body representing the depots, as we know them, which you in New South Wales would more commonly know as the networks.

I would also like to comment on the submission made by the New South Wales Transport Workers Union, as well as another very important document, or perhaps two. The first is the taxi industry accreditation pack that was given for Victorian operators and owners, which includes the ministerial directions, the instructions pertaining to how to apply for accreditation, how to go about it, and specifically the standards that each operator/owner must abide by.

The Hon. TREVOR KHAN: Sorry, could you just repeat that last bit, the standards to which—

Mr CAMERON: The standards to which the owner or operator must abide. Sorry, I knew there was one more—PricewaterhouseCoopers Infrastructure Regulatory Impact Statement into Taxi Driver Accreditation Regulation 2007, Victoria.

CHAIR: You are tendering those copies. Do you require the originals to go back to you?

Mr CAMERON: I am happy to leave them with you.

The Hon. PENNY SHARPE: Can you provide to the Committee an overview of your organisation's membership and the role you play in representing the interests of the taxi industry? There have been many different bodies all with the name "taxi" in them, so I am just trying to get a picture of who sits where and who you are.

Mr CAMERON: Our members are State organisations representing taxidrivers. So, in Victoria it would be the Taxi Drivers Association of Victoria.

The Hon. PENNY SHARPE: So, in New South Wales it is?

Mr CAMERON: In New South Wales previously the Taxi Industry Services Association. It would be the New South Wales Cabbie Welfare Association should they wish to be members. They are not.

The Hon. PENNY SHARPE: So New South Wales is not a member of your organisation?

Mr CAMERON: No. There are member organisations that do have affiliate rights with other organisations, such as the Australian Taxi Drivers Association.

The Hon. PENNY SHARPE: So, in New South Wales—

Mr CAMERON: In New South Wales specifically, no, we do not. We have individual members.

The Hon. PENNY SHARPE: Individual members are owner operators?

Mr CAMERON: Car drivers.

The Hon. PENNY SHARPE: Would they be operators as well?

Mr CAMERON: No, they will not be operators.

The Hon. PENNY SHARPE: So, they are just bailee drivers?

Mr CAMERON: You would refer to them as bailee drivers. I would not.

The Hon. PENNY SHARPE: I mean no offence by that, I am just trying to understand the picture of who sits where.

Mr CAMERON: Certainly drivers that would fall within the confines of the contract determination in New South Wales.

The Hon. PENNY SHARPE: So you would have individual taxidrivers in New South Wales who are members of your council?

Mr CAMERON: We do have individual members who are members only because there is no representative body that is affiliated with our organisation.

The Hon. PENNY SHARPE: Would you be able to comment on the reporting standards and regulation of the taxi industry in New South Wales? Can you share your views with the Committee about that?

Mr CAMERON: Not so much. I would rather leave that up to other like-minded organisations in New South Wales, because they more intimately use the operations, they are more knowledgeable than I am as to the standards and what is expected of the individual drivers and the regulatory reforms that take place from time to time.

The Hon. PENNY SHARPE: As a national body, do you have a view of which States are doing regulation best?

Mr CAMERON: As a whole I would say, looking at training, the best State that does that is Western Australia.

The Hon. PENNY SHARPE: What is it about Western Australian training that makes it, in your view, the best?

Mr CAMERON: If we just go back on the educational bit, educational training of taxidrivers has been poor overall for many years. In 1996 there was a national standard for taxidrivers that they had to abide by. In 2009, last year, the Federal Minister for Transport and Regional Development issued his standards which, I made comment to his office, were below the standards set in 1996.

The Hon. PENNY SHARPE: By that do you mean that you do not support the announcement around new national minimum standards? You do not support the announcement made by the Commonwealth Government about new national standards?

Mr CAMERON: I support it 100 per cent but the standards that have been set by the Minister were below those standards that were set in 1996. What is unique about the Western Australian training is they do an assessment prior to entry into the taxi industry. They do a psychological assessment and evaluation. They are concerned at that stage whether or not they want you to be part of their taxi service.

The Hon. PENNY SHARPE: Do you have any understanding of how many people they knock back as a result of that process? Do you know the percentage of people they refuse?

Mr CAMERON: That would be privileged information between the Government and individuals. But from what I know from public aspects of it, they do meet national standards. They meet the Australian qualifications framework in regard to education and training. They are using components from the training package, the transport and logistics training package. They are using those as a standard. Some States take up some components of courses that have had local State courses accredited for their particular needs. In New South Wales, for example, they used to operate the taxi care program. That is no longer an accredited—

The Hon. PENNY SHARPE: When did that operate?

Mr CAMERON: That was accredited and that fell off the national scope or national training scheme for drivers in February last year. So, it should have been operational up until that point so they could still train to that level. I made my own inquiries into the training being conducted now in regards to taxidrivers in New South Wales, given the fact there were only two accredited courses with the word "taxi" in it, and I was advised by the Sydney Taxi School, I believe it was, that they operated somewhat similar to taxi care with additional components or updated versions or a link between the modules of the transport and logistics training package. They have a bronze course, which is the minimum standard required for taxidrivers to meet the regulatory requirements of the training and driver authority. That is bronze, and they charge somewhere between \$900 and \$1,100 for that component. Then, of course, if they go on to further study they can reach the silver standard or what they call the silver component in that course, which is an additional \$300 to \$500 or \$600. Putting those two components of the course together would equal somewhere between a certificate 1 and certificate 2 in transport logistics, which is below that of a hairdresser or a call centre operator.

The Hon. PENNY SHARPE: One of the things this Committee is trying to come to grips with is how to provide more taxis on the road at the time people need them most, the big gap. Can you provide some comments about what you think is the solution to this issue?

Mr CAMERON: Do you want the short answer or the long answer?

The Hon. PENNY SHARPE: The short answer please.

Mr CAMERON: The short answer, give all your powers to the Federal Government and let the Federal transport Minister look after them, and let him decide whether he wants to deregulate the industry.

The Hon. PENNY SHARPE: By that, do you support deregulation of the industry?

Mr CAMERON: No, I see it as a short-term loss for long-term gain. You deregulate the industry and then you scrap it as you know it today and start from the bottom again, and you work up and create a better and better industry.

The Hon. PENNY SHARPE: We have heard a lot of evidence about, and one of the things this Committee is interested in is, the provision of wheelchair accessible taxis and trying to improve the experience of passengers in wheelchairs to be able to get around and live their lives. Do you have any comments about how you believe the provision of wheelchair accessible taxis can be improved?

Mr CAMERON: I noticed there were a number of people with disabilities in the audience, and they are very keen to hear my comments. I will be watching my back at the same time. My response to that would be to take it out of the taxi industry. It is not a place for the taxi industry to be involved, not because we do not want these people to have access to travel around—of course we do—but taxidrivers are not trained and are not in a specific area where they can care for these people should they need that. Put it into the ambulance service as an adjunct to the ambulance service, that would be one option. Provide the vehicles and provide the money to pay the wages for the drivers of these vehicles. Give it to organisations likely Masonic Homes or the Knights of the Southern Cross or those types of organisations. Give it to the organisations or the nursing homes or organisations that specifically look after those people and who have the hands-on experience of caring for and looking after those people.

The Hon. PENNY SHARPE: So, is your view that there is no role for the taxi industry as a provider of public transport to provide transportation for people in wheelchairs?

Mr CAMERON: You would need to train the taxidrivers up to a standard that is beyond even their comprehension.

CHAIR: We will move to the Opposition.

The Hon. TREVOR KHAN: I am compelled by the submission. I do not need to ask any questions.

The Hon. ROY SMITH: No questions, thank you.

CHAIR: I have just one question for you. In a nutshell, have you looked at the aspect of what the drivers are paying in to obtain the entitlements for their shifts compared to the income they are deriving? There appear to be many complaints that there is "no money for the drivers any more" and this is the reason for the problems.

Mr CAMERON: Thank you for your question. This is the very crux of the whole industry. If you pay peanuts you get monkeys, and that is exactly what we are getting in the taxi industry. Here we have a situation where you have taxidrivers, whether they are on a 50:50 basis or whether they are on set pay ins, their hourly rate is below that of any award, including the award that currently fits them in New South Wales. The big issue here is who does control and direct the taxidrivers? You as members of Parliament have legislative reform. You can make something happen or make something not happen purely with the stroke of a pen.

The Hon. PENNY SHARPE: It is not that easy, Mr Cameron—we wish.

Mr CAMERON: Well, the Minister has. He can choose to rewrite the standards like they have done in Victoria, and I commend them for their efforts. What they did to achieve their best-world taxi service was just cosmetics on a festering sore. Taxidrivers work—and you have heard this several times—12-hour shifts, 10 to 12-hour shifts to just afford food and housing and to accommodate their loved ones, their children, and to educate their children. They have to work 60 to 80 hours a week. That is reprehensible in this day and age. Taxidrivers in Victoria were part of the eight-hour day committee, we were employees back in those days. Now we have gone backwards. If you use the Federal award as the benchmark—and I know you have some State issues around what we are doing in regard to that—my comments would be you would lower the amount of hours that you would require a taxidriver to receive an affordable income. You would reduce stress, you would reduce driver fatigue, you would reduce accidents and you would minimise deaths.

How many deaths in New South Wales alone are attributed to a taxi accident? If a taxi collided with your vehicle or collided with a brick wall or the fence of a house or something like that, who pays? Mr Jools will have something to say about that, if he is given an opportunity, because he has been personally involved in a particular situation. The owners must provide insurance to indemnify the drivers against any losses. Yes, they take out the insurance and go to make the claim is the next step, but they are not doing that.

If you really want to clean up the industry, as indeed this Committee seems to express as the will of the upper House at least of the New South Wales Parliament, I would scrap contract determination under division 6 of the Industrial Relations Act—get rid of it—and go back to the State-based award. The reason for scrapping it is that the owners, who are a party ipso facto by the so-called relationship or so-called membership of the Taxi Industry Association, are not paying the annual leave, sick leave, long service leave and now superannuation entitlements to their drivers.

This comes back to what the Hon. Penny Sharpe raised earlier in regard to regulatory reform. The reform put in place by the New South Wales Industrial Relations Commission, through Commissioner Connor, made a ruling that taxidrivers receive superannuation, but IPART to that extent has not come to the party and apportioned the 9 per cent to go to the drivers' superannuation. All they had to do was appropriate it or apportion it, and that would have flowed through to the drivers.

We spoke about education earlier. Western Australia takes a leading role. As far as industrial relations is concerned, you guys are the best. Even under the sham agreement, you have annual leave, sick leave and those rights and entitlements that are add-ons under the industrial award system. It is an industrial instrument as opposed to a taxation decision that is always referred to in the case of *Deluxe Red and Yellow v The Commissioner of Taxation*.

To go outside from that, there is no goodwill in taxi plates. That was decided by the High Court also, but you will not hear that from the Taxi Industry Council or the Taxi Industry Association, or Reg Kermode or any of those people. There is no goodwill. How much is a taxi plate worth? One dollar; it is as simple as that. How do I come to that price? Fifty cents a plate!

The Hon. GREG DONNELLY: On the third page of your submission at point 7, the underlined heading is "New South Wales", and the paragraph begins, "In New South Wales and other States ... ". Do you have that?

Mr CAMERON: Yes.

The Hon. GREG DONNELLY: With respect to the Federal award, the passenger vehicle award 2010, is that a modernised Federal award?

Mr CAMERON: It is a modernised award.

The Hon. GREG DONNELLY: How do you understand that award operating in New South Wales under the current regulatory arrangements in New South Wales?

Mr CAMERON: This was the key question, Mr Donnelly. Depending on whom you talk to, you get different answers. I tend to go to the source, and the source in this case was the New South Wales IRC.

The Hon. GREG DONNELLY: The source of the State determination?

Mr CAMERON: No, the source of my information that I am about to impart to you. Currently the New South Wales contract determination is part of division 6 of the Industrial Relations Act. It falls outside of State-based awards and it is currently not covered by implementation or the changeover that took place from 1 January.

The Hon. GREG DONNELLY: The transition provisions?

Mr CAMERON: But there are transitional arrangements, as you have just alluded to. I am led to believe—whether it is right or not is another aspect, but the source is reliable—that the transitional arrangements in place for State-based awards would apply also to any contract determination, not just the taxicab contract determination, until such time as the jurisdiction of the New South Wales IRC determines that it will form part of the Federal award structure.

The Hon. GREG DONNELLY: Right.

Mr CAMERON: There are two commissioners that have joint jurisdictional rights. One is Commissioner Connor and I believe that the other is Deputy-President or Vice-President Harris.

The Hon. GREG DONNELLY: It is Deputy-President Harris.

Mr CAMERON: Thank you for the correction. I believe that Commissioner Connor currently is doing an audit of the taxi industry and all taxi owners specifically in regard to compliance with certain flow-ons that are part of the annual leave components. We have all heard that the Transport Workers Union has to fight for the rights that are already embedded in the award structure. It is an award. It is contracting out of the award, but it is an award given another name.

CHAIR: Mr Cameron, I appreciate your attending today, especially as you came from Melbourne. It was a huge effort on your part, and the Committee thanks you for that. The Committee has resolved that answers to questions taken on notice should be returned within 21 days. The secretariat will contact you in relation to questions you have taken on notice. Committee members may also have additional questions, which will be forwarded to you, and the 21-days return date similarly applies.

Mr CAMERON: Thank you very much, Mr Chairman.

CHAIR: I understand that you will hand the secretariat the documents.

Mr CAMERON: I certainly will.

(The witness withdrew)

The Committee adjourned at 4.53 p.m.