

Real life behind the wheel of a cab is far from a fair deal

The territory's taxi industry is in a jam, so it's time for all parties to work out a solution, **HENRI CLEMENTINE** writes

The taxi industry in Canberra is being reviewed and every stakeholder sees this as a chance to verbalise their concerns about their livelihoods, their investments and their need to travel. So what is this all about? The ACT Government has commissioned the review ostensibly to satisfy the commuting demands of Canberra. The expectations resulting from the review will undoubtedly be a further influx of cabs, meaning more licences fees for the government, more fees for the network and more premiums for the compulsory third party insurance provider.

One group of taxi operators is alarmed that the industry and their business are going downhill. The operators argue that Canberra's industry is dominated by a monopoly which is exacting a heavy toll in network fees, apparently the highest in Australia, yet at the same time offering poor services to the operators, and treating the drivers in a dismissive manner. They quote the earnings of a taxi driver, as little as

\$3.80 an hour, as being equivalent to about a quarter of what a high school student would receive working for McDonald's. This seems to have been confirmed by the reviewer. The typical story being told again and again is of the driver waiting for some two hours for a fare, then travelling 3km to pick up a passenger who wants to go to the shop a few hundred metres away, yielding a miserly \$10 to be shared between driver and operator.

Taxi drivers seem to be an itinerant lot, only passing through, as there are no career prospects. Those drivers who remain in the industry tell of their frustration at having to sustain the insults of intoxicated passengers at night and the fouling of their vehicles. They are angered by those others who run from their moving cabs in an attempt to evade the fare. One operator tells me he has been grinding his teeth to the gum, even in

his dreams, at the thought of the continuous diminishing value of his investment. He has invested up to \$100,000 in his taxi business only to see the demand plummet by 30 per cent, due, according to him, to the incompetence and poor decision-making of the network operator.

I refer to the booking system introduced about four years ago – a cumbersome, awkward, user-bewildering and untried automatic system which so frustrated would-be travellers that they abandoned attempts to grab a cab and sought commuting service by hire cars instead. The reviewer found that the hire car business had jumped by as much as 52 per cent in the process. Operators talk of their frustration at having to shoulder much of the blame and anger of the travelling public when they had no say at all in the matter. Even members of the Federal Parliament expressed loudly

and publicly their discontent at the networks' inept management system. It seems the industry is still trying very hard to regain the lost ground with no real prospect in sight.

However, most of the concerns expressed by this same group of taxi operators relate to the fact that the ACT Government compels them to affiliate to the network which extorts a heavy toll on them. In return, the network is supposed to provide them with work through its booking service, to monitor their safety and ensure a quality taxi service.

The operators said that the ACT Chief Minister has come out fighting to reduce the dominance of monopolies in the Canberra market, targeting the supermarkets in particular. It seems, according to them, that the Chief Minister has his work cut out to reduce monopolies in the taxi industry, and the Compulsory Third Party personal

insurance, where one player is exacting a heavy toll on all Canberra motorists. They argue that the network should earn its fees rather than being spoon fed by the Government through the forced affiliation, and want the Chief Minister to remove the compulsory obligation to affiliate, allowing them to make their own commercial decisions.

They argue that the current level of technology provides them with the means to satisfy all levels of regulatory requirements mandated by the Government, such as the regular provision of reports to the authority, the monitoring of the safety of drivers and passengers and the return of lost property.

They point to the situation of Tasmania and the Northern Territory, where taxi operators are free to choose whether to affiliate or not. One operator advanced that

compulsory affiliation was put in place to facilitate the smooth running of a taxi system run by a cooperative in which every member had his say. This situation changed when the cooperative became a commercial business company.

The network, however, resists the removal of the mandatory affiliation requirements. Its sees the move as threatening the stability of its business and, with loss of revenues to would-be independent operators, the loss of employment opportunities. They argue that they have invested heavily and built up their business in the expectation of a healthy return to their shareholders.

The Government has to weigh up the options, remembering that any wrong move will ultimately affect the entire Canberra community. The introduction of the automatic booking facility certainly derailed the taxi system and no one in the

community would want a repeat of that situation.

In particular, members of the ACT Disability Advisory Council have been outraged by the poor quality of taxi services offered to them by the current system, and the people they represent are dissatisfied with the situation where one person could be waiting for more than one hour to get a taxi. And this seems to be a perennial situation.

The option of having a centralised dedicated taxi system to cater for their needs seems to give some hope of salvaging the situation. However, the adoption of poorly thought-out options coming on top of a deflated taxi business will definitely not provide the ideal solution to all our problems and specifically our need to travel as and when and where we wish.

The Chief Minister is coming through the door, let's salute him for what he says and what he does.

■ The author is a Canberra taxi driver and operator.

Parliament for humanity

A world assembly on climate change could free up the process, **ANDREAS BUMMEL** and **DUNCAN KERR** write

Time is getting short to secure a new deal on climate change mitigation. The Kyoto Protocol that placed carbon emissions caps on around 40 developed countries will expire in 2012 but a successor agreement increasingly seems to recede into the distance. One of the continuing divisions is over new emissions reductions targets, and who should bear the brunt of emissions cuts. Many doubt that the next UN talks scheduled for November in Mexico will achieve a breakthrough.

The deadlocked situation is complicated by the requirement that a formal decision on a new protocol has to be taken by consensus. This means that even a single country (out of 193) is able to put in a veto and to prevent decisions from being taken. This places a heavy strain on negotiators to satisfy and harmonise the suggestions of all involved parties as best as possible. That this is unwieldy and flawed finally became apparent when the opposition of five countries – Bolivia, Venezuela, Nicaragua, Sudan and Saudi Arabia – prevented the Copenhagen summit last year from adopting the Copenhagen accord. Instead, it was merely "taken note of".

While the accord surely fell short of expectations of a new, legally binding agreement, it probably still was the best possible outcome at that point. At least, among other things, the accord includes a target of limiting the rise of global temperatures at two degrees Celsius. The fact that this small minority was able to embarrass the main negotiators has provoked appeals for reaching an agreement outside the framework of the United Nations.

Some are quick to blame the UN for the feeling of futility at Copenhagen, although as the meeting place for the nations of the world, it can hardly be blamed for the recalcitrance of any of its members.

As a consequence, however, it is clearly necessary to address the UN's flawed consensus rule. One option now being discussed is to broker a new deal as an amendment of the existing Kyoto Protocol. If no consensus can be reached, setting new targets then would be possible if at least 143 countries, or three-quarters of the pact's parties, agree.

We believe that, while this could be a contingency option to save the day, a bold approach is needed in the long run to fundamentally revive the UN's negotiation process. The establishment of a forum of elected representatives – a global parliamentary assembly, linked with open discussion and majority votes – should be considered. As Jo Leinen, the head of the European Parliament's delegation at the Copenhagen summit, said, it is "the purpose of national governments to defend, first of all, what they consider to be in the national interest. By contrast, a world parliament would be free to



introduce a complementary view, namely the interest of humanity as a whole."

Composed of national legislators, the basic purpose of this parliamentary assembly would be to represent the world's citizens in global negotiations on climate change mitigation. The assembly could build pressure on governments to reach an agreement and the close involvement of national legislators could also speed up the process of ratification that would have to follow after a new deal is achieved – it took eight years for the Kyoto Protocol to enter into force.

Being a parliamentary body, the membership of the assembly would not be state-based, but instead be composed of delegates from major political groups in national parliaments. Delegates would have to be able to vote individually according to their personal judgment and be bound only by their conscience, not by the instructions of their governments. Only in this way can they act as immediate democratic representatives of their

constituencies. Proposals for a world parliament have a long tradition and can be traced back to the early 19th century, and the suggestion of adding a parliamentary assembly to the UN is as old as the organisation itself.

Fuelled by a growing perception of a democratic deficit in global governance, efforts to establish a United Nations Parliamentary Assembly have gained momentum over the past years. By now, more than 600 members of parliament from over 80 countries, for example, have endorsed an international appeal that was originally published in 2007.

According to this appeal, "a Parliamentary Assembly at the United Nations could initially be composed of national parliamentarians. Step by step, it should be provided with genuine rights of information, participation and control vis-à-vis the UN and the organisations of the UN system. In a later stage, the assembly could be directly elected."

Creating a global parliamentary forum that deals with climate change

might be a reasonable, intermediate step. However, the pursuit of a UNPA a realistic attempt to break the deadlock over global action on climate change in the long run?

We believe it is. Reaching a reasonable compromise on the mode of decision-making might be more appealing to the state parties than risking a total breakdown of the UN process. One of the key features of a parliamentary assembly would have to be that the distribution of seats in the body reflects the actual weight of countries. The number of seats allocated to each country could be based on criteria such as population size, economic size and other factors. In addition, the assembly of course would not replace the existing intergovernmental mechanisms, but supplement them. A provision could exist that, if consensus is not reached, a qualified majority of both the conference of state parties and the parliamentary assembly is needed.

Adding a new player to the negotiations would not necessarily make the process more ineffective

than it already is. Quite the contrary. A new climate change protocol approved by a global parliamentary assembly would have a legitimacy that would exert moral pressure on countries to sign and help secure compliance on a continuing basis. Furthermore, government officials have restraints on what is possible for them to say without damage to their relationships to allies or neighbouring nations, and pressure from members of a UNPA not subject to those limitations would allow them to reach an agreement without causing undue prejudice to those relationships.

While a UNPA is not, of course, a magical solution to global climate change, the UNPA's capacity to develop recommendations on this and possibly other global issues in an inclusive, open, transparent and democratic way would be an extraordinary step forward.

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Lobbyists face uncertain times

It will be slow going politically until new dynamics settle, **PHILIP ELIASON** says

To influence the legislative process in Canberra and therefore the allocation of resources dispensed by the Government, all players – inside and outside – are going to need a stronger sense of the personalities, politics and relationships within the Parliament than they have needed in the past. This is true not only for those lobbying but for public servants. A well-honed political radar is a basic attribute for lobbyists and senior officials, an attribute which confounds the public service's mantra of giving frank and fearless advice to ministers.

Considerable attention has been given to how the new Parliament will play out and how the ALP-aligned Independent and Green MPs will deal with policy matters. Less analysis is given to Canberra's officials. The bureaucracy will respond to the tone of the new Parliament. Looking at how officials see their future is essential for lobbyists if they wish to craft a pitch which can be absorbed by departmental advisers. Facing a finely balanced Parliament and anxious ministers, officials are saying that it will be considerably more difficult to gauge the political acceptability of policy proposals or amendments. This will possibly limit the horizons of new work for about 12 months until political dynamics are settled.

Officials, especially those with a policy formulation brief, thrive on initiative and ideas. In comparison, the capacity to absorb new policy in the community is generally slower than change generated within the government.

Keeping government steady is generally not as exciting a life as in parts of the private sector, where first mover advantage is the implementing tool of the profit motive. For government, there is in many situations a clear late mover advantage. According to political philosopher John Rawls Saul, keeping stability and community consensus is what governments do. Government levels out differences to achieve acceptable policy interventions. It takes time to do so. The Compendium of Ecologically Sustainable Development recommendations of December 1992, a Council of Australian Governments paper sponsored by the Hawke government, shows just how slow policy and its implementation can be. Many proposals agreed 18 years ago are still being addressed today.

For outsiders, cultivating an understanding of the bureaucracy's interpretation of the "public interest" on any given issue can be time consuming. It is predicated on having a sound grip on what is both

politically and practicably doable in the parliament. Now, more so than in the memory of most lobbyists, and particularly of in-sourced corporate affairs staff operating from outside Canberra, learning what's doable will take a lot of face time in Parliament. Additionally, lobbyists seeking to influence government will have to absorb the new operating context for officials.

Officials at decision-making levels of the public service and across many departments are saying that when new policy development is happening, their work will be more cautious and will need more political savvy than previously. They see the Government, until shown otherwise, as not being greatly receptive to other than incremental adjustment to policy settings. There will be more ministerial time taken to brief the Independent and Green MPs on policy, especially if there is a risk that they will oppose it. This means work for officials. Policy initiatives from the Independents to Ministers will need to be worked over by officials (and probably lobbyists) to design them into implementable packages.

Under previous governments, a majority in the House of Representatives, even if not well into double figures, would have been enough for more creative policy interventions and opportunity to jawbone a sometimes oppositional Senate. Now, policy and legislative design in the public service will need the finesse of an experienced political juggler able to size up points of balance and friction, clearly state public benefits and establish solid cases against poorer alternatives.

Fresh departmental and administrative arrangements will mean some officials are transferred into briefs where they have less content experience. It will take time to see how new ministries work together. How will Jobs and Skills work with Employment Creation or Sustainable Population and Environment work with both Agriculture and Industry? How will Regional Australia flex its influence? Until they are comfortable in their new roles, instinctive caution will have added value for officials.

Canberra will be more complicated to deal with at all levels. Once the rush by lobbyists – and that includes companies, charities, NGOs and industry groups – to brief new ministers and parliamentary advisers is over, new subtlety will be needed to work meaningfully and effectively with the public service.

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Whiff of 1975 as the Coalition welsches on Speaker pairing

Tony Abbott appears keen not simply to destabilise but to engineer an early election, **GRAEME ORR** writes

August's federal election almost produced a stalemate. Labor was preferred on a two-party preferred basis by just 50.12 per cent of electors: a virtual dead heat. Including ideological bedfellows, the result split 73-all, out of 150 MPs. But Labor was able to win the support of three of the four Independents, to form a minority government.

Before that happened, Labor, the Coalition and Independents signed an agreement about parliamentary reform. It was designed to open up and improve democracy in the new parliament.

Labor and the Coalition signed it in good faith, each hoping to win the Independents' support but without knowing who would form government. The agreement is not a binding contract: political deals never are. But not was it a backroom deal, like those where prime

ministers "promise" a retirement date to keep ambitious deputies at bay. On the contrary. It was a very public deal, for public purposes, and as high profile as any such agreement in history.

An important provision in that agreement involved pairing. This is a technical parliamentary term, but not hard to understand. Imagine you play in a social soccer league. If one player is sick, to ensure fairness, the convention would be that the other side leaves out a player. In parliaments, a similar convention evolved. If an MP of one party is absent with reason, the other party agrees to "pair" one of its members to not vote for the period of absence.

Each side benefits from such cooperation. Importantly, electors

aren't ripped off, because the balance of numbers – created by our electoral preferences – are not distorted.

Parliament is due to meet this week. For it to function, it requires a Speaker to control proceedings. Normally, a new government proposes its own Speaker, an opposition usually proposes an alternative and a government wins on the numbers.

Under the constitution, the Speaker does not vote unless there is a tie, when the Speaker has the deciding vote.

In a minority parliament things aren't so simple. Ideally we would have an independent Speaker, as in the first Rann government in South Australia. But the present

Independents either lack the experience (Andrew Wilkie) or wish to retain their right to vote on each Bill. Labor, the Coalition and the Independents had agreed that, in this knife-edge Parliament, the Speaker could be paired. For example, had the Coalition formed government, Labor would offer up a vote to match the lost Liberal Speaker. True, the Speaker would still have a casting vote, but a fair agreement would involve the Speaker voting "no" on "no-confidence" motions but "yes" on supply, to preserve the government of the day.

Both the current and the Howard government solicitor-generals have advised that the agreement was constitutionally unobjectionable if, of course, not binding. The Coalition,

not having formed government, has now reneged on that agreement. To govern, Labor will have to find a Speaker. Without pairing, to pass legislation Labor will need the support of not just the Greens but three of the four Independents. Only if an Independent abstains will a vote be tied and Labor be able to rely on the Speaker's casting vote.

The Coalition could have simply admitted it was welsching on a deal. Instead it sought to hide behind advice given to it by one of its own MPs, shadow attorney-general Senator George Brandis. Years back, when he was a leading moderate in the Liberal Party, Brandis taught legal philosophy at my university. He lectured powerfully from a book called *A Theory of Justice*. The book's

central principle was that just arrangements are those that would be agreed behind a "veil of ignorance". That is, if people ignored the positions they would occupy in society, and considered instead what processes of government would be fair to all.

The agreement the Coalition has reneged upon was a classic example of an agreement struck behind such a "veil". Labor and the Coalition agreed without knowing which would form government, but recognising each was in the same boat. Even more recently, the Coalition has announced it may not even abide by traditional pairing arrangements, at least as regards ministers being away on official business. This is more a spanner in

the works than a fatal blow. Parliament may grind to a halt, but the Government can just wait until it has a full complement of MPs and reintroduce important Bills.

We can only speculate on how Labor would have handled itself had Tony Abbott formed a minority government. But the ruthlessness shown to former prime minister Rudd is suggestive.

Labor for its part is trying to lure a Coalition rebel with the promise of the Deputy Speakership on condition that that MP offers him or her as a pair. Such hardball tactics augur badly for this Parliament. The Opposition appears keen not simply to destabilise but to engineer an early election. There is more than a whiff of 1975 about all this.

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