

INQUIRY INTO NSW TAXI INDUSTRY

Organisation: Disability Council of NSW
Name: Mr Andrew Buchanan
Position: Chair
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Ms Rachel Simpson
Director
Select Committee on the NSW Taxi Industry
Parliament House
Macquarie St
Sydney NSW 2000

Friday, 22nd January 2010

Dear Ms Simpson,

The Disability Council of NSW welcomes the opportunity to submit its views on aspects of the operation of the NSW taxi industry. Our comments relate principally (but not exclusively) to wheelchair accessible taxi services.

About the Disability Council of NSW

The Disability Council of NSW was established under the terms of Section 16 of the Community Welfare Act 1987 as the official advisory body to Government in NSW on issues affecting people with disability and their families. We also give advice to the Australian Government on the effect of policy on people with disability living in NSW.

Council members are appointed by the NSW Governor on the recommendation of the Minister for Disability Services. Members are selected on the basis of their experience of disability and their understanding of issues, their knowledge of service delivery and their ability to reflect and advise on government policy. The majority of Council members are people with disability.

General observations

People with disability, particularly wheelchair users and people who are legally blind, use taxis disproportionately more than the population as a whole. Whilst for many people living in NSW, a taxi journey may still be a comparatively infrequent occurrence (often associated with special, urgent and / or important life events) for people with disability who depend on door to door transport by virtue of their disabling condition, taxis are an essential part of the public transport system; not an optional luxury.

In NSW, as in other jurisdictions of Australia, there have been significant and welcome advances in the accessibility of almost all transport modes during the last seven years (since the Disability Discrimination Act 1992 Accessible



Transport Standards were adopted by the Parliament of Australia). The exception is air travel.

Before and since 'the Standards' were enforced the NSW Government both responded to community representation and led reform to improve access to all transport forms. That was welcomed. The Government continues to play a substantial and welcome role in modernising the transport systems of the State, with accessibility as a key principle of reform and development. That is as it should be.

In our judgement it is fair to say that in the last five years the taxi industry, encouraged by Government and subject to the legitimate aspirations of people with disability as expressed by representative peak bodies and non-government agencies, has made genuine and significant attempts to improve access to taxis for wheelchair users. We commend the industry for its efforts and demonstrable commitment to engage in constructive dialogue with disability groups.

It is equally true, however, that the taxi industry in NSW has needed to 'up its game' for many years. At the time of the Human Rights and Equal Opportunity Commission national inquiry into wheelchair accessible taxis (2001) the proportion of the NSW taxi fleet that was wheelchair accessible was 5.4%. This was the second lowest rate of provision across all Australian jurisdictions (the Northern Territory had 4.9%). Almost ten years on from that low start, the proportion of the fleet in NSW that is wheelchair accessible hovers at or near 9%. NSW has come a substantial way from a very low base but even today the percentage of the fleet that is wheelchair accessible remains unacceptably low.

Response times for booked WAT services have improved but they still lag behind response times of non-wheelchair accessible taxis, despite the duty placed upon operators by the DDA for equal response times. Booked services, however, constitute only part of the trade. We understand (but do not have access to data) that most taxi trips begin by hailing a cab on the street or picking up a cab at a rank. There is no measure for equal treatment with regard to access to WAT by the two most common methods of catching one. Luck determines whether or not a WAT might be sitting on any given rank on any given day. Wheelchair users cannot run their lives on the basis of luck, especially when 9 out of 10 taxis in NSW are not wheelchair accessible. Similarly, it would be a brave or foolish wheelchair user who relied on the tried and tested method of hailing a cab by waiting on a street corner for a passing vehicle. One could wait until the cows come home (and then some).

In short, wheelchair users, guide dog owners and other people with disability are far from having achieved the goal of equal treatment by service providers (in this case, the taxi trade). This must not continue to be so.

The Australian Parliament ratified the United Nations Convention on the Rights of Persons With Disabilities in 2008.

Article 1 of the Convention states;

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

And with particular regard to the right of people with disability to move around the environment, Article 9 of the Convention states:

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

We are making slow but significant progress towards those goals but we have not achieved them yet. That is disappointing and need not be so.

It is almost 20 years since the DDA made it unlawful to discriminate against people with disability. It is seven years since the DDA Transport Standards were enacted. Those are long waiting periods for equal access to a taxi. We need to work together – people with disability, Government and the taxi industry – to accelerate the pace of reform and growth of provision (mindful, for example, that in the UK it is now ten years since the first jurisdiction in the world to make its entire fleet wheelchair accessible – the City of Edinburgh with 1,200 taxis – achieved that goal).

We turn now to specific matters relating to the Select Committee's terms of reference:

Number of WAT.

Although there has been a significant increase in the number of WAT vehicles more are required. According to the most recently available Ministry figures the rate of increase in NSW in 2007/2008 was 8.7% in non-Metropolitan NSW and 13.5% in Sydney. We note that 9.1% of the Sydney taxi fleet is reported to be wheelchair accessible while 17.5% of the non-metro taxi fleet accommodates wheelchairs (which may say more about the relative lack of taxi services generally outside Sydney, although it also suggests the NSW Government incentives to operators in regional NSW – no licence fee and interest free loans have been taken up).

These improvements are welcome. We note, however, that the NSW taxi industry has historically had a lower proportion of its fleet wheelchair accessible than the national average.

We believe that more WAT vehicles are required across the whole of NSW to ensure that the industry fully meets its Disability Discrimination Act (DDA) obligations in all areas of the State and at all operating times.

Waiting times for booked services

The DDA requires equal response times by WAT vehicles and non-WAT vehicles for services booked by telephone. According to the only publicly available figures on performance (see the Ministry of Transport's Accessible Transport Action Plan) waiting times for booked WAT services have improved on average but they still lag behind non-WAT response times.

The improvements in performance are welcome but it remains inescapably true that the NSW taxi industry is not currently complying with its legal duty (more than 2 years after the DDA target date for compliance of December 2007).

We add further that the reported response times mask pockets of poor performance. The response times reported are averages. There are geographical differences. It is clear that performance is better nearer the airport and the Sydney CBD one looks. There are known areas of poorer performance (Sydney's north shore, western Sydney, Campbelltown are among the most frequently cited problem areas)

We note that there are no publicly available performance reports for response times of taxis outside of Metropolitan Sydney. There should be.

We also note that the publicly available information is at least 12 months old. We believe that more recent data is available. It should be published.

WAT design

All new wheelchair accessible taxis operating in NSW should comply with the minimum national standard with regard to the wheelchair 'cube' i.e. the minimum height, depth and width required to accommodate the fullest range of wheelchair types.

A number of WAT vehicles currently operating in NSW are designed in ways that result in the access ramp encroaching on the wheelchair cube. Such designs should not be permitted for any newly licensed WAT vehicle. Such designs in existing vehicle should be altered to meet the requirement where it is practical to do so and would result in no unjustifiable hardship. No existing WAT should be removed from service, however, because of a failure to accommodate the wheelchair 'cube'.

We strongly favour maintaining as much diversity of vehicle types as possible in the fleet of wheelchair accessible taxis. Such diversity as currently exists is good for all stakeholders as long as all new vehicles can accommodate the wheelchair 'cube'.

All WAT must be capable of transporting a minimum of four ambulant passengers while transporting a passenger using a wheelchair. The NSW Ministry of Transport made a change to the taxi regulations over 10 years ago that requires no minimum number of seats for ambulant passengers, however, it also requires a minimum of 180 mm between the seats if there are seats. Right Price Conversions converts the short wheelbase Toyota Tarago. This design requires both rear passenger benches to be pushed forward to make the allocated space available for the passenger using a wheelchair. With the seats pushed together it only provides room for one ambulant passenger in the front seat. This is an issue if booking a WAT for the wheelchair passenger and more than one ambulant passenger, which could cause a delay in the vehicle arriving. It is also inequitable as it prevents people with disability from travelling with more than one other person making taxi travel more expensive for the person with disability if they are unable to split the fare with the other passengers.

Driver incentive

The views we have received from representative non-Government agencies and feedback from individual customers clearly suggest that the fare supplement / driver 'incentive' (currently \$8.47) has altered driver behaviour resulting in improved performance. The simple fact of the matter is that more drivers are doing more WAT work than before, although we do not have access to definitive data on this topic.

It would be remiss of Council not to note an unresolved tension between the policy of providing an incentive to drivers and the duty to not unlawfully discriminate under the DDA. The Accessible Transport Standards of the DDA require providers of booked taxi services to ensure equal response times of WAT and non-WAT vehicles. The fare supplement / driver 'incentive' does encourage improved performance. It has resulted in a narrowing of the gap between response times of the two service types. That is to be welcomed. Nevertheless, it is not immediately clear to us why operators (in this case, drivers) should receive a financial incentive or fare supplement to do that which they and / or licensed operators are legally required to do.

It is our understanding that the 'incentive' has become essentially a standard fare supplement for taking virtually any 'wheelchair job' (where the wheelchair user makes use of the NSW Government's Taxi Transport Subsidy Scheme (TTSS)). The intention of the 'incentive' was originally to reward or encourage 'on time' performance. It now seems clear that the \$8.47 is levied on every TTSS trip by a wheelchair user regardless of performance (as measured by response time). We acknowledge, nevertheless, that average response times have improved and we accept / believe that the fare supplement / 'incentive' has contributed to that improvement.

Notwithstanding our concern above, the Disability Council is strongly of the view that the driver incentive has materially altered industry practice to the benefit of wheelchair using passengers. They do not yet have access to services providing equal response times (as is their right in law) but

circumstances have improved and the driver incentive is one of several Government initiatives that have worked.

The improved services we acknowledge are not, however, universal. We have referred above to problem areas outside the Sydney CBD and airport areas. Wheelchair users have told us of recent experiences of waiting long times for WAT vehicles. Indeed, on 3 separate occasions in December 2009, our Council's Executive Officer (who is a wheelchair user) waited in excess of an hour for his taxis to arrive.

Taxi Transport Subsidy Scheme (TTSS)

We note that the NSW Scheme provides the most generous support of all TTSS operating in Australia. Its unlimited number of trips provides a real benefit to the scheme's users.

It is true, nevertheless, that wheelchair users dependent on WAT services still have higher transport costs that other members of the population do not face. A subsidised taxi fare is still more costly than other forms of public transport.

The upper limit of the fare that may be subsidised has remained at \$60 for 20 years. It has not kept pace with inflation. That means there has been a decline in the real value of the subsidy. We suggest that decline should be reversed and the upper fare limit should be increased over time to restore its real value.

As a first stage, it would be advantageous to increase the upper limit of the fare that may be subsidised to \$80. This would bring NSW up to the fare limit operating in South Australia. We note that the upper fare limit in other jurisdictions is \$50, \$52 or \$60.

According to Ministry of Transport / IPART figures, the average journey distance (and cost) of a WAT carrying a wheelchair using passenger is greater than that for non-wheelchair users. We believe this is because WAT passengers generally use taxis for different purposes than the general population of taxi users (there is a lower proportion of comparatively short business and / or recreational trips and a higher proportion of longer journeys to medical, educational or other disability-related locations spread more widely across communities).

For this reason we suggest that the subsidy level be raised from 50% to 75%, in line with subsidy levels in the Australian Capital Territory, South Australia and Western Australia. We note that the subsidy level in Tasmania is 60% and 50% in other jurisdictions.

Operator incentives

We favour retention of the current operator incentives. We believe they have encouraged the take-up of WAT licences. We commend the State Government for continuing to provide the following incentives:

- interest-free loans to regional operators to assist with vehicle purchase;
- no-charge WAT licences in country NSW;

- low cost licences (\$1,000) in Sydney;
- ten year age limits for WAT vehicles; and
- a waiver of the requirement that only new vehicles may be used as WAT.

Driver behaviour / etiquette in dealing with passengers who have a disability

It is our Council's view that the interaction between drivers and passengers who have a disability is one of the most critical factors which requires review. Generally, drivers of WAT vehicles display a genuine awareness and sensitivity to the varying needs of their passengers. This level of disability awareness is, however, largely absent in the general taxi fleet. This is of great concern to Council as people with disability access the full range of taxis available in the fleet.

We have been made aware of several incidents which demonstrate the urgent need for driver education and training in disability rights and etiquette.

Colleagues from the blind and vision impaired community have relayed to Council blatant acts of discrimination ranging from drivers refusing to take passengers who have a guide dog to falsified fare costs. We have also been made aware of instances in which general fleet taxi drivers have refused to take a person who uses a manual wheelchair on the grounds of 'manual handling' despite the person needing no assistance to transfer themselves or their wheelchair into the vehicle.

Many people with a disability and older people have expressed the view that general fleet drivers often refuse a journey due to a general reluctance to assist the individual with the stowage of aids and equipment. These are not infrequent occurrences and even though passengers report such incidences, there is little evidence to suggest that this unlawful behaviour is diminishing.

As a provider of a service, taxi drivers are equally bound by the obligations inherent in the Disability Discrimination Act (DDA, 1992). It is nevertheless true that some drivers frequently and directly discriminate against people with disability, despite such behaviour being unlawful. In part, these discriminatory practices are continuing because drivers lack awareness of their obligation and responsibility to ensure that passengers who have a disability are treated fairly and with the same dignity as all other passengers.

It is Council's view that people with a disability will continue to experience discrimination unless some form of disability awareness and etiquette training is made available to and ideally mandatory for all taxi drivers. We believe that people with disability with the necessary skill set should be employed as part of the training programme we envisage.

We further believe that there should be periodic customer satisfaction surveys to allow people with disability to provide systematic, constructive feedback to the industry and the Ministry (as the industry's regulator).

Thank you for the opportunity to submit our views. If you wish further information please contact our Executive Officer, Mr Dougie Herd.

Yours sincerely,

A handwritten signature in black ink that reads "Andrew Buchanan". The signature is written in a cursive style with a large, prominent initial 'A'.

Andrew Buchanan
Chair
Disability Council of NSW

