

Submission
No 35

INQUIRY INTO NSW TAXI INDUSTRY

Organisation: National Disability Services NSW

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National Disability Services NSW Submission

Inquiry into NSW Taxi Industry.

1. Introduction

National Disability Services (NDS) is the peak body for Non-Government disability service providers, and represents more than 650 not for profit organisations Australia wide which support people with all forms of disability. The availability of wheelchair accessible taxis in NSW has a marked and direct influence on the means by which people with disability can participate socially and economically in their community. Wheelchair accessible taxi availability also has an economic impact on disability service providers, as they are often placed in a position where they must fund transport for their clients from revenue gained through fundraising activities, in order to ensure the clients of their service are able to actually attend the service.

Attached at Appendix A is an NDS NSW supporting paper that places the taxi industry in the broader context of a fully accessible transport system. *“Transport as an Enabler for the Social and Economic Participation of People With Disability in NSW”* highlights the critical role transport plays as an enabler for the social and economic participation of people with disability in NSW. The paper examines the role that transport plays in the provision of equitable access to community and services for people with disability, identifies the areas or gaps in the current transport system, highlights how those gaps affect the social and economic participation of people with a disability, and makes policy recommendations to close those gaps.

NDS welcomes the opportunity to provide comment, seeing the NSW Taxi Industry as playing an integral role in the economic and social participation of people with disability.

2. Legislation:

Australia ratified the United Nations Convention on the Rights of Persons With Disability (UN Convention) on 17 July 2008. Article 9 of the Convention states that “State 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.”¹

Additional to this, NSW Government agencies and other transport providers have responsibilities for the provision of accessible transport services and the removal of discriminatory practices under the following legislation and policies:

- NSW Anti-Discrimination Act 1977;
- NSW Disability Services Act 1993;
- NSW Disability Policy Framework;
- Commonwealth Disability Discrimination Act (DDA) 1992; and
- Commonwealth Disability Standards for Accessible Public Transport.

The Commonwealth Disability Standards for Accessible Public Transport sets out a requirement that all public transport infrastructure, conveyances and amenities be compliant within a 30 year period from 2002. “Access, on an equal basis with others, to transportation” needs to be considered in a broader context than just public transport. Even if all public transport infrastructure is 100% accessible, there are still almost 150,000 people in NSW who are unable to use public transport due to their support requirements.² In this respect, access to transport, including taxis, transport delivered by service providers, and private transport should be included in the understanding of accessibility under the UN Convention.

3. Accessibility Gap

Currently there exists a gap between Government transport provision, and what people with disability require. All people in NSW have the option to make their own private transport arrangements, whether by car or other means. The Government makes available public transport to all people, though this is not accessible to everyone. Those who are transport disadvantaged, and unable to access public transport, may have the option to use Community Transport, assuming they fall within the eligibility criteria for this service. Where people do not meet the eligibility criteria for Community Transport, many disability service providers through necessity and at their own cost provide transport options. The inadequate numbers of wheelchair accessible taxis in NSW only heightens this dependence upon transport delivered by service providers. By meeting the transport needs of people with disabilities that are not otherwise catered for by the Government, disability service providers are alleviating the pressure on Government and public transport operators to ensure that all people in NSW have equitable access to transport.

¹ United Nations, *Convention on the Rights of Persons With Disability*. Found at <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

² Australian Bureau of Statistics, Cat. No. 4430.0 Disability, Ageing and Carers, Table 17, Persons with a disability aged 5 and over, Living in Households, Disability Status by use of public transport – NSW 2003

4. Responsibility for Accessibility

Responsibility for coordination of public transport accessibility in NSW lies with NSW Transport and Infrastructure. A number of Government agencies, including the Roads and Traffic Authority, RailCorp, State Transit, Sydney Ferries, NSW Maritime, and other agencies have responsibility for the delivery of accessible transport under NSW and Commonwealth legislation. Agencies are required to develop their own framework that details progress towards fully accessible transport provision. No responsibility for regulating and monitoring the accessibility of the taxi industry exists outside of the requirements of NSW Transport and Infrastructure.

The NSW DSA and the Disability Policy Framework requires that all Government agencies develop disability action plans that document progress towards fully accessible service provision. Ageing, Disability and Home Care, Department of Human Services NSW (ADHC) is responsible for coordinating and reporting on the disability action plans developed by Government agencies. For the provision of transport services in NSW, NSW Transport and Infrastructure is the nominated coordinating agency for all agencies with transport responsibilities to progress accessibility. As such all transport accessibility plans and progress are reported in the Accessible Transport Action Plan for NSW Transport, Roads and Maritime Agencies. Currently there is no specific requirement for a DAP to be developed relating specifically to the taxi industry.

DAPs are developed according to the NSW Government Disability Policy Framework and Guidelines, and must meet with the requirements of both the DDA and DSA, and are submitted to either Ageing, Disability & Home Care (ADHC) or The Human Rights and Equal Opportunity Commission (HREOC) in December every third year. To ensure that Government agencies meet these requirements, each is required to report on progress outlined in DAPs in their Annual Reports, and performance measures tied to increasing accessibility of services for people with disabilities are included in performance agreements of Chief Executive Officers, and Senior Executive Service members. The only measure that is currently required to be published that outlines the progress towards accessibility requirements of taxis is the waiting time for standard taxis and wheelchair accessible taxis.

The NSW Infrastructure and Transport Annual report 2008/09 at appendix 11 reports on their Disability Action Plan. However there is no detail on goals, progress towards goals, or other information relating to accessible transport and infrastructure. It is difficult for independent parties to comment on the degree of progress against the published compliance timetables when there is no requirement for agencies to publish progress towards targets on a regular basis.

Recommendation: NDS recommends that NSW Transport and Infrastructure be required to publish progress towards Disability Action Plan and Disability Standards for Accessible Public Transport targets in their Annual Reports.

Part 34 of the Transport Standards³ requires that the Minister for Transport and Regional Services carry out a review of their effectiveness and efficiency within five years of commencement, in consultation with the Attorney-General. A draft report on the review begun in 2007 was released in 2008 for public comment. The report into the review has been finalised and is currently with the Federal Transport Minister and the Commonwealth Attorney General for consideration. NSW Transport and Infrastructure last reported on progress towards fully accessible service provision in June 2008.

There is not overarching regulation or monitoring of the compliance or otherwise with DAPs. HREOC assesses discrimination issues as they arise in relation to accessible public transport and progress towards accessibility goals.

Recommendation: NDS recommends that authority be given to HREOC to actively investigate and make recommendations relating to compliance with transport accessibility, and progress towards accessibility goals.

5. The NSW State Plan

The NSW Government launched its State Plan in 2006. This is a fundamental long term plan to deliver the best possible services to the people of NSW, and focuses upon key service delivery priority areas such as health, education, community safety and transport⁴. The NSW State Plan includes only a single goal relating to transport accessibility, and no specific targets to measure progress towards this goal. The NSW Governments' key targets for better service delivery, developed through consultation with 3,500 groups and individuals, contains no specific goals relating to the development of an accessible transport system. This oversight is disappointing and shows that the development of an accessible transport system remains a low priority in NSW, and is notable by its absence.

6. Impact of the Ageing Population in NSW

The age profile of the population of NSW shows that the population in 2030 will be significantly larger and significantly older than it is today. The NSW population is projected to increase from almost 7 million people in 2006 to almost 8.3 million

³ Australia. Attorney General's Department. *Disability Standards for Accessible Public Transport 2002*. Found at <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200507227?OpenDocument>

⁴New South Wales. Department of Premier and Cabinet. *NSW State Plan 2009 Review*. Found at <http://more.nsw.gov.au/stateplan>

people in 2031⁵. A significant proportion of the increase will be people aged 65 and older, who currently make up 14% of the population but will increase to over one in five (22%) in 2031, when there will be 1.8 million people 65 and over in NSW. There will also be a significant rise in the number of 'very old' people, with the number of people in NSW aged 100 years or older expected to increase from 1,000 now to 6,500 by 2026, and 8,200 by 2031. The impact of an ageing population will manifest itself on the transport system. As people live longer lives, they will experience greater rates of disability and mobility related issues. This will mean that people will become more reliant on accessible transport systems, including wheelchair accessible taxis, to participate fully in their communities.

7. Taxi Services

The accessibility goal for Wheelchair Accessible Taxis (WATs) under the Commonwealth Standards is that response times for standard taxis and WATs are the same. It should be noted that response time statistics are only available for the Sydney Metropolitan Area, though no justification is provided as to why response time statistics are not made available for the rest of NSW.

Recommendation: NDS recommends that wheelchair accessible taxi response time statistics be annually published and reviewed for all areas in NSW.

WAT licences are available in urban areas for \$1,000 and free in the country. Interest free loans are available for country WATs. A standard taxi license can cost as much as \$380,000.00 to purchase. The heavy discount on WAT licences is a means of increasing the supply of WATs, and thereby lowering the gap between response times for WATs and standard taxis.

- Table 1 – Average Taxi Response Times (Sydney Metropolitan Area)

Taxi Type	2006/07	2007/08
Standard Taxi	7.58 minutes	8.35 minutes
WAT	11.41 minutes	9.97 minutes

8. Taxi Transport Subsidy Scheme (TTSS)

The TTSS was introduced in 1981 to provide transport options to people with severe and permanent disabilities, by allowing people, fitting specific criteria, to travel by taxi at half price with a maximum subsidy of \$30.00. People eligible for the TTSS must have a permanent disability, and also fit into one of the following categories:

⁵ New South Wales. Ageing, Disability and Home Care. *Towards 2030: Planning For Our Ageing Population*. Found at <http://www.dadhc.nsw.gov.au/NR/rdonlyres/A5EB541E-00F3-4A12-BCB9-1995DFDF82DA/3675/towards2031.pdf>

- ambulatory problems including being restricted to a wheelchair or a permanent inability to walk more than severely limited distances;
- total loss of vision in both eyes or severe permanent impairment;
- severe and uncontrollable epilepsy;
- severe intellectual disabilities causing behavioural problems; and
- severe and permanent communication difficulties.

This criterion is important as it attempts to encompass those people who are part of the approximately 150,000 people in NSW who are unable to use any other form of public transport.

The TTSS has not been reviewed since 1999. Up until 2008 taxi fares increased by slightly more than 40% and CPI has increased by 28% over the same period⁶. People eligible for TTSS are likely to be on fixed incomes, and are consequently struggling to keep up with the increase in costs in real terms of the scheme. People eligible for the scheme are also likely to require taxis for a greater length of time for a trip, due to their mobility restrictions, than other passengers further adding to the cost of the fare.

Despite increases to the subsidy in similar schemes in South Australia and Western Australia from 50% to 75%, the NSW Government currently has no intention to review the subsidy level at this time.⁷

Recommendation: NDS recommends that the TTSS be reviewed and increased to meet changes in CPI and the cost of taxi fares.

9. Incentive Payment for Wheelchair Accessible Taxi Drivers

The NSW Government has recently completed a trial of implementing an incentive payment for wheelchair accessible taxi drivers. A claim for a payment of \$8.47 (inc. GST) can be made by a driver of a WAT for each trip by a person in a wheelchair. Wheelchair passengers are given forms to hand to drivers at the completion of a journey to verify the trip. Drivers are reimbursed upon presenting the voucher to NSW Transport and Infrastructure. Drivers are not permitted to seek any additional money to cover the incentive payment. The program has been continued following a successful initial six month trial period.

⁶ New South Wales. Independent Pricing and Regulatory Tribunal. *Review of Taxi Fares in NSW*, 2008. p 94.

⁷ New South Wales. *Hansard*, NSW Legislative Council, 4 March 2009.

10. Number of Wheelchair Accessible Taxis

For many people with a disability, WATs are simply the only form of transport available. Train and bus services are either inaccessible or unavailable in their area, and standard taxis are also not accessible. Cars are inaccessible without significant and costly modifications and in most cases the person with disability would require a driver. Where this situation exists, people become dependent upon WATs for all their transport requirements. The availability of WATs across NSW is limited, and this is especially pronounced in regional areas. The numbers in the Hunter and Illawarra regions are incredibly low, and people who require wheelchair accessible taxis commonly report excessive waiting periods of hours, even when a taxi has been booked a week in advance.

- Table 2 – Distribution of WATs, and Taxis across NSW

	Total Taxi licenses ⁸	WAT ⁹	Population ¹⁰	People requiring assistance for self care/mobility ¹¹
Sydney	5174	479	4,399,722	235,674
Newcastle	162	10	288,732	15,466
Wollongong	134	9	284,169	15,222
Country NSW	1026	190	2,127,077	11,3938
Total NSW	6496	688	7,099,700	380,300

Table 2 shows the low numbers of WATs available in Newcastle, Wollongong, and Country NSW, compared with total taxi licenses, overall populations, and the population of people requiring assistance for self care and mobility.

According to the NSW Transport and Infrastructures figures for July 2004¹², there were 435 WATs in NSW, 285 in the Sydney metropolitan region, and only 4 in the Newcastle region. In July 2008¹³ the number of WATs had increased to 470 in the Sydney metropolitan region and 236 in outer metropolitan and Rural and Regional areas.

The NSW Accessible Transport Action Plan measures progress towards accessible taxis in average taxi response time, in comparison to standard taxis. An improvement of 12.6% in WAT response times was reported for 2006/07 – 2007/08.

⁸ New South Wales. Independent Pricing and Regulatory Tribunal. *Review of Taxi Fares in NSW*, 2008. p 61

⁹ Ibid. P. 61

¹⁰ Australia. Australian Bureau of Statistics. *3101.0 - Australian Demographic Statistics*, Jun 2009. Found at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0/>

¹¹ Australia. Australian Bureau of Statistics. *Cat. No. 4430.0 Disability, Ageing and Carers, Table 17, Persons with a disability aged 5 and over, Living in Households, Disability Status by use of public transport*. 2003

¹² New South Wales. NSW Transport and Infrastructure. *Taxi Industry Inquiry - Interim Report*. p. 70. Found at: <http://www.transport.nsw.gov.au/taxi/taxi-inquiry-interim-report.doc>

¹³ New South Wales. NSW Transport and Infrastructure. *Accessible Transport Action Plan for NSW Transport, Roads and Maritime Agencies*. Found at: <http://www.transport.nsw.gov.au/abouttrans/access-trans-action-plan.html>

The NSW transport and Infrastructure Annual Report 2008-09¹⁴ states that new network standards for all taxi networks were introduced for all taxi networks in Sydney, Newcastle, the Central Coast and Wollongong. These took effect in July 2008, and require networks to meet benchmarks for service delivery including telephone response times, and passenger pick up times for all bookings. Performance against these standards is reported on the NSW Transport and Infrastructure website, though the reporting specifically excludes any information relating to wheelchair accessible taxis.

Recommendation: NDS recommends that reporting on "Standard Taxi Performance Against Network Standards" include information on wheelchair accessible taxis against all criteria.

11. Guide Dogs

NDS members report that catching taxis with a guide dog can be difficult as many taxi drivers appear to have an aversion to allowing the guide dogs into their cabs. This behaviour is not only discriminatory; it creates further difficulties for people attempting to use public transport.

A Guide Dog is a vital means of independent travel for many people living with impaired vision. As a mobility aid, law permits a Guide Dog to accompany their users in all forms of public transport, including taxis, buses and trains. The following legislation covers these rights:

- Disability Discrimination Act 1992 (Commonwealth)
- Anti-Discrimination Act 1977 (New South Wales)
- Companion Animals Act 1998 (New South Wales)
- Passenger Transport Act 1990 (New South Wales)
- Rail Safety Act 1993 (New South Wales)
- Discrimination Act 1991 (ACT)
- Domestic Animals Act 2000 (ACT)

12. Examples of difficulties in accessing and using Wheelchair Accessible Taxis:

NDS canvassed our membership to ascertain the experiences of service providers and wheelchair users with the taxi industry, and wheelchair accessible taxis. The following are some of the experiences relayed to NDS:

- A wheelchair dependant person booked an accessible taxi to pick her up for work at 7.15 am. The taxi did not arrive until 8.30 am. The stated reason for

¹⁴ Found at: http://www.transport.nsw.gov.au/publications/annual_reports/annual-report-2009.pdf

the delay was that the taxi had been taking additional fares in the mean time for which it receives an incentive. The person was therefore very late for work, and greatly inconvenienced. A formal complaint was written to the taxi company without any response.

- There is a lack of training in clamping procedures, and drivers will often say that a wheelchair does not need to be clamped into the car. This is very dangerous as a wheelchair unstabilised carries a similar risk to travelling without a seatbelt.
- There is no guarantee that the cabs will actually turn up after a booking is made. Waiting times can range from reasonable, to the point where taxis either do not show up at all, or do so hours late.
- Tamworth has only 3 WATs. The population of Tamworth Regional Council is 56532¹⁵. These 3 taxis cover all transport requirements of people in wheelchairs in the area. At peak times, such as 7.00 am to 9.00 am and 3.00 pm to 6.00 pm there are no other accessible transport options available. In many cases, disability service providers have no option but to find revenue to fund transport services to ensure the people they are funded to deliver services to are able to attend the service.
- A person reported to NDS that they were left waiting alone in a school yard for an accessible taxi to take them home from school until after 6.00 pm.
- In Newcastle, Maxi cabs will not pick up people in wheelchairs on Friday and Saturday nights, as they are able to make greater money from transporting groups of people due to increased fares for group travel.
- People have reported that they request station wagon taxis to pick them up, so that wheelchairs can be stored in rear of the taxi. Often a sedan will arrive, and the driver will become irate that they miss the fare, as the person is not able to use the sedan.
- Much depends on the knowledge and attitude of taxi drivers and call centre operators. People report that upon requesting a WAT from call centre operators, they are told none are available. Common practice is to ring back in these situations, and speak to another operator who is able to make the necessary arrangements quite simply.
- Drivers need to be aware of the effects that driving quickly and aggressively can have on passengers in wheelchairs. Bumps are more pronounced, and people in wheelchairs may have greater difficulty stabilising their bodies against exaggerated movements of a taxi.

¹⁵ Found at: http://www.dlg.nsw.gov.au/dlghome/dlg_LocalGovDirectory.asp?index=1&CN=T

• **Service Provider Case Study:**

Once an individual leaves school, taxi services must be paid for by the individual using the taxi subsidy system and mobility allowance to help defray the costs.

The average cost of a taxi service from outlying areas of town (there is a potential service user from this area next year, whose family doesn't own a wheelchair accessible vehicle) are \$135-\$140 each way.

Less the maximum taxi subsidy, of \$30.00 per trip, this leaves a total of \$105 to \$115 each way each day for the service user to pay.

The TOTAL for 5 days per week = \$1050.00.

Using the total mobility allowance (30.00 per week) and the total transport subsidy from ADHC (\$20.00 per week) the shortfall is \$1000.00 per week.

Result: The service must find a way to transport service users if they are to receive service, or refuse to provide service.

The provider uses innovative ways to provide transport to isolated service users by providing an accessible vehicle driven by a volunteer, to transport a number of service users to the service. In this way the service can provide much needed transport to their day program.

From a medium sized provider on the North Coast of NSW.

This case study shows the difficulties that need to be overcome by providers to ensure their clients are able to access the service. It also highlights the innovative solutions that service providers are developing to address the shortfall in accessible transport, and the savings for Government by the use of innovative solutions

13. NDS recommendations:

Recommendation 1: That NSW Transport and Infrastructure be required to publish progress towards Disability Action Plan and Disability Standards for Accessible Public Transport targets in their Annual Reports.

Recommendation 2: That authority be given to HREOC to actively investigate and make recommendations relating to compliance with transport accessibility, and progress towards accessibility goals.

Recommendation 3: That wheelchair accessible taxi response time statistics be annually published and reviewed for all areas in NSW.

Recommendation 4: That the TTSS be reviewed and increased to meet changes in CPI and the cost of taxi fares.

Recommendation 5: Those reporting on "Standard Taxi Performance Against Network Standards" include information on wheelchair accessible taxis against all criteria.

14. Conclusion

The taxi industry is required by law, as are all service industries, to ensure that their fleet is accessible. The availability of wheelchair accessible taxis plays an integral role in the social and economic participation of people with disabilities. Whilst the availability of wheelchair accessible taxis is inadequate to meet the needs of wheelchair users, disability service providers are left with little options other than to fund transport for their clients through fundraising and other activities. This reliance upon fundraising for the provision of accessible transport amounts to a cost shift from government and the taxi industry to disability service providers. The taxi industry needs to accept responsibility for ensuring that its fleet is accessible, and that they are required to meet these costs, just as any other industry is required to ensure that access to its services are not discriminatory.

Contact: Mr Patrick Maher

About National Disability Services

National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes more than 650 not-for-profit organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.

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APPENDIX A:

Transport as an Enabler for the Social and Economic Participation of People With Disability in NSW.

NDS NSW Paper to support the submission made by NDS to the Inquiry into the NSW Taxi Industry.

January 2010



Transport as an Enabler for the Social and Economic Participation of People With Disability in NSW

Supporting Paper to NDS submission to the Inquiry into the NSW Taxi Industry.

January 2010

This paper highlights the critical role that transport plays as an enabler for the social and economic participation of people with disability in NSW. It examines the role that transport plays in the provision of equitable access to community and services for people with disability, identifies the areas or gaps in the current transport system, highlighting how those gaps affect the social and economic participation of people with a disability, and makes policy recommendations to close those gaps.

**Supporting Paper – Transport as an Enabler for the Social and Economic Participation
of People With Disability in NSW**

December 2009

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1. Introduction

This paper highlights the critical role that transport plays as an enabler for the social and economic participation of people with disability in NSW. It examines the role that transport plays in the provision of equitable access to community and services for people with disability, identifies the areas or gaps in the current transport system, highlighting how those gaps affect the social and economic participation of people with a disability, and makes policy recommendations to close those gaps.

Some of the key issues facing people with disability accessing transport in NSW include:

- 485,000 people in NSW are not able to, or have difficulty accessing public transport¹;
- 149,900 people in NSW are unable to use any form of public transport;²
- There are no bus routes in NSW where every bus, and every bus stop is fully accessible;
- No figure is reported for accessible bus stops either for State Transit Authority buses, or private bus companies;
- The Taxi Transport Subsidy Scheme has not been reviewed since 1999. Over this time, taxi fares have increased by slightly more than 40%, and CPI has increased by 28% over the same period³.
- The eligibility criterion for Community Transport specifically excludes non-school aged people with disability, and those who are not frail aged. This exclusion creates a significant gap for people with disability between 18 and 65 years of age in their ability to access transport services.
- It is difficult for independent parties to comment on the degree of progress against the published compliance timetables when there is no requirement for agencies to publish progress towards targets on a regular basis.

Australia ratified the United Nations Convention on the Rights of Persons With Disability (UN Convention) on 17 July 2008. Article 9 of the Convention states that "State 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."⁴

Additional to this, NSW Government agencies and Non-Government providers have responsibilities for the provision of accessible transport services and the removal of discriminatory practices under the following legislation and policies:

- NSW Anti-Discrimination Act 1977;
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- Commonwealth Disability Discrimination Act (DDA) 1992; and

¹ Australian Bureau of Statistics, Cat. No. 4430.0 Disability, Ageing and Carers, Table 17, Persons with a disability aged 5 and over, Living in Households, Disability Status by use of public transport – NSW 2003

² Ibid.

³ New South Wales. Independent Pricing and Regulatory Tribunal, *Review of Taxi Fares in NSW*, Sydney: 2008 p 94.

⁴ United Nations, *Convention on the Rights of Persons With Disability*. Found at <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

- Commonwealth Disability Standards for Accessible Public Transport.

The Commonwealth Disability Standards for Accessible Public Transport sets out a requirement that all public transport infrastructure, conveyances and amenities be compliant within a 30 year period from 2002. This paper will look in part at the progress made in NSW towards these requirements, whilst also investigating the transport options for people with disability that exist outside of traditional public transport. "Access, on an equal basis with others, to transportation" needs to be considered in a broader context than just public transport. Even if all public transport infrastructure is 100% accessible, there are still almost 150,000 people in NSW who are unable to use public transport due to their support requirements.⁵ In this respect, access to transport, including Community Transport, transport delivered by service providers, and private transport should be included in the understanding of accessibility under the UN Convention.

Once all forms of transportation are considered in terms of accessibility, it is important to also note that transport enables the social and economic participation of people with a disability in NSW. An integrated solution encompassing the UN Convention is required that delivers outcomes for all people with disability. The work that is required by all NSW Government agencies with responsibility for transport and disability services to deliver economic and social participation of people with disability will be examined.

Currently there exists a gap between government transport provision, and what people with disability require. All people in NSW have the option to make their own private transport arrangements, whether by car or other means. The Government makes available public transport to all people, though as will be shown this is not accessible to everyone. Those who are transport disadvantaged, and unable to access public transport, may have the option to use Community Transport, assuming they fall within the eligibility criteria for this service. Where people do not meet the eligibility criteria for Community Transport, many disability service providers through necessity and at their own cost provide transport options. By meeting the transport needs of people with disabilities that are not otherwise catered for by the government, disability service providers are alleviating the pressure on government and public transport operators to ensure that all people in NSW have equitable access to transport.

⁵ Australian Bureau of Statistics, Cat. No. 4430.0 Disability, Ageing and Carers, Table 17, Persons with a disability aged 5 and over, Living in Households, Disability Status by use of public transport – NSW 2003

Figure 1 – Transport Options for People with a Disability:

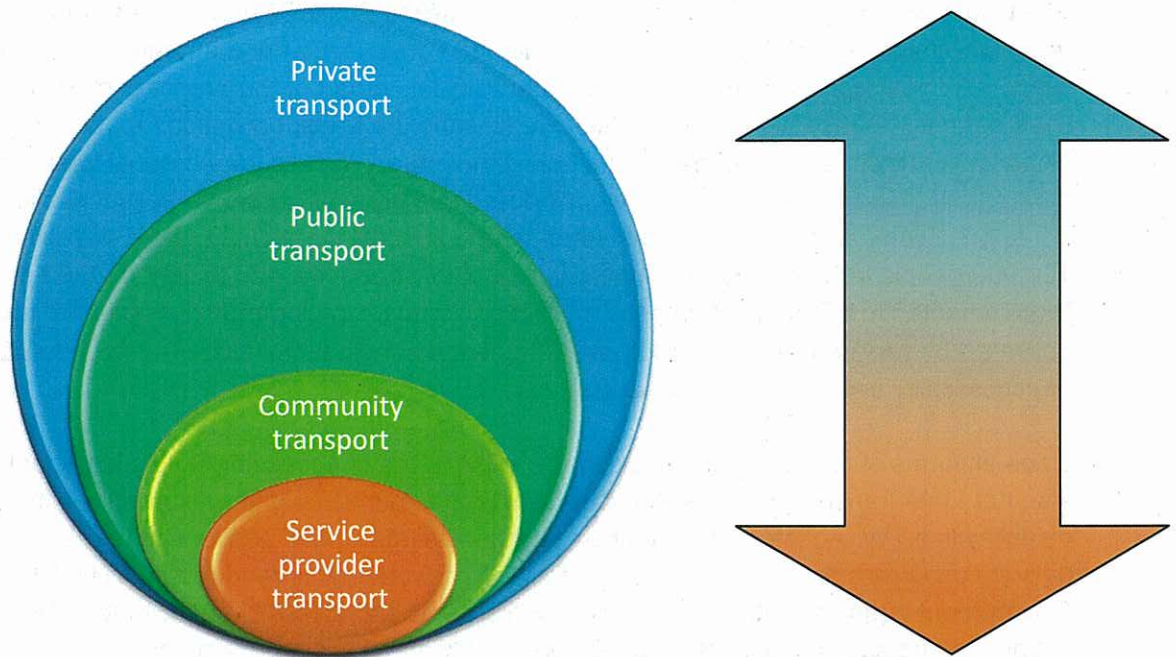


Figure 1 shows the decreasing number of transport options available to people as transport disadvantage increases. The vast majority of the Australian population is able to access private and public transport. People with disability are likely to experience transport disadvantage, and are not able to access public or private transport. Community transport has limited eligibility criteria meaning that for some people the only transport option available to them is that transport which is provided at the discretion of service providers.

2. Background

People with disability and service providers have long identified access to transport as a major barrier in accessing services and the community. "Transport can be seen as an essential service that enables people to access other essential services, such as education, employment, family, health and social activities. Poor transport options or limited access (both in terms of physical access and cost) to transport means that people can be excluded from participating within society."⁶ The analysis presented will not focus entirely on 'accessible' transport in terms of wheelchair ramps at stations and designated seats on buses, but rather the impact a lack of transport has in restricting the ability of people with disability to participate fully in social and economic activities. As having accessible transport certainly plays a pivotal role in enabling choices for people with disability.

The Value of Transport:

"Transportation and employment services offer the greatest predictions of people's quality of life, and are therefore prime areas to consider for service enhancements.

- a) people's perceived availability of transportation had significant relations to all quality of life domains at both the individual and provider levels;
- b) in addition to people's perceptions, the more frequently providers transported people, the higher their quality of life in half the domains; and
- c) the more providers rely on other providers to transport people they support, the lower their average quality of life in two domains."⁷

2.1 Who is Affected?

Approximately 1.2 million people in NSW have a disability and of these, an estimated 380,300 people require support and assistance on a regular basis for self care and mobility⁸. In NSW, approximately 25,000 people receive services funded through the National Disability Agreement (NDA) provided by 2150 outlets. Of the number of people with disability in NSW, approximately one third (383,200) reside in regional and rural areas.

The Australian Bureau of Statistics Census in 2003 surveyed availability of transport options for people with disability, including access to public transport, modes of transport and usage of private transport options. It is estimated that in NSW almost a third (336,100) of people with disability have difficulty using public transport for a variety of reasons. More importantly, 14% (149,900) of people with disability stated they were unable to use any form of public transport, and a further 8,100 stated that they were unable to leave their home. Public

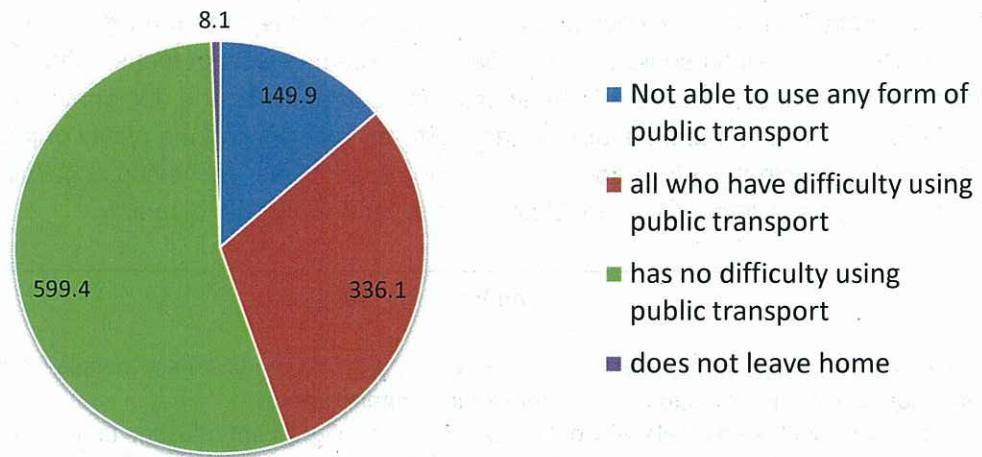
⁶ Mollenkopf, H; Baas, S; Marcellini, F. et al. 2006, 'Mobility and the quality of life'. In Enhancing mobility in later life. Mollenkopf, H; Marcellini, F; Ruoppila, I., et al. Amsterdam: IOS Press. pp. 279-288 and Saunders, P; Sutherland, K. 2006. 'Experiencing poverty: The voices of low-income Australians'. Social Policy Research Centre, University of New South Wales p. 36

⁷ Bonham, Basehart, and Marchand. December 2003, "Ask Me! FY 2003: The Quality of Life of Marylanders With Developmental Disabilities Receiving DDA Funded Supports Maryland Developmental Disabilities Administration." The Arc of Maryland, Found at: <http://www.thearc.org/egroup/askme.pdf>

⁸ Australian Bureau of Statistics, Cat. No. 4430.0 Disability, Ageing and Carers, Table 17, Persons with a disability aged 5 and over, Living in Households, Disability Status by use of public transport – NSW 2003

transport is available locally for an estimated 83% (913,500) of people with disability⁹. 599,400 people with disability stated they have no problem using public transport. This information is detailed in Figure 2.

Figure 2 – Ability of People with Disability to Use Public Transport (000s)



⁹ Australian Bureau of Statistics, Cat. No. 4430.0 Disability, Ageing and Carers, Table 17, Persons with a disability aged 5 and over, Living in Households, Disability Status by use of public transport – NSW 2003

3. Public Transport Accessibility Snapshot

Responsibility for coordination of public transport accessibility in NSW lies with NSW Transport and Infrastructure. A number of government agencies, including the Roads and Traffic Authority, RailCorp, State Transit, Sydney Ferries, NSW Maritime, and other agencies have responsibility for the delivery of accessible transport under NSW and Commonwealth legislation. Agencies are required to develop their own framework that details progress towards fully accessible transport provision.

The Commonwealth Disability Discrimination Act (DDA) and the Disability Standards for Accessible Public Transport (Transport Standards) require that the delivery of services should provide equitable access for people with a disability. The practical applications of the requirements of the Act are outlined in the Transport Standards.

The Commonwealth Government endorsed the Transport Standards in October of 2002 and a 30 year compliance timetable came into effect on that date.¹⁰ Each NSW Government agency is required to meet the compliance timeframe for accessible transport.

The NSW DSA and the Disability Policy Framework requires that all government agencies develop disability action plans that document progress towards fully accessible service provision. ADHC is responsible for coordinating and reporting on the disability action plans developed by government agencies. For the provision of transport services in NSW, NSW Transport and Infrastructure is the nominated coordinating agency for all agencies with transport responsibilities to progress accessibility. As such all transport accessibility plans and progress are reported in the Accessible Transport Action Plan for NSW Transport, Roads and Maritime Agencies.

The NSW Government Disability Policy Framework, 1998, makes clear that State Government agencies are to adjust their services to better meet the needs of people with disabilities. Section 9 of the NSW DSA, requires state government agencies to develop and submit Disability Action Plans (DAP) which set out the ways which their services can be used by people with a disability. The DDA requires providers of services, and employers to make whatever adjustments are necessary and reasonable to allow people with disabilities equity of access.

DAPs are developed according to the NSW Government Disability Policy Framework and Guidelines, and must meet with the requirements of both the DDA and DSA, and are submitted to either Ageing, Disability & Home Care (ADHC) or The Human Rights and Equal Opportunity Commission (HREOC) in December every third year. To ensure that Government agencies meet these requirements, each is required to report on progress outlined in DAPs in their Annual Reports, and performance measures tied to increasing accessibility of services for people with disabilities are included in performance agreements of Chief Executive Officers, and Senior Executive Service members.

The NSW Infrastructure and Transport Annual report 2008/09 at appendix 11 reports on their Disability Action Plan. However there is no detail on goals, progress towards goals, or other information relating to accessible transport and infrastructure. It is difficult for independent

¹⁰Australia. Attorney General's Department. *Disability Standards for Accessible Public Transport 2002* Found at <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200507227?OpenDocument>.

parties to comment on the degree of progress against the published compliance timetables when there is no requirement for agencies to publish progress towards targets on a regular basis. NDS recommends that key agencies, such as NSW transport and Infrastructure, be required to report on progress towards Disability Action Plan and Disability Standards for Accessible Public Transport targets on an annual basis.

Part 34 of the Transport Standards¹¹ requires that the Minister for Transport and Regional Services carry out a review of their effectiveness and efficiency within five years of commencement, in consultation with the Attorney-General. A draft report on the review begun in 2007 was released in 2008 for public comment. The report into the review has been finalised and is currently with the Federal Transport Minister and the Commonwealth Attorney General for consideration. NSW Transport and Infrastructure last reported on progress towards fully accessible service provision in June 2008. As the review of the Commonwealth Transport Standards has not been finalised, this may in part explain why no further progress reports have been published.

There is not overarching regulation or monitoring of the compliance or otherwise with disability action plans. HREOC assesses discrimination issues as they arise in relation to accessible public transport and progress towards accessibility goals. NDS Recommends that authority is given to HREOC to actively investigate and make recommendations relating to compliance with transport accessibility, and progress towards accessibility goals.

The NSW Government launched its State Plan in 2006. This is a fundamental long term plan to deliver the best possible services to the people of NSW, and is focused upon key service delivery priority areas such as health, education, community safety and transport¹². The NSW State Plan includes only a single goal relating to transport accessibility, and no specific targets to measure progress towards this goal. The NSW Governments' key targets for better service delivery, developed through consultation with 3,500 groups and individuals, contains no specific goals relating to the development of an accessible transport system. This oversight is disappointing and shows that the development of an accessible transport system remains a low priority in NSW, and is notable by its absence.

NSW Transport and Infrastructure defines transport accessibility as "the provision of information, infrastructure and transport services that provides for equitable access for the entire community. The community includes many people who experience mobility difficulties such as older persons and people with a disability."¹³

As the key provider and organisation responsible for the public transport needs of NSW, NSW Transport and Infrastructure has a crucial role in ensuring provision of equal access to services to people with disability. Undoubtedly, access to public transport is a fundamental part of ensuring people with disability are able to participate in all areas of their community. If a train station is not wheelchair accessible, or does not have signs that can be easily

¹¹ Australia. Attorney General's Department. *Disability Standards for Accessible Public Transport 2002* Found at <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200507227?OpenDocument>

¹² New South Wales. Department of Premier and Cabinet. *NSW State Plan 2009 Review*. Found at <http://more.nsw.gov.au/stateplan>

¹³ New South Wales. NSW Transport and Infrastructure. *Accessible Transport Action Plan For NSW Transport, Roads And Maritime Agencies*. 2007. Found at <http://www.transport.nsw.gov.au/abouttrans/access-trans-action-plan.pdf>

understood by all, then it creates a huge impact on the ability of people in that area to move freely within their community.

The age profile of the population of NSW shows that the population in 2030 will be significantly larger and significantly older than it is today. The NSW population is projected to increase from almost 7 million people in 2006 to almost 8.3 million people in 2031¹⁴. A significant proportion of the increase will be people aged 65 and older, who currently make up 14% of the population but will increase to over one in five (22%) in 2031, when there will be 1.8 million people 65 and over in NSW. There will also be a significant rise in the number of 'very old' people, with the number of people in NSW aged 100 years or older expected to increase from 1,000 now to 6,500 by 2026, and 8,200 by 2031. The impact of an ageing population will manifest itself on the transport system. As people live longer lives, they will experience greater rates of disability and mobility related issues. This will mean that people will become more reliant on accessible transport systems to participate fully in their communities.

Table 1 – Compliance Timeframe for NSW Transport and Infrastructure

Aspect of service	end 2007	end 2009	June 2008 status ¹⁵	end 2012	end 2017	end 2022	end 2032
Information	100%*	100%	No figure reported				
Infrastructure**	25%	37%	No figure reported.	55%	90%	100%	
Timetabled bus services	25%	37%	30%****	55%	80%	100%	
Coaches	25%	37%	41.6%	55%	90%	100%	
Rail rolling stock	25%	37%	87%	55%	90%	90%	100%
Taxi services	***		19% slower				

* Not including bus stops (infrastructure timetable).

** Includes bus stops. In addition, vending machines, gateways, surfaces, handrails & grabrails must be 100% compliant after 10 years.

*** Response times to be the same as for any taxi service.

****It is not possible to more accurately estimate this percentage as a small minority of bus operators have not been able to provide accurate reports on how many of their accessible services are on the timetable

- Table 1 sets out the timeframe established by NSW Transport and Infrastructure to achieve 100% accessibility of all public transport services in NSW, and current progress against targets consistent with the Commonwealth Standards.

According to the compliance timeframe, all public transport in NSW should be 100% accessible by December 31 2032. The infrastructure goal for 31 December 2009 is 37% accessibility. Further to this, all vending machines, gateways, surfaces, handrails and grab rails must be 100% compliant by 2012, though no progress against this goal is reported. At

¹⁴ New South Wales. Ageing, Disability and Home Care. *Towards 2030: Planning For Our Ageing Population*. Found at <http://www.dadhc.nsw.gov.au/NR/rdonlyres/A5EB541E-00F3-4A12-BCB9-1995DFDF82DA/3675/towards2031.pdf>

¹⁵ As at 4 January 2010, the most recent information published by NSW Transport and Infrastructure is from June 2008.

the end of 2007 all information about public transport was required to be accessible, except information at bus stops. No justification for this exclusion is given, and no figure on the accessibility of information at bus stops is reported. For any part of the transport system to be accessible, a systemic approach to accessibility needs to be implemented. Whilst 87% of rail rolling stock is accessible across NSW only 45% of stations were accessible in 2008. A train trip is not accessible if it does not stop at an accessible station.

Summary of Accessible Services and Infrastructure - As at June 2008

3.1 Rail Services

Table 2 – Rail Service Accessibility

Aspect of Service/Infrastructure	Number Accessible	Total Number	% Accessible
Wheelchair accessible stations in the CityRail network	108	304	36%
Wheelchair accessible stations in the CountryLink network	62	67	93%
CityRail suburban carriages *	1267	1267	100%
CityRail outer-suburban / intercity carriages *	133	342	39%
CityRail / CountryLink regional trains *	33	33	100%

* All rail services use portable boarding ramps and direct assistance.

NSW Transport and Infrastructure reported in 2005 that 60% of all patronage on RailCorp was through easy access standard stations. Whilst only 26% of stations were fully accessible, they are the most heavily used stations.

However, these figures are misleading, and overstate the level of accessible infrastructure in the RailCorp network. For a start, the majority of RailCorp patronage is trips by commuters travelling to work in the CBD. According to statistics provided by RailCorp, patronage levels in the CBD are on average only slightly less than patronage levels for the whole of the Western line, and greater than the levels for the North Shore line. However, there are only 8 train stations in the CBD, compared to 23 on the Western line, and 20 on the North Shore line. These figures indicate that a great deal of journeys taken in Sydney include a stop in the CBD. 4 out of 8 stations in the CBD are wheelchair accessible, yet only 5 out of 20 on the North Shore line, and 11 out of 23 on the Western line are wheelchair accessible. It is disingenuous of RailCorp to stand behind the statement that 60% of all train journeys are through accessible stations. Making Town Hall, Wynyard and Central Stations accessible is important, but it does not hide the fact that two thirds of all CityRail stations are not accessible.

According to the Accessible Public Transport Map for the Sydney Metropolitan region, there are no train stations that are fully accessible between Hornsby and Chatswood. Even including these two stations, only five stations on the North Shore line are accessible to wheelchairs. Similarly, access for people with disabilities who live in Western Sydney is extremely difficult, as the number of fully accessible stations is very much limited. There are

only 15 fully accessible train stations (a further 11 are accessible when staffed) west of Parramatta (including Bathurst and Lithgow), a statistic that is partly representative of the lack of public transport infrastructure in Western Sydney in general, but also highlights the extreme difficulties in accessing any form of public transport for people with disability in Western Sydney.

NDS recommends that NSW Transport and Infrastructure and RailCorp reassess their targets, look at what can be achieved in the short term, as well as taking into account current progress towards long term goals, and reassessing the timeframes by which a fully accessible public transport system can be achieved. Both organisations should be actively updating their goals and progress towards those targets. Where 36% of train stations in the city rail network have been made accessible and current targets (37% of all stations accessible by end of 2009) are on track to be met, new targets and timeframes for full accessibility need to be set. The Accessible Transport Action Plan for NSW Transport, Roads and Maritime Agencies does not set out any budgetary commitments for the progressive access upgrade to existing CityRail stations beyond 2007/08.

One critical aspect of ensuring that CityRail train stations are accessible is implementing systems to assist people who are blind or vision impaired. This would involve establishing a consistent system of information and guidance at all city rail stations. Whilst many blind or vision impaired people will learn to access their local station, travelling to unfamiliar stations is burdensome, as there currently is not a consistent system in place across all CityRail stations for blind or vision impaired people.

The simplest system to implement is the use of tactile pathways, but this can be improved greatly by Braille or tactile signage on handrails. Audio signals can help connect people to these pathways and central audio points can provide detailed information.

Options that could be used in combination to facilitate easier orientation and movement include:

- audio signals marking the start of tactile pathways;
- directional pathways with Tactile Ground Surface Indicators;
- handrails with Braille and tactile information specifying location and direction; and
- central Braille, tactile and interactive audio points.¹⁶

NDS recommends that a system involving the use of all of these options be applied throughout stations on stairs, escalators and elevators to help avoid obstacles. The implementation of these systems would allow blind or vision impaired people to easily access stations by providing information that is taken for granted by the rest of the population.

3.2 Bus Services

¹⁶ G Piper, "Homepage for Greg Piper" August 2009. *Improving Guidance for Blind People At NSW Railway Stations*. Found at <http://www.gregpiper1.com/>

1669 of the 4011 buses in the Sydney and Outer Metropolitan Areas (41.6%) are currently accessible (approximately 47% Sydney Metro and 24% Outer Metropolitan areas). Approximately 30% of bus services in both the Sydney Metropolitan and Outer Metropolitan areas were timetabled as accessible as at 30 June 2008.

No figure is reported for accessible bus stops either for State Transit Authority buses, or private bus companies. NDS recommends that such data be publicly available. The most recent information available states that 60% of all bus trips on an average weekday in 2002 were by State Transit Authority (including school) buses.¹⁷

State Transit Authority Buses

Accessibility of buses is improving, with Sydney's State Transit Authority's buses all being replaced with accessible buses when they reach the end of their economic life. However, it is critical to note that there are as yet no bus routes where every bus and every bus stop are fully accessible. Buses which are wheel chair accessible need also to be running on routes that comply with the design standards required to allow the buses to be accessible. That is, both a bus and a bus stop need to be accessible in order for them to be used by a person with a mobility requirement. A bus stop is not accessible if the bus stopping there is not also accessible. Similarly, a bus is not fully accessible if it stops at an inaccessible bus stop. Further to this, the buses need to be running frequently and stopping as often as possible at accessible stops. If all of these pieces of the puzzle are not in place, then the buses cease to be accessible.

Similarly, people with disability need to have confidence in the timetabling of accessible buses. A number of bus routes do have some accessible buses timetabled, however last minute changes to scheduled buses can cause great inconvenience to people with mobility impairments. If an accessible bus is replaced on a scheduled route, a person waiting to board that bus will have to wait until another accessible bus arrives at their stop. This unplanned change in bus timetables can cause lengthy waits, with no guarantee of an accessible bus arriving at a given time. This small change in bus timetabling can create enormous difficulties for people who rely upon accessible buses for their social and economic participation.

An often identified issue in relation to the accessibility of buses in NSW is that despite increasing investment in the purchase of wheelchair accessible buses, the lack of co-ordination of standard designs for bus stops and footpaths in different local council areas prevents people with mobility impairments from being able to board wheelchair accessible buses. That is, where the bus stops and footpaths do not meet the specification required for wheelchair accessible buses to be accessible, then the buses are therefore no longer wheelchair accessible. Simply, a co-ordinated approach must be taken by the government agencies that have responsibility in this area. NDS recommends that the Department of Planning, State Transit Authority and Department of Local Government work together to ensure that all new bus stops meet the requirements of wheelchair accessible buses.

¹⁷New South Wales. NSW Transport and Infrastructure. *Bus Users in Sydney. Transport Data Centre: Issues Paper 2002/02.* Found at <http://www.transport.nsw.gov.au/tdc/documents/bus-users-sydney-2002.pdf>

Further to this, NDS recommends that plans be introduced to upgrade all current existing bus stops that do not meet accessibility standards.

At this point, there is no disability awareness training for NSW State Transit Authority bus drivers or other bus drivers in the public sector. Bus drivers within their Statement of Duties are not required to manually lower the Wheelchair Accessible Ramp and they are not responsible for advising a blind person of their alighting bus stop. Most drivers carry out this function as a courtesy out of courtesy. Where the drivers are not trained in disability awareness and bus services are not required to provide assistance to people with disabilities, the services cannot be considered to be accessible.

For buses to be considered fully accessible, a combination of factors needs to be put in place:

- Buses need to be designed to be accessible (
- Bus drivers need to be trained in disability awareness, and understand what is required by people with a mobility impairment to access bus services.
- Bus stops need to be accessible, and compatible with accessibility designs of buses.
- Accessible buses and bus routes need to be clearly and accurately timetabled

When all of the factors have been implemented a bus, and a bus route can be considered accessible. Without one of these factors, a bus and bus route is not fully accessible.

Disability Service Provider Case Study 1:

The following are some issues affecting our service due to changes to the bus timetables (routes and times) from 1st December 2008.

- Buses from out the front of the centre now leave hourly instead of every 30 minutes. The times of the new timetable don't suit support hours and reduces the amount of time spent in the community and work experience. It can make the day feel rushed to be back to the centre in time for pickups and public transport home.
- One client has lost his independence of an afternoon due to the changes in the route as the bus no longer goes down his street. The client would have to cross major roads if he caught another bus home. This is putting extra pressure on the family to pick him up and the added expense if they have to catch a taxi home.
- The bus used to stop out the front of the organisation; the new route means that clients would have to be travel trained to catch another bus to meet the original. Our service transports up to eight clients a day to and from the main bus interchange in town, morning and afternoon as some of the clients would have to catch up to three buses morning and afternoon to the centre.

From a large, state-wide disability service provider.

This case study shows the impact that changes in timetables and services can have on the lives of people with disability, included potential exclusion from services, increased demands on families for support, and pressure on service providers to take up the slack in transport provision.

Private Buses

As part of the NSW Government's Accessible Transport Action Plan, private bus companies are required to develop and implement Disability Action Plans, comply with transport

standards as part of the Disability Discrimination Act, and consult with State Roads Authority over bus stops and facilities.

In 2005, ComfortDelGro and Cabcharge acquired the businesses and assets of the largest private bus operator in NSW, The Westbus Group. ComfortDelGro Cabcharge is the largest private bus operator in NSW, with a fleet of 810 vehicles. Currently 40% of the fleet is wheelchair accessible and they have a target of 55% by 2012.¹⁸ The company also states that 25% of all "route services" are now accessible. Information on accessible bus timetables is published on the State Transit Authority's www.131500.info website. However no guarantee of service is provided. Rather, bus companies state that they will "endeavour to operate an accessible bus at the time(s) nominated, due to circumstances beyond Hillsbus' control, this service may be replaced by an ordinary bus."¹⁹ This lack of a guarantee creates a situation where people with a disability will have little confidence in the reliability of the bus services provided.

All organisations in Australia are subject to The Commonwealth Disability Discrimination Act 1992 (DDA); and as such, private bus companies are not exempt. Private bus companies are also subject to the Commonwealth Disability Standards for Accessible Public Transport (2002). There is currently no assessment process for compliance with the standards, and regulation of the Standards is complaints-based. A complaint against a private bus company may be lodged with the Human Rights and Equal Opportunity Commission (HREOC) for conciliation. It is the legal responsibility of private bus companies to ensure that they are providing a service that does not discriminate against people with disability. Currently this is not being achieved. Certainly there is a general acknowledgement in the disability community that public transport infrastructure is very expensive to upgrade, however it has been 17 years since the introduction of the DDA, and 10 years since the introduction of the NSW Government Disability Policy Framework which has provided a considerable amount of time for such upgrades to be achieved.

3.3 Taxi Services

The accessibility goal for Wheelchair Accessible Taxis (WATs) under the Commonwealth guidelines is that response times for standard taxis and WATs are the same. It should be noted that response time statistics are only available for the Sydney Metropolitan Area.

WAT licences are available in urban areas for \$1,000 and free in the country. Interest free loans are available for country WATs. A standard taxi license can cost as much as \$380,000.00 to purchase. The heavy discount on WAT licences is a means of increasing the supply of WATs, and thereby lowering the gap between response times for WATs and standard taxis.

Table 3 – Average Taxi Response Times (Sydney Metropolitan Area)

Taxi Type	2006/07	2007/08
Standard Taxi	7.58 minutes	8.35 minutes
WAT	11.41 minutes	9.97 minutes

¹⁸ ComfortDelGro Cabcharge. "Accessibility Charter" *CDCBus*, Available at: <http://www.yourbus.com.au/ignitionSuite/uploads/docs/Accessibility%20-%20Website.pdf>.

¹⁹ ComfortDelGro Cabcharge. "Hillsbus Region 4 Network Guide Map" *CDCBus* Available at <http://www.yourbus.com.au/HillsBus-Maps.html>.

Table 4 – Numbers of WATs

Area	No. of WATs	% of Fleet
Sydney Metro	470	9.1%
Outer Metro & Rural & Regional	236	17.5%

Taxi Transport Subsidy Scheme (TTSS)

The TTSS was introduced in 1981 to provide transport options to people with severe and permanent disabilities, by allowing people, fitting specific criteria, to travel by taxi at half price with a maximum subsidy of \$30.00. People eligible for the TTSS must have a permanent disability, and also fit into one of the following categories:

- ambulatory problems including being restricted to a wheelchair or a permanent inability to walk more than severely limited distances;
- total loss of vision in both eyes or severe permanent impairment;
- severe and uncontrollable epilepsy;
- severe intellectual disabilities causing behavioural problems; and
- severe and permanent communication difficulties.

This criterion is important as it attempts to encompass those people who are part of the approximately 150,000 people in NSW who are unable to use any other form of public transport.

The TTSS has not been reviewed since 1999. Over this time, taxi fares have increased by slightly more than 40%, and CPI has increased by 28% over the same period²⁰. People eligible for TTSS are likely to be on fixed incomes, and are consequently struggling to keep up with the increase in costs in real terms of the scheme. People eligible for the scheme are also likely to require taxis for a greater length of time for a trip, due to their mobility restrictions, than other passengers further adding to the cost of the fare.

Despite increases to the subsidy in similar schemes in South Australia and Western Australia from 50% to 75%, the NSW Government currently has no intention to review the subsidy level at this time.²¹

Incentive Payment for Wheelchair Accessible Taxi Drivers

The NSW Government has recently completed a trial of implementing an incentive payment for wheelchair accessible taxi drivers. A claim for a payment of \$8.47 (inc. GST) can be made by a driver of a WAT for each trip by a person in a wheelchair. Wheelchair passengers are given forms to hand to drivers at the completion of a journey to verify the trip. Drivers are reimbursed upon presenting the voucher to NSW Transport and Infrastructure. Drivers are not permitted to seek any additional money to cover the incentive payment. The program has been continued following a successful initial six month trial period.

²⁰ New South Wales. Independent Pricing and Regulatory Tribunal. *Review of Taxi Fares in NSW*, 2008. p 94.

²¹ New South Wales. *Hansard*, NSW Legislative Council, 4 March 2009.

For many people with a disability, WATs are simply the only form of transport available. As illustrated earlier in this paper, train and bus services are either inaccessible or unavailable in their area, and standard taxis are also not accessible. Cars are inaccessible without significant and costly modifications and in most cases the person with disability would require a driver. Where this situation exists, people become dependent upon WATs for all their transport requirements. The availability of WATs across NSW is limited, and this is especially pronounced in regional areas. The numbers in the Hunter and Illawarra regions are incredibly low, and people who require wheelchair accessible taxis commonly report excessive waiting periods of hours, even when a taxi has been booked a week in advance.

Table 5 – Distribution of WATs, and Taxis across NSW

	Total Taxi licenses ²²	WAT ²³	Population ²⁴	People requiring assistance for self care/mobility ²⁵
Sydney	5174	479	4,399,722	235674
Newcastle	162	10	288,732	15466
Wollongong	134	9	284,169	15222
Country NSW	1026	190	2,127,077	113938
Total NSW	6496	688	7,099,700	380,300

- Table 5 shows the low numbers of WATs available in Newcastle, Wollongong, and Country NSW, compared with total taxi licenses, overall populations, and the population of people requiring assistance for self care and mobility.

According to the NSW Transport and Infrastructures figures for July 2004²⁶, there were 435 WATs in NSW, 285 in the Sydney metropolitan region, and only 4 in the Newcastle region. In July 2008²⁷ the number of WATs had increased to 470 in the Sydney metropolitan region and 236 in outer metropolitan and Rural and Regional areas.

The NSW Accessible Transport Action Plan measures progress towards accessible taxis in average taxi response time, in comparison to standard taxis. It should be noted that response time statistics are only available for the Sydney Metropolitan area. An improvement of 12.6% in WAT response times was reported for 2006/07 – 2007/08.

The taxi industry is required by law²⁸, as are all service industries, to ensure that their fleet is accessible. The taxi industry needs to accept responsibility for ensuring that its fleet is

²² New South Wales. Independent Pricing and Regulatory Tribunal. *Review of Taxi Fares in NSW*, 2008. p 61

²³ Ibid. P. 61

²⁴ Australia. Australian Bureau of Statistics. *3101.0 - Australian Demographic Statistics*, Jun 2009. Found at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0/>

²⁵ Australia. Australian Bureau of Statistics. *Cat. No. 4430.0 Disability, Ageing and Carers, Table 17, Persons with a disability aged 5 and over, Living in Households, Disability Status by use of public transport*. 2003

²⁶ New South Wales. NSW Transport and Infrastructure. *Taxi Industry Inquiry - Interim Report*. p. 70: Found at: <http://www.transport.nsw.gov.au/taxi/taxi-inquiry-interim-report.doc>.

²⁷ New South Wales. NSW Transport and Infrastructure. *Accessible Transport Action Plan for NSW Transport, Roads and Maritime Agencies*. Found at: <http://www.transport.nsw.gov.au/abouttrans/access-trans-action-plan.html>.

²⁸ Spinal Cord Injuries Australia. *SCI Australia's Response to the Report by Prof Fitzgerald to the Wheelchair Accessible Taxi Review Taskforce*, 13 September 2005, found at

http://www.scia.org.au/_data/page/331/SCIA_submission_to_Ministerial_Inquiry_into_the_Taxi_Industry.pdf.

accessible, and that they are required to meet these costs, just as any other industry is required to ensure that access to its services are not discriminatory.

NDS members report that catching taxis with a guide dog can be difficult as many taxi drivers appear to have an aversion to allowing the guide dogs into their cabs. This behaviour is not only discriminatory; it creates further difficulties for people attempting to use public transport.

A Guide Dog is a vital means of independent travel for many people living with impaired vision. As a mobility aid, law permits a Guide Dog to accompany their users in all forms of public transport, including taxis, buses and trains. These rights are covered by the following legislation:

- Disability Discrimination Act 1992 (Commonwealth)
- Anti-Discrimination Act 1977 (New South Wales)
- Companion Animals Act 1998 (New South Wales)
- Passenger Transport Act 1990 (New South Wales)
- Rail Safety Act 1993 (New South Wales)
- Discrimination Act 1991 (ACT)
- Domestic Animals Act 2000 (ACT)

3.4 State Transit Authority Ferries and Jetties

Sydney Ferries and State Transit Authority Ferries are all accessible. Both wharves in Newcastle are also fully accessible. However, only 46% of wharves in Sydney are accessible, meaning that 56% of all ferry stops are not fully accessible to people with disabilities. A claim that all ferries are fully accessible is misleading. Whilst certainly it is commendable that the ferries can be accessed from 46% of wharves, the remaining inaccessible wharves create barriers to the social and economic participation of people with disability. No timetable is published stating the goals for making all commuter wharves in NSW fully accessible.

Transport Interchanges, Ferries and Wharves

Table 4 – Ferries and Wharves Accessibility

Aspect of Service/Infrastructure	Number Accessible	Total Number	% Accessible
Transport interchanges*	15	30	50%
Sydney Ferries and State Transit (Newcastle Ferries) Ferries **	32	32	100%
Commuter Wharves			
Sydney	23	50	46%
Newcastle	2	2	100%

* As the definition of an interchange varies from purpose-built facilities linking various transport modes to bus stops adjacent to rail stations, the table only considers current purpose-built facilities.

** All ferries are accessible utilising manually deployed gangways and direct assistance.

Chapter 3 Recommendations:

- A.** NDS recommends that key agencies, such as NSW transport and Infrastructure, be required to report on progress towards Disability Action Plan and Disability Standards for Accessible Public Transport targets on an annual basis.
- B.** NDS Recommends that authority is given to HREOC to actively investigate and make recommendations relating to compliance with transport accessibility, and progress towards accessibility goals.
- C.** NDS recommends that NSW Transport and Infrastructure and RailCorp reassess their targets, look at what can be achieved in the short term, as well as taking into account current progress towards long term goals, and reassessing the timeframes by which a fully accessible public transport system can be achieved
- D.** NDS recommends that a system involving the use of:
 - tactile pathways
 - audio signals marking the start of tactile pathways;
 - directional pathways with Tactile Ground Surface Indicators;
 - handrails with Braille and tactile information specifying location and direction; and
 - central Braille, tactile and interactive audio pointsbe applied throughout stations on stairs, escalators and elevators to help avoid obstacles.
- E.** NDS recommends that data on the accessibility of bus stops across NSW be publicly available
- F.** NDS recommends that plans be introduced to upgrade all current existing bus stops that do not meet accessibility standards

4. Private Transport

The establishment of a vehicle modification scheme would achieve a great deal for the social and economic participation of people with disabilities, and lower reliance upon public transport whilst full accessibility is being achieved. Vehicle modification schemes provide funding or subsidies for:

- People requiring vehicle modifications to drive their primary vehicle due to their disability; and
- People with a disability requiring modifications to travel as passengers in their primary vehicle, including children and their families.

Vehicle modification schemes currently exist in two other Australian jurisdictions. In Victoria, a subsidy of up to \$10,000 is available for modification of vehicles, within certain criteria relating to design, eligibility and priority. The subsidy is intended as a contribution to the cost of modifications and is not intended to meet the full costs. In Western Australia a grant of up to \$15,000 per vehicle is available for modifications that enable a vehicle to be accessible to people with a disability under the following circumstances:

- The vehicle is organisationally owned; and
- The purchase of the vehicle is 90% funded by the WA Disability Services Commission,

A number of people with mobility impairments would be able to find and maintain employment if they had access to a private car that has been modified to be accessible for them. In March 2006, three-quarters (75%) of adults living in capital cities travelled to their usual place of work or study using private motor vehicles as their main form of transport²⁹. Where people do not have access to private motor vehicles, their ability to find and maintain study or employment is likely to be significantly lessened.

The cost of modifying vehicles to enable the safe transportation of individuals or family members with disability is often unaffordable. NDS recommends that the NSW Government should work with non-government organisations to develop and implement a vehicle modification subsidy scheme.

Chapter 4 Recommendations:

- A. NDS recommends that the NSW Government should work with non-government organisations to develop and implement a vehicle modification subsidy scheme.

²⁹ Australia. Australian Bureau of Statistics. *Public Transport Use For Work And Study*. found at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Chapter10102008>

5. Community Transport – Background and Main Issues

The purpose of Community Transport (CT) is to meet the needs of specific transport disadvantaged groups in the community including younger people with disability and their carers. \$36.5 million in recurrent funding for 2008-2009 has been allocated to 134 community transport service providers by the NSW Government. CT aims to provide transport disadvantaged people access to recreation, shopping, medical care, social services and social contact, where conventional public transport systems are not generally considered viable or appropriate.³⁰

Across NSW, 187 Community Transport groups provide services using buses, vans, mini-buses and cars driven by both paid and voluntary workers in metropolitan, regional and rural areas. Many services are provided in partnership with commercial bus and taxi services.

Transport disadvantage is a circumstance or set of circumstances, that leaves those who are affected by it in a situation where they have limited or no access to private transport and they have difficulty in gaining access to conventional transport systems. The target group for CT is people whose access to mainstream transport services is limited by physical, social or geographical factors. Eligibility criteria for access to CT are based upon mobility, isolation and age.

CT is provided through two programs, the NSW Community Transport Program and the Home and Community Care (HACC) Community Transport Sub-program. In NSW, ADHC undertakes the planning and policy development of transport services provided through the HACC Community Transport Sub-program. NSW Transport and Infrastructure administers the bulk of the CT component of the HACC program, and works directly with service providers on a day to day basis. NSW Transport and Infrastructure distributes funds and administers the Community Transport sub-program services.

CT provides non-profit passenger transport services that cater to the needs of people who cannot make use of existing private or mainstream public transport systems or where public transport services are not available. Many CT services are provided in partnership with commercial bus and taxi services. ADHC requires that CT providers through the HACC program seek a contribution from their clients. A service will be provided regardless of payment; however contributions collected must be used for the provision of further services.

Eligibility to the CT service is based upon the program guidelines for HACC services. The National Program Guidelines for the HACC Program states that "The HACC Program provides funding for services which support people who are frail aged, younger people with disability and their carers, who live at home and whose capacity for independent living is at risk or who are at risk of premature or inappropriate admission to long term residential care."³¹ This criterion specifically excludes non-school aged people with disability, and those who are not frail aged. This exclusion creates a significant gap for people with disability

³⁰ New South Wales. NSW Transport and Infrastructure. NSW Community Transport Program (CTP). Found at: <http://www.transport.nsw.gov.au/lact/ctp.html>

³¹ New South Wales. Ageing, Disability and Home Care. *National Program Guidelines for the Home and Community Care Program*. 2007. Found at <http://www.ADHC.nsw.gov.au/NR/rdonlyres/39C1876A-27F6-4C70-ABAD-CAD56D4F64E1/2941/HACCPProgramGuidelines2007.pdf>

between 18 and 65 years of age in their ability to access transport services. Whilst people with disability NDS recommends that the eligibility criteria for CT access be changed to allow access to people with a disability, regardless of age.

It should also be noted that due to policy stipulations, school aged children are not able to travel to school on CT with adults.

The HACC program funds the vast proportion (approx 75%) of CT services, whilst NSW Transport and Infrastructure fund the remaining services. There has been no growth funds allocated to CT by NSW Transport and Infrastructure in the last 10 years, however existing allocated funds receive a Consumer Price Index based increase annually. The approximate number of passenger trips in a 12 month period exceeds 1.5 million.

While Government funding allows for paid drivers with some groups, all CT providers are very reliant on volunteers who assist in various roles including drivers using their own vehicles, bus assistants, office administration and management committee members.

There is evidence that CT providers do not advertise their services and that information regarding CT is not readily available. NDS recommends that CT options should be more widely publicised.

There also appears to be inconsistency in eligibility as well. A service provider cited an example where a service user was eligible to access CT, but had the skills to travel independently, while another service user was not deemed eligible and struggled to access the service as result. Such inconsistencies could be addressed by adopting a policy allowing ease of appeals for reviews of eligibility.

Disability Service Provider Case Study 2:

I manage a social support service for HACC clients in Inner Sydney. My service focuses on one on one service support to clients (social support stream). Many of my social support volunteers provide transport assistance to clients over and above that which is provided to them by CT services. Blind clients in particular need a lot of transport support, as do clients with Multiple Sclerosis and motor neurone disease. Due to MDS reporting limitations I have to record all my volunteer activities as Social Support and cannot indicate where transport assistance was provided. I believe this would be typical for most neighbour aid services in NSW.

Provided by a small neighbourhood centre in Inner Sydney.

This case study shows the dependence upon volunteers for the provision of community transport programs, and the inability to correctly report these activities to government.

Chapter 5 Recommendations

- A. NDS recommends that the eligibility criteria for CT access be changed to allow access to people with a disability, regardless of age.

6. A Snapshot of the Allocation of Transport Options in Different Program Areas

The aim of this paper is to analyse transport as an enabler for social and economic participation of people with disabilities; that is to examine how transport can be used to effectively enable people with disabilities to efficiently attend their services wherever possible. To this extent a snapshot of funding for transport allocated as a part of service funding is necessary. The previous section examined the appropriateness of mainstream transport options for people with disabilities. Where those options are not fully accessible for people with disabilities, other options need consideration. The following section will briefly outline the funding for transport that is included in the main services provided during the day for people with disability in NSW.

6.1 NSW Government Disability Services

ADHC fund a number of different post school and day programs, all with the general aim of assisting people to achieve their goals, increase their independence and participate as valued and active members of the community, and also provide an alternative to paid employment or further education in the medium or longer term.³²

The program guidelines for Community Participation (CP), Transition to Work (TTW), Active Ageing and Life Choices all state that "as far as possible, young people should explore mainstream transport options to commute to and from home and their program at the beginning and end of the day."³³ Special provisions are made for those people that find themselves in the limited situations where mainstream transport options are not available. In these cases, services providers can provide transport options for a fee, and a limited number of service hours may be used to provide funding for transport where no other options are available. Where this is applied, a person's support hours are reduced and a fee is charged should a person not be able to access transport. NDS recommends that this position be reconsidered, and that the provision of transport sits beyond the bounds of program types and program funding. The current business rules for block funded Day Programs follow the policies set out in the CP Program. There may be regional and historical variances that are currently in place. In exceptional circumstances ADHC may provide additional assistance.

Funding for transport to and from all of these programs is available only in limited situations. Transport to and from these programs needs to be arranged by the service user and their family. As has been previously shown, transport options for people with disabilities are not commensurate with that experienced by other people. Public transport, where available, has large gaps in its accessibility. The program guidelines for CT specifically preclude people with disabilities who are not school aged. It is unlikely that the people who do attend post school and day programs will have a driver's licence; even with a licence the cost of travel by private car is likely to be prohibitive for people whose main source of income is the Disability Support Pension.

In practice, where people have difficulty accessing their services by mainstream transport options, disability service providers are placed in a position where they must fill the gap.

³² New South Wales. Ageing, Disability and Home Care. *Community Participation Program Guidelines (October 2006)* Found at: <http://www.ADHC.nsw.gov.au/NR/rdonlyres/508E7537-690A-40E7-AEB7-FEA4347124EA/4433/CPProgramGuidelines2009UpdatedFormat.pdf> p. 6

³³ *Ibid.* p 42

Disability Service Provider Case Study 3:

The following outlines the annual cost and time required to transport clients to our CP program. We are located in Regional NSW and there are no public transport options for our clients to access apart from school buses which are not able to take wheelchairs. We have had meetings with CT and have been told People with Disability do not meet their target group criteria; the only other option is to catch a Taxi. However due to Department of Education contracts the local Taxi company is not able to assist with transport unless it is between approximately 10.00 am and 2.30 pm or before 7.30 am and after 4.00 pm which would be either a very short day or extremely long day and the short day, and would not meet CP guidelines on required minimum hours of service. This is without considering the cost factor which in itself would exclude all clients even using the Taxi voucher system. The cost quoted to us was \$ 1.50 per kilometre. We collect a client from a town with no local service 102 kilometres away. The round trip would cost approximately \$ 306.00 per day. Even with the Taxi subsidy the total amount would still need to be paid up front then partially reimbursed with the gap payable by the family amounting to \$153.00 per day.

Our service has been providing transport for five clients:

- Two from a town without local services which as mentioned involves two trips per day which is a total of 204 kilometres and five hours of staff time which costs the organisation \$750.00 per week or \$39,000 per annum in wages.
- For another client, two trips per day with a total of 140 kilometres and four hours of staff time which costs the organisation \$600.00 per week or \$31,200 per annum in wages.
- One client requires two trips per day with a total of 32 kilometres and one hour of staff time which costs the organisation \$150.00 per week or \$7,800 per annum in wages.
- Finally we have one client from a town without local services on a transition program as late entry into CP. Due to challenging behaviour the client cannot travel with anyone else in the vehicle. We provide service for two days per week with two on one staffing. Again two trips per day with a total of 204 kilometres per day, though the funding for the wages comes out of CP funding for this client.

We use two of our buses for this transport, a single wheelchair bus and a dual wheelchair bus which for the previous year cost the organisation \$22,638.99 for Registration, insurance, fuel and all other running costs.

These costs are cross subsidised in some way shape or form by our organisation. Adding all the costs together, the organisation has spent in one year \$ 100,638.00 on transport, none of which is funded.

From a medium sized regional disability service provider.

This case study shows the cost of unfunded transport that a provider must allocate in order to ensure that all people can access their service. This cost becomes a direct saving for government, which is required to provide accessible transport.

6.2 Federal Government Employment Services

The Australian Federal Government largely concentrates its funding of programs for people with disability upon employment services. There are two main programs that are funded:

- Australian Disability Enterprises, previously called Business Services, are commercial businesses that provide employment opportunities for people with

disability. There are over 600 Australian Disability Enterprises Australia-wide, providing real work for more than 20,000 people with disability in a supported environment. Employees of Australian Disability Enterprises enjoy the same working conditions as those in the general workforce.

- Disability Employment Services or Open Employment provides specialised employment help for people with a disability, injury or illness. This service approach generally provides the following services: assistance in finding a job and starting employment in the open labour market, continuing support once a person has gained employment and support while training for a particular job.

Neither Australian Disability Enterprises, nor Disability Employment Services offer any sort of funding assistance for transport to their clients. For Australian Disability Enterprises employees, this creates significant issues as they are more likely to be dependent upon the availability of accessible transport options. The lack of transport options available to people employed by Australian Disability Enterprises places further strain on the capacity of these organisations to maintain viability, as they are placed in a situation where they may have to provide transport so that their employees can attend work.

Mobility Allowance

The Federal Government does make available a mobility allowance, which is important in the lives of many people with disability in employment or training who, because of a disability or medical condition, cannot use public transport without assistance. The mobility allowance is allocated at two different levels: a standard rate of \$79.30 per fortnight and a higher rate of \$111.00 per fortnight. The higher rate is payable to people who are in receipt of Disability Support Pension, Newstart Allowance or Youth Allowance and are working (or looking for work) of 15 hours or more a week at the minimum wage or above. All others receive the lower rate.

The Australian Government created a higher rate of Mobility Allowance as part of its welfare-to-work package, announced in 2005. Initially it proposed restricting the higher rate to people who would no longer be eligible for Disability Support Pension under new stricter rules. The higher rate would help compensate or assist people who, under the new rules, would receive a lower rate of income support (Newstart or Youth Allowance) and be required to work or look for work of 15 hours or more. However, the Government was persuaded to relax its original position by extending the higher rate of Mobility Allowance to people in receipt of Disability Support Pension, as long as they were either working or looking for work in the open labour market of 15 hours or more. This extension of the higher rate to a group unaffected by the welfare-to-work changes weakened the rationale for maintaining two rates of Mobility Allowance.

Maintaining a two-tier Mobility Allowance is inequitable and unjustifiable. The inequity is particularly apparent once it is recognised that the lower rate applies to people who are most likely to be in need of assistance—those with a disability so severe that it prevents them from working 15 hours per week and all people with disability employed in an Australian Disability Enterprise.

Supported Employment – Australian Disability Enterprises

Australian Disability Enterprises employ people with disability (approximately 19,000) who find it difficult to work or maintain employment in the open labour market. Ninety-seven per cent of these supported employees receive the Disability Support Pension and most are paid a productivity-based wage. On average, supported employees in Disability Enterprise receive a significantly lower wage than employees with disability in the open workforce and their capacity to pay for transport to work is less. Australian Disability Enterprises report that some supported employees have to spend over \$1000 a year more than their current Mobility Allowance in order to get to work.

Under current arrangements, therefore, the lower the employee's income and the more severe the disability the less likely he or she is to receive the higher rate of Mobility Allowance. There is no sound justification for continuing to deny access to the higher rate of Mobility Allowance to people who are most likely to be in need of it.

Open Employment – Disability Employment Services

People supported by Disability Employment Services (DES) do not have access to any specific transport programs or unique funding. DES provide support to people with disability to find and maintain employment in the open labour market. For people receiving this support, the importance of accessibility across the entire NSW transport system is vital. Impediments to accessible transport are likely to create barriers to some employment options for people with disability supported by DES. While the general workforce participation rate has risen over the past two decades (to over 80%), the workforce participation rate of people with disability has remained static (at around 53%). Whilst there are a number of factors that contribute to the poor workforce participation rate of people with disability, an accessible transport system is one of the mitigating factors. A comprehensively accessible transport system will allow more people with disability the opportunity to participate in the workforce, with the support of DES, enabling greater economic participation.

Disability Service Provider Case Study 4:

An Australian Disability Enterprise in North Western NSW is located in a regional centre that is isolated from surrounding towns by a minimum of approximately 80 kilometres. There are people from neighbouring towns who would like work with the organisation but transport is not available. There are three employees who travel on the school bus to work and during the frequent school holidays have no transport access.

Another employee (whose doctor refuses to sign the mobility allowance form) has her parents drive her in and out twice a week, a 25 km journey each way. This employee benefits from the work therapy offered to assist her growth.

Many employees who use taxis out of necessity to get to work are actually paying more than they are earning on transport. The organisation has had to purchase a bus to ferry employees to work destinations and each day drive many of them to the CBD bus centre to access transport.

The organisation needs this bus so the employees can source services such as appointments at Centrelink, Doctors, Dentists, Chiropodists, etc.

Country centres require a much improved transport system for people with disabilities so that people can benefit from the employment on offer.

From a large regional disability service provider.

This case study shows the difficulty and costs associated in accessing public transport in regional areas, and the necessity of service providers to fill the gaps that exist.

6.3. Education

The NSW Department of Education and Training administers the School Student Special Transport Scheme (SSSTS) to assist eligible students with disabilities to access educational services in government and non-government schools in New South Wales with a maximum of two trips per day. Transport services are available to students enrolled in special schools and support classes or in placements in regular classes for students who are mobility dependent. To be eligible to apply for transport assistance, students must: have an identified disability; be enrolled in the closest appropriate school to their home, following, and have parents and/or carers who have demonstrated their inability to provide or arrange travel for the student.

Whilst the SSSTS provides some support to school aged children, there is not a similar scheme for people attending post secondary education. A person who leaves school does not necessarily leave behind their mobility difficulties. Making access to transport difficult for people engaging in post secondary education or employment stifles their ability to meaningfully participate in the community. Perhaps in no other situation is the role that transport plays as an enabler for the social and economic participation of people with disability more greatly emphasised. Access to post secondary education is commonly acknowledged as a key driver of social and economic change. Opportunities to gain further education will create better employment options, and consequently greater economic independence. Without adequate opportunity to access transport, people with mobility issues will find post school study difficult and expensive. This in turn will create greater dependence upon Government services in later life.

One of the key blockages in systematically developing a more accessible transport system in NSW is the exemption of school buses from accessibility requirements. School buses are not required to meet the disability standards, and as a result other transport means for children with disability must be found. As a result in many areas school children are given first option to use WATs during the hours immediately prior and after school. The flow on effect from this is that other people who require WATs to access the community, employment and training are unable to do so in these periods.

Where school buses required to meet the same accessibility requirements as all other forms of public transport, then the demand for WATs during these peak times would be reduced, and consequently demands for transport to be delivered by other means, including service providers and carers, would be reduced. There are efficiency gains to be made by the government, schools, the community, disability service providers, people with disability and their carers by addressing this one key blockage.

There are also significant impediments to access of school bus services for school children using wheelchairs. Dedicated school bus services are given exemption from the Transport Standards under the Disability Discrimination Act 1992. This is important to note. A dedicated school bus service is defined in the Standards to mean 'a service that operates to transport primary or secondary students to or from school or for other school purposes'. Concerns about difficult terrain, poor infrastructure and unjustifiable cost of compliance were cited as reasons for the exemption. It was estimated that it would cost \$1.265 billion over 20

years to make these services accessible.³⁴ There are few accessible school buses and as a result school aged wheelchair users must rely on wheelchair accessible taxis to get to school. The demand for these accessible taxis clashes with the demands of wheel chair users travelling to work, effectively further reducing availability of the taxis. Due to policy stipulations, school children with disability are not able to travel alongside adults on Community Transport services to travel to school.

Services report that where other wheelchair accessible transport options such as buses run by the services are unavailable, the demand for wheelchair accessible taxis increases dramatically. School children often use the WATs, leaving people with disabilities who need to also use the WATs without any transport options in this situation.

NDS recommends that as per the agreements with metropolitan bus services, all new buses purchased should be wheelchair accessible. However, school bus purchases are exempt from this provision. Through the combination of restrictions in CT and this exemption, the state government is effectively denying school children using wheelchairs an accessible bus service and forcing them to use WATs. This is neither an efficient nor equitable use of resources.

Disability Service Provider Case Study 5:

I work in a program that supports people with disabilities to transition into, and participate in, post-secondary education, training and employment. I work in the Fairfield, Liverpool and Outer-South Western Sydney region. We have identified transport as a significant barrier to successful participation in post-secondary education, training and employment in this region. Public transport access is limited in general, particularly outside of the major centres like Fairfield, Liverpool and Campbelltown. Therefore access for people who have a disability is especially difficult.

We have spoken with young people who have had to leave courses because of transport issues. One young man was forced to drop out of TAFE studies because public transport was not an option for him, and he found access to WATs extremely limited and unreliable in the area. He also found the costs prohibitive, despite the subsidy scheme, and had some negative experiences with taxi drivers who he felt did not have the necessary skills to safely assist people with severe physical disabilities.

From a small service provider in South Western Sydney.

This case study shows the impact that a limited accessible transport system has on the ability of people with disability to fully participate in their community both socially and economically.

Chapter 6 Recommendations:

- A. NDS recommends that the NSW Government reconsiders their position on allocating funds for service provision to be used for payment of transport, and adopt a position that the provision of transport sits beyond the bounds of program types and program funding.
- B. NDS recommends that as per the agreements with metropolitan bus services, all new buses purchased, including school buses, should be wheelchair accessible

7. Other Accessible Transport Issues – The Service Provider Perspective

7.1 Rural and Regional Service Providers

The provision of transport to adults with a disability who are already socially and physically isolated is a huge issue for families and service providers in rural areas.

Many service users in regional areas live in isolated areas which have little or no transport available. Often the only transport option is a school bus which is usually populated with a large number of noisy children and is a service which most adults in the community avoid if they can. Most adults in the community will find other options in which to travel i.e. motor vehicle or car pool or will move to an area where more appropriate transport is available.

This option is often not available to many adults with a disability who:

- Live with their parents in the family home.
- Have physical needs which require specialised transport e.g. wheelchair hoist.
- Have medical needs which require specialist attention e.g. epilepsy.
- Have neurological disorders which also require specialized support e.g. Autism.
- Have severe intellectual disabilities requiring support at all levels.

Parents of adults with a disability are often severely disadvantaged particularly if they have employment and live in outlying areas. These people sacrifice a lot to keep their sons and daughters at home and cannot transport them each way daily. Because these issues arise regularly for families of people with a disability and they are forgotten once a person leaves high school, then families are placed in the position of having to consider refusing support because of the difficulty of access.

Funding of transport by ADHC is rare, as they maintain that they do not provide transport in usual circumstances yet will provide a minimal amount for transport in some cases. The amount of funding provided for transport is completely inadequate when the distances faced by families in rural areas and the costs in providing that transport are considered.

Disability Service Provider Case Study 6:

School buses: This form of transport is usually full of noisy children, runs only in school holidays, has little or no wheelchair access in rural areas, and has no first aid facilities available.

Example 1:

A client with epilepsy has a seizure on the school bus. The bus driver pulls the bus to the side of the road and waits until the seizure ends. No support is given to the client who falls on the floor during the seizure. After the seizure, the client lies on the floor and has to stay in the bus until help arrives and the bus can move on (approximately ½ hour).

Result: The school children are traumatized and late for school; the service user is severely traumatized and embarrassed due to fecal soiling and urination and refuses to travel on bus again. Inadequate funding for transport means that the service user withdraws from the program.

Example 2:

A client has an intellectual disability and travels on the school bus, meaning they are only able to access the service for 40 weeks a year. On the bus, the client is subjected to abuse and teasing by school children, which result in the client sitting at the front of bus. The client is still teased and in an attempt to address the situation the client tries to make friends with the school children. The families of the school

children then complain that the client may be a predator. The client develops attention seeking, mob behaviour on the bus to fit in, resulting in further complaints from children's families.

Result: The service provides training to the client to use the time on the bus effectively, the service provides transport in school holidays, and the service provider liaises with bus company and other parents. The bus then bans the client from further travel on the bus.

Attempts to engage CT to transport isolated clients to service have been fruitless.

The local CT Organisation was contacted and asked to transport the two people with a disability to the service (service agrees to pay costs of .60 cents per kilometre).

Client 1 Declined because CT had only one bus with a wheelchair hoist and refuses to use this to transport only one client.

Client 2 Declined because CT states that their "books are closed"

All attempts by this service to engage the local CT Organisation transport clients to this facility have been declined due to varying reasons.

Taxi service:

Once an individual leaves school, taxi services must be paid for by the individual using the taxi subsidy system and mobility allowance to help defray the costs.

The average cost of a taxi service from outlying areas of town (there is a potential service user from this area next year, whose family doesn't own a wheelchair accessible vehicle) are \$135-\$140 each way.

Less the maximum taxi subsidy, of \$30.00 per trip, this leaves a total of \$105 to \$115 each way each day for the service user to pay.

The TOTAL for 5 days per week = \$1050.00.

Using the total mobility allowance (30.00 per week) and the total transport subsidy from ADHC (\$20.00 per week) the shortfall is \$1000.00 per week.

Result: The service must find a way to transport service users if they are to receive service, or refuse to provide service.

The provider uses innovative ways to provide transport to isolated service users by providing an accessible vehicle driven by a volunteer, to transport a number of service users to the service. In this way the service can provide much needed transport to their day program.

From a medium sized provider on the North Coast of NSW.

This case study shows the difficulties that need to be overcome by providers to ensure their clients are able to access the service. It also highlights the innovative solutions that service providers are developing to address the shortfall in accessible transport, and the savings for government by the use of innovative solutions.

Rural and regional service providers face a number of additional barriers to the provision of accessible transport for their clients. Key barriers include:

- Many rural and regional areas lack comprehensive public transport services, particularly accessible public transport for people with disability. As a result, some people with disability utilise school bus services (e.g. to attend employment), in the absence of any other available transport options. This situation is far from ideal, as most of these bus services are unavailable during school breaks making transport to work for people with disability difficult in these periods.
- There are longer distances involved in the provision of transport services to rural areas and service users. This issue is compounded if service users are situated in a radial pattern around a town or city, making the cost of provision of transport services even more prohibitive. Non metropolitan areas incur a significant cost per capita of

provision of any accessible transport service placing inevitable pressure on availability.

- Service access may be denied if a client wants to use a service in a different town (e.g. rural & regional areas) as transport may not be provided to access other localities.
- Service providers report that they obtain the money needed to provide transport where no other options exist through fundraising exercises.

Disability Service Provider Case Study 7:

Examples of transport issues for our service:

- A family wanted wheelchair accessible transport to hire so they could travel down to Sydney discovered there are none available from any car hire place in the Far North Coast.
- A female client in her twenties who works, studies and leads a full life....but states she would need her parents (!!) to drive her to and from the holiday destination of her choice (five hours away and inland) in order to meet up and holiday with her friends
- The lack of accessible transport across the Far North Coast creates difficulties in getting clients to venues, support groups and day programs. Community Transport costs are extremely high which causes a barrier. They are too costly to use, and tight guidelines mean some clients cannot access.
- We are unable to transport clients across the Far North Coast due to no accessible vehicle available. We are unable to get clients from Ballina to Coffs Harbour for a camp proposed for December 2009. There are no accessible vehicles for hire in the region other than some owned by other local organisations which are not available for overnight use.
- One known family is unable to access the community due to no wheelchair accessible vehicle being available, the high costs of taxis and CT options are unaffordable. The family does not go out anywhere because of this.

Some examples of where we have actually paid for transport for our clients:

- CT for clients in Port Macquarie to travel to Coffs Harbour in order to access the Spina Bifida clinic.
- CT for a client in Dorrigo so they could attend wheelchair basketball training in Coffs Harbour.

From a small disability provider on the North Coast of NSW.

This cases study shows lack of accessible transport options for people with disabilities in regional NSW, and the impact it has on their ability to fully participate in the community.

7.2 Metropolitan Service Providers

Despite the fact that public transport and taxi availability is more extensive in metropolitan areas there are still intractable impediments to provision of accessible transport options for people with disability.

The impediments include a widespread lack of accessible bus and train stops, routes and accessible buses, trains and accessible taxi services. As previously mentioned, eligibility issues in relation to access to CT options are restrictive. Service provided accessible transport involves the same issues as for rural and regional service providers. Yet this is the only option for many service providers and service users.

Disability Service Provider Case Study 8:

A service provider located in the Metropolitan suburbs of Sydney provides a range of Community Day Programs to people with disability. The support needs of the clients are too significant for them to be able to access community or public transport independently. In the majority of instances, transport to and from the service is provided by the clients families.

Some clients attending Community Participation Programs who live in areas not well serviced by good transport are provided with a grant from ADHC to assist with attending their day program.

The organisation provides a transport service to 35 other people so that they can attend their day program. At this time this service is provided by the collection of fees and use of independent funds raised by community fundraising activities or donations. To provide this necessary transport service, the organisation must meet operating costs in excess of \$200,000 annually.

If this initiative was not supported by way of independent funds it is likely the 35 people would not attend community day programs and most live at home with parents. If transport was to cease many families would be forced to leave employment or consider placing their relative into permanent residential care

From a medium metropolitan disability service provider.

This case study highlights the transferral of costs from government to service providers to ensure that all people are able to socially in their community.

7.3 Issues common to all service providers

The ability of service providers to fund transport for their clients is hampered by a number of issues. Program guidelines stipulate that funding cannot be used to provide transport for people to attend the service. The intention of this stipulation is to ensure that all funding allocated to program delivery is spent on the delivery of the program; that people do not have to forgo any part of their service in order to fund their trip to and from the service. Providers face little other options than to seek donations from the public to fund the transport that is delivering clients to and from their service. This reliance upon fundraising by service providers is an example of a cost shift from government to the public to meet the legislative requirements for the provision of accessible transport and the removal of discriminatory practices.

Stipulating that all funding allocated to program delivery is spent on program delivery, whilst not funding transport for people to access programs, creates a difficulty for service providers. They are placed in a position whereby they must seek funds from other sources to provide the transport necessary for clients to attend the programs. However these fundraising exercises will inevitably require the use of some resources, both financial and human. As providers receive only a minimal amount of funding for the administration of their program and organisation, the reliance upon these scant resources to actively raise extra funds for the provision of transport necessary to ensure clients attend services, and therefore that providers are meeting the terms of their funding agreements, can be considered an inefficient use of funding. Government is required to ensure that transport is accessible to all people, and yet the burden for this requirement is currently being passed onto service

providers, and public donations. NDS recommends that ADHC make funding for transport available to service providers outside of any funding for service provision, in order to ensure that the NSW Government is meeting its legislative requirements for the provision of accessible transport and the removal of discriminatory practices.

There will inevitably be a denial of transport options to some people with disability based purely on where they reside and the nature of their support needs. This is a systemic barrier to the social and economic participation of people with disabilities, resulting in entrenched exclusion from social and other interaction with the general community.

When government funding has previously been provided to services for transport options, inflexible funding models have emphasised leasing rather than purchase. Leasing is considered by service providers to be a more costly option and makes vehicle replacement difficult. Vehicle replacement is also affected by maintenance costs, increasing fuel costs, application processes for capital grants and waiting periods to obtain replacement of capital items. State government departments may also expect service providers to factor in provision of transport options (particularly in metropolitan areas) without granting any additional funding to provide these services.

For organisations that provide transport options there is a lack of coordination as well as under utilisation of resources. For example, service providers might not use Buses and vans on weekends, but these transport options could be brokered out to other transport providers to meet demand at these times. However, insurance issues may prevent availability of innovative transport options by service providers, for example by not allowing other parties to share a bus.

An organisation's ability to provide more extensive transport options may also be impeded by specific program requirements, for example, ADHC's Community Participation guidelines. The Community Participation program specifically excludes transportation in funding agreements. However, some service providers have been able to utilise locally approved arrangements to ease these restrictions, making transport options more accessible and less likely to reduce the amount of funded service time.

Chapter 7 Recommendations:

- A. NDS recommends that the ADHC make funding for transport available to service providers outside of any funding for service provision, in order to ensure that the NSW Government is meeting its legislative requirements for the provision of accessible transport and the removal of discriminatory practices.

8. Policy Recommendations – Enhancing Transport Options

There are a number of cross cutting policy issues that all contribute to the exclusion of people with disabilities from social and economic participation in NSW. The accessibility limitations of the public transport system are a significant barrier, allowing only some people access some of the time, in specific locations.

- Restrictive eligibility rules in the CT program are largely inequitable, and can exclude people facing transport disadvantage despite this being the stated purpose of the program.
- The funding of programs for people with disabilities in NSW restricts or limits the use of program funds to supply the transport necessary for service users to attend their program. Service providers rely upon fundraising activities, or one off ad hoc payments to finance the transportation of their clients to the service.
- The combination of these policy gaps creates a situation where either people with disabilities are limiting their community engagement, or service providers are fundraising to meet the costs of transport provision that should otherwise be provided to all people in NSW under Commonwealth Discrimination legislation.
- Rather than shifting costs onto people with disabilities and service providers not funded for transport provision, the NSW Government should ensure that all people in NSW are enabled to access transport as required by the UN Convention, Commonwealth and State Legislation.
- Public transport should cater for all citizens and therefore should have at its core the concept of universal access. Whilst the public transport system, including CT in NSW is not fully accessible, the NSW Government and NSW Transport and Infrastructure are effectively transferring the cost of transport provision to ADHC and service providers. However, provision of transport options is not the core business of service providers.
- The Disability Standards for accessible public transport are due to be implemented in NSW by 2032, in accordance with the compliance timetable. Given the achievements so far, the NSW government should aim to achieve compliance with the standards over a far reduced timeframe.
- Even if compliance with the Disability Standards for accessible public transport is achieved far in advance of the timetable, people with disability will still need assistance through the use of the other transport alternatives discussed throughout this paper.
- Direct funding of service providers could ensure access to transport options on a needs basis for existing and potential service users. It could also enable access to innovative transport options for other transport disadvantaged groups.
- Direct funding would enable service providers to purchase either a CT service (trip) or a service provider owned and operated transport service (e.g. buses). This would ensure consistency and reliability of transport services/options for service users. Transport options provided by services could be included in Funding Agreements with specific funding attached, including allowances for depreciation and capital replacement costs.

- In NSW there is an [active linking initiative](#) targeted at people in licensed residential centres. Transport options and travelling companions (e.g. support staff) are funded under the program guidelines. Service providers receive a lump sum for a year in advance. Arrangements similar to this initiative could be utilised in other state government funded programs for people with disability.

Service providers are best placed to understand and address the transport needs of people receiving their services, and should be empowered to adopt creative, equitable solutions.

Recommendations

In addition to the specific recommendations detailed throughout the paper, NDS recommends the following actions to enhance the role of transport as an enabler for the economic and social participation of people with disability:

- I. That the timeframe for implementation of the NSW Disability Standards for Accessible Public Transport should be reduced or far greater compliance achieved in a shorter timeframe.
- II. That the NSW Government funds a comprehensive analysis and feasibility study on future transport models for people with disability in NSW, encompassing public transport, Community Transport and other options (including service provider transport capacity and capabilities and family/carer transport capacity and capabilities). NDS recommends the identification of efficiency gains and outcomes for people with disability through transport. NDS also recommends the consideration of a vehicle modification subsidy scheme in NSW.
- III. That the NSW and Federal Government establish a 'transport fund' in partnership that is accessible to eligible disability service providers who are currently cross-subsidising the cost of transport to enable clients to access their services. Calls on the fund would be subject to eligibility criteria.
- IV. That the eligibility requirements for Community Transport extended to all people with disabilities, regardless of age. As such, Ageing, Disability and Home Care would need to consider increasing its share of funding to the Community Transport program to ensure people with disability have equitable access to services commensurate with the likely increase in demand.
- V. Further to recommendation III, that the NSW and Federal Governments extend Home And Community Care (HACC) Community Transport funding to disability service providers (including allowances for depreciation and capital replacement) to ensure that the government is providing an equitable opportunity for all people in NSW to access transport.
- VI. That the NSW budget for disability services contains a dedicated component for the provision of transport – whether through the Community Transport program or service provider-facilitated means of transportation.

9. Conclusion

There are a significant number of people with disability who are still either unable to access or use public transport. There are intractable impediments to accessible transport options in rural and regional areas as well as significant impediments in metropolitan areas. CT options are limited in their availability and eligibility for people with disability.

There has been significant progress in attempting to address transport provision and accessibility for people with disability, but there are still major barriers. NDS believes that a practical way to address these issues is to fund service providers directly to provide transport options for people with disabilities by changing the eligibility criteria for CT.

Direct funding for transport provision allowing service providers to purchase vehicles or use brokerage to arrange transport options would have the dual purpose of facilitating access to services and the enhancement of social inclusion for people with disability.

A continued emphasis on enhancing accessibility to the NSW public transport system is paramount, including achieving earlier compliance with the Disability Standards for accessible public transport.

Enhanced accessible public transport combined with funding service providers to develop innovative transport solutions would significantly improve the opportunities for people with disability to participate fully in their communities. Greater transport accessibility would also ensure that service providers can concentrate on supporting people with disability who are marginalised by lack of transport options.

About National Disability Services

National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes about 650 not-for-profit organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.

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