

People With Disabilities ACT

Submission

Response to Discussion Paper on the Review of the ACT Taxi Industry

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People With Disabilities ACT Inc, (PWD ACT Inc), is a not for profit consumer systemic advocacy organisation which represents the interests of people with disabilities in the ACT. Our commitment is to improve access to all amenities and to all forms of information and activities in the ACT community. PWD ACT also works to inform the community about disability issues.

PWD ACT and WATS Consortium

PWD ACT is a member of the WATS Consortium and has had input to the Consortium's submission to this Review. PWD supports the WATS Consortium submission and in particular supports the call for a fresh approach to WATS services based on the WATS Consortium Model.

Our input into the WATS submission was focused on matters relevant to WATS. This submission focuses on issues other than WATS issues which impact on the use of taxis by people with disabilities.

PWD ACT's Perspective – Taxi Transport and Human Rights

PWD ACT approaches the subject of this Review, the regulation of the taxi industry and the provision of taxi transport in the ACT from a human rights and disability rights perspective. This means that we start from the premise that People with Disabilities have a right to accessible timely and affordable transport to enable them to participate fully in the community and contribute to the economic, social and cultural right of the community. The Taxi service has a particular role as a part of a community's transport network and in particular has an important role as a source of transport for many people with disability who cannot drive or who do not have access to other forms of transport. The Right of people with Disabilities to access to transport is contained in Article 9 of the Convention on the Rights of Persons With Disabilities which Australia has ratified. Article 20 of this Convention also gives people with disabilities the right to independent personal mobility. In the ACT, the rights of people with disabilities are recognized in the Charter of Rights. Also the rights of people with disabilities to non-discriminatory access to transport as a service is protected through ACT and Commonwealth discrimination laws.

This rights based approach requires that taxi services should be regulated and provided in accordance with the legal rights of people with disabilities as embodied in the international, Act and Commonwealth laws referred to above. We would also submit that both market and legal measures to regulate the taxi industry and the provision of taxi services should be assessed in terms of the extent to which the outcomes they produce give affect to the legal rights of people with disabilities to taxis as an accessible, timely and affordable means of transport.

PWD ACT is aware that the measures recommended by this review will involve the expenditure of Government money. Therefore, we are very concerned for the outcome of this review that there is no provision for its implementation in the 2010-2011 budget.

Comments on Terms of Reference

In this submission PWD ACT provides its comments under the 11 headings used in the Discussion Paper. Comments are also provided on a number of key issues not dealt with in the Discussion Paper but which are crucial to taxi transport for people with disabilities. The specific questions in the discussion Paper are not addressed except where they are particularly relevant to our comments.

Our comments on the Discussion Paper's Terms of Reference is that they were not helpful to us in the preparation of our submission as they focused on issues of market structure and network and operator and driver viability and not on the issue of accessibility, timeliness and affordability which are the matters most talked about by people with disabilities.

1. Taxi Market Structure

PWD ACT submits that a market driven system cannot be relied on to deliver a taxi service which provides accessible affordable and timely transport for people with disabilities. We submit that **the Government needs to intervene with a variety of regulatory measures, including measures to ensure availability of taxis at both peak and off peak times and ensure affordability of taxi fares, particularly for people on low incomes.** PWD ACT Inc notes with concern that the 4 options for market structure set out in the Discussion Paper deal only with the issues of the cap on the number of licenses and the maximum fare price. The level of subsidy is not mentioned. If the maximum fare price is unregulated while the amount of the Taxi Subsidy Scheme reimbursement remains capped, taxi travel will become unaffordable to people with disabilities. This illustrates the weakness of a purely market analysis that fails to deal with the social consequences of market failure.

2. Optimum Number of Standard and WAT Taxi Licences.

In relation to the optimum number of standard taxi and WATS licenses, PWD ACT argues that social and community considerations in relation to the provision of an accessible, affordable and timely taxi service should be considered along side market factors in determining a methodology for the release of more general purpose and WATS taxi licenses. We would favour the use of peak service licenses to address taxi availability and waiting times during periods of high demand.

3. Ownership model for future taxi licences

PWD supports the WATS Consortium's comments in relation to the preferred ownership model for WATS licenses. For general taxi licenses, We support a model which encourages owner operated and owner driven taxis. We submit that the best way to encourage high standards of service is by a regulation system which links the license to the driving of the taxi and builds on the natural incentive of the driver, as owner of the taxi to provide a quality service based on his or her personal commitment.

4.The 'renewal' of Standard Government and WAT leased taxi licences

The renewal process should be used to drive improvements in the accessibility of the ACT taxi fleet. In particular, the opportunity should be taken to increase the numbers of taxis in the fleet which are dual wheelchair taxis or which incorporate principles of universal design so as to be accessible to all people. We would point out that the whole community benefits from a universally accessible taxi fleet.

The renewal of Standard Government and WAT Leased Taxi Licences has to be linked to performance standards. i.e. WATS taxis must carry people with disabilities and standard taxis are not to refuse to carry people with disabilities. The criteria for renewal of a licence should include matters relevant to the conduct of the licensee and the drivers who drive for him or her. In particular these should include: performance and compliance with licence conditions.

6.Fare structure

PWD submits that any fare structure must not only pass a market viability test but must also satisfy tests of social and community fairness and support a taxi service that provides an accessible, affordable and timely transport for the community as a whole and in particular for people with disabilities. The fare structure needs to be set and reviewed in conjunction with the setting and review of subsidy levels under the Taxi Subsidy Scheme to ensure that the Scheme and fare structure remain compatible and operate together to maintain the affordability of taxi travel for Taxi subsidy Scheme members. We point out that many people with disabilities have lower than average incomes and the current fare structure combined with the inadequate level of subsidy makes taxi travel unaffordable for many of them.

8.Performance measures for WATS and for standard taxis

We support the comments made in the WATS Consortium submission with respect to performance standards for WATS. We believe that Performance standards for taxis should deal with matters additional to waiting times. In particular we suggest that performance standards should include measures with respect to the compliance of operators and drivers with discrimination laws and completion of disability awareness training. Incidents reported to us by our members show many instances of drivers demonstrating a lack of awareness of the rights and needs of people with disabilities.

One area of taxi performance requiring attention is the lack of willingness of drivers to accept passengers for short journeys. This particularly affects people with disabilities for whom a taxi is often the only safe and practical means of undertaking a short journey e.g. from a bus interchange to the next suburb. The Regulations should mandate that shortness of a journey is not a valid ground for a driver to refuse a booking.

Another area of concern in relation to standard taxis is their inability or unwillingness to carry mobility aids or assist users of mobility aids. This area of taxi performance should be improved by increasing the number of taxis that can carry mobility aids, in particular scooters, and providing education and training for drivers.

Safety and Maintenance of equipment in WATS.

We refer to and endorse the comments made by the WATS Consortium in its submission on this matter.

9. Possible regulatory changes that will work to enhance WAT service

We refer to and endorse the comments made by the WATS Consortium in its submission on this matter.

The availability and commitment of drivers is critical to the viability of WAT operations and improving the level of service to users. Though not achieving the optimal service which would be provided by our preferred model, We believe that an improved service can be achieved under a model based on owner driven WATs linked in a voluntary network. We acknowledge the need for a lift fee payment to adequately compensate WAT drivers for WAT work. We have no views on the factors to be taken into account in setting the level of this fee; however, we suggest that a driver should not be eligible to claim the lift fee unless s/he has completed WAT training and is certified as competent to operate lift equipment.

We have no difficulty with the use of penalties, bonuses, booking quotas, peak hour restrictions and differential license fees to encourage operators and networks to meet waiting time performance standards. Experience tells us that centralised or micro management of the WAT fleet produces the best outcomes in terms of responsiveness and waiting times. However, current practices in both networks with their claims to and commitments for micro-management have also failed to generate improvements in WAT services.

We support the Consortium's modifications to the CTIA 9 point proposal to include, term and not perpetual licenses, to be based on voluntary incentive, but not mandatory network affiliation, and supported by robust regulatory and complaints mechanisms. We support a graduated change in the WATS fleet to move from single wheelchair vehicles to larger vehicles which can carry 2 wheelchairs, luggage and larger mobility aids. We also support a graduated change in the general taxi fleet from current vehicles to vehicles incorporating universal design features so as to be accessible by all members of the community. Safety and comfort requirements require that all operating WATs vehicles meet the Australian standard (AS/NZS 10542.1.2009) for wheelchair space and tie down and occupant restraint assemblies. The relevant Standard for hoists and ramps, AS.NZS3856.1-1998 and ASNZS3856.2-1998, must also be met.

In addition to the above, the Taxi networks should be required to compensate a passenger who has been disadvantaged by the network's failure to meet their commitment to provide a WAT at a pre-determined time. Compensation claims should be resolved in the first instance by the operator paying compensation in response to the

client's claim. Where a claim cannot be resolved in this matter, the client should have the option of a third party such as the taxi regulator.

9.2 Driver Standards and Training

The experience of people with disabilities supports the findings of the report Accessible Public Transport in the ACT 2009-12 about the deficiencies in the performance of taxis and in particular the performance and training of WAT drivers. We support many of the recommendations in that report. We have spoken earlier of the need for adequate training and retraining of WAT drivers. There is a strong need for drivers to undertake Disability Awareness Training. We reiterate those comments and recommend that the ACT adopt National Training Standards for taxi drivers in general and WAT drivers in particular.

Currently, drivers are given specific training in the needs of people who use wheelchairs and dog guide users. We believe this training should be extended to include the needs of people with other disabilities in particular people with hearing impairments and people with intellectual disabilities.

We would support the key recommendation of this Action Plan that providers of taxi services develop customised action plans to remove discriminatory practices from their operations, in particular, ensuring that appropriate training of drivers is provided to educate and improve awareness and understanding of the rights and needs of people with disabilities and thus promote good driver-passenger relationships. (Refer Barrier 7 – page 27 of the Action Plan). This will complement the requirement established by the MSS that WAT operators implement a Disability Access Plan which must set out minimum requirements in regard to the service that they operate.

We also support the recommendation in the Action Plan that relevant government agencies, disability peak bodies and public transport service and infrastructure providers consider an awareness/education campaign to increase awareness in the community regarding issues of disability, access and transport (Barrier 9- pg 29 of the Action Plan).

10.Regulatory arrangements – existing and possible changes

We refer to and support the comments made in the WATS submission in relation to this matter. We reject models of self-regulation, or delegation of responsibility by the RTA to networks, to ensure compliance with matters relating to service quality and standards. Such models ignore the clear conflicts of interest which exist for taxi networks as regulators in disciplining the drivers with whom they have business relationships. We support the RTA maintaining a central role in the regulation and policing compliance of all aspects of the taxi industry. The Regulator should also be supported in its role by a stakeholder forum which includes representatives of people with disabilities. Article 4(33) of the UN Convention on the Rights of persons with Disabilities requires active consultation with and participation of persons with disabilities in policies and decisions which affect them. Decisions relating to policies for the provision of taxi services are particularly relevant to people with disabilities. People with disabilities, because of their social and economic circumstances, are significant users of WATs and general taxis and

they are more dependent than the general public on taxis as a safe and practicable means of transport.

10.2 Complaints Mechanisms

The experience of people with disabilities is the current complaint processes are difficult to use and rarely effective to resolve issues or improve services. People who are blind or vision impaired have had particular difficulties in getting satisfactory responses and solutions to complaints against drivers re refusal to take them and their dog guide or for not delivering them to their destination. We support the proposed actions set out in the *Accessible Public Transport in the ACT – Action Plan 2009-2012*. We would add to these actions the need to include representatives of people with disabilities in the complaints process. However, changes in the complaints process also need to be accompanied by a substantial simplification of the complaints process and a change in culture which sees complaints as affording an opportunity to address issues and provide an improved service.

Other Issues

11.1.1 Provision of Taxi Ranks and Pick-Up/ points.

Our members who use WATS and who are vision impaired have reported to us difficulties in using taxis due to safety concerns for them in either boarding or alighting from a taxi due to the absence of safe pick up and drop off points.

People with disabilities would join with the general community to support the need for more taxi ranks and pick up points. In locating taxi ranks and pick up points particular attention must be paid to requirements of safety and ease of use for taxi users and drivers.

Signage at Taxi Ranks

People who use wheelchairs, people of short stature, people who are vision impaired and people with intellectual disabilities continue to experience difficulty in reading the signage at taxi ranks and taxi pick-up and drop off points. Disability Standards relating to signage need to be included in future signs. There should be consultation with these groups of taxi users when the location and style of new signs is being planned and implemented.

11.1.2 Taxi Subsidy Scheme (TSS)

We refer to and support the comments on the TSS in the WATS consortium submission. We support the transfer of the Taxi Subsidy Scheme from a paper voucher based scheme to an electronic or smart card based scheme as soon as is practicable and in consultation with people with disabilities. We also support the transfer of the administration of the Taxi Subsidy Scheme from the Department of Disability, Housing and Community Services to the Road Transport Authority. This changed administrative arrangements recognizes the scheme as a part of the ACT's general transport system and will streamline regulatory arrangements and responsibilities with resulting clarity and cost savings.

TSS Application and Assessment Processes

PWD ACT believes that the current process whereby a person must justify their allocation of vouchers by answering specific questions about their employment, medical and recreational travel needs is bureaucratic and infringes on the rights and dignity of

people with disabilities. A person who can drive does not have to justify their needs to travel to work or to visit friends or to attend a recreational activity. A person with a disability should not have to do this. The process for applying for and obtaining vouchers should be streamlined, simplified and put on a basis that recognizes the rights of people with disabilities to travel and to participate in the community.

TSS Subsidy Levels

The failure of the level of subsidy under the TSS to keep pace with increases in taxi fares has made taxi travel less affordable to people with disabilities and consequently reduced their ability to participate in the ordinary life of the community. The level of TSS subsidies should be reviewed at the same time at which taxi fares are reviewed. People with disabilities should participate in the subsidy level review process to provide evidence of cost increases relevant to their community participation and which may not ordinarily be picked up by the CPI or other measures taken into account in setting the level of taxi fares.

11.9 Transport Needs for Large Public Events

We refer to and support the comments of the WATS consortium on this issue.

Issues not covered in the Discussion Paper

Dog guides and Assistance Animals

ACT and Commonwealth anti-discrimination laws requiring taxi drivers to carry passengers and their dog guides have existed for many years. In addition provisions of the ACT Transport Passenger Service Regulations make it unlawful for a taxi driver to refuse to carry a passenger who is accompanied by their dog guide. Taxi operators are aware of these laws and inform their drivers of them and include dog guide awareness training in the training of new drivers and the retraining of existing drivers. However, we are aware of far too many instances in which dog guide users report taxi drivers refusing to take them because they have a dog guide. This aspect of taxi performance was highlighted as unsatisfactory in The recently released report, *Accessible Public Transport in the ACT – Action Plan 2009-2012*, www.tams.act.gov.au/move/ We bring this to the attention of the review and ask that the review report our concerns and recommend that the RTA and taxi networks increase their efforts to enforce the law and ensure that dog guide users do not encounter this form of discrimination.

In the ACT, the laws relating to dog guides do not currently apply to other assistance animals. There are moves both in Victoria and Queensland at the National level to extend the protections current available to dog guide users to people who use other assistance animals. PWD ACT would support the general principle that a person who uses an accredited assistance animal should be able to travel with their assistance animal in a taxi. However, this principle needs to be applied with considerable caution and in a context in which a person's use of an assistance animal and the animal itself is accredited by a recognized agency. This is necessary to protect both drivers from persons spuriously claiming to need and use an assistance animal and the standing and reputation of dog guides and their users.

Information Access

As it was in 2009, Information for people with disabilities is largely limited to standard or slightly larger print. The Canberra Cabs website is reasonably accessible but more can be done to improve its accessibility by consultation with people with disabilities. More effort needs to be made to produce taxi information in Braille and audio formats.

Canberra Cabs Voice Response Booking System

The voice response booking system which Canberra Cabs uses to take bookings could be difficult to use for a person with a speech difficulty or an intellectual disability. The automated voice response system should be simplified so that a person can ask for an agent at the outset of the call. Currently, a caller has to go through the booking process and is only asked about special requests and given the opportunity of talking to an agent at the end of the booking process.