

21 July 2014

Disabilities Transport Access Secretariat
Road Safety and Transport Access Branch
Department of Infrastructure and Transport
GPO Box 594
Canberra ACT 2601
By email: DisabilitiesTransportAccessSecretariat@infrastructure.gov.au

Dear Sir / Madam,

**RE: 2012 REVIEW OF THE DISABILITY STANDARDS FOR
ACCESSIBLE PUBLIC TRANSPORT DRAFT REPORT**

The Australian Taxi Industry Association (ATIA) is the national peak representative body for the taxi industry in Australia.

The Australian taxi industry has a significant interest in the Disability Standards for Accessible Public Transport (DSAPT) and a very strong commitment to continuously improving the quality of its services to passengers with disability.

This submission restricts itself to addressing only those specific issues of interest and/or concern for ATIA, and its members, that are contained in the 2012 Review of the DSAPT Draft Report (the Report) released in May 2014. For a more fulsome articulation of the ATIA's positions in relation to the DSAPT, please refer to the ATIA's 2013 submission to the Review.

The ATIA offers the following comments for consideration.

1. The Report on page 10 (paragraph 2), and variously, distinguishes taxi services from "public transport". This is a view that is not uncommonly held, and for example, was a view promoted by the Victorian Taxi Industry Inquiry (VTII) in 2012¹. However, it is a view that completely misunderstands the role of taxis and their regulatory obligations to universally service whole communities on a 24/7 basis, using fare structures set by Governments, and without a right to refuse service to any person in the general public². Taxi services may be provided by the private sector³, but they are in form and purpose essentially public transport services. In the context of the DSAPT, if taxi services were not "public transport" they would not logically fall within their ambit because, "*The Disability Standards apply to the operation or provision of public transportation services and facilities ...*"⁴. It also follows that the effectiveness of the DSAPT would be severely compromised if taxi services, especially wheelchair accessible taxi services, were not a mode of public transport.

¹ *Victorian Taxi Industry Inquiry draft report, "Victoria's taxi and hire car industry - Customers First", May 2012, p 65*

² *Except where a passenger represents a foreseeable danger to the taxi driver, has no capacity to pay the fare, or otherwise would be unsafe to transport.*

³ Bus, train, tram and ferry services do not cease to be public transport services when operated/provided by the private sector.

⁴ *Section 1.5 (Application of the Disability Standards) of the Disability Standards for Accessible Public Transport Guidelines (2004)*

The ATIA recommends the Report be amended to consistently treat taxi services as an integral part of “public transport”. The ATIA also requests that this point be explicitly discussed in the Report for the benefit and guidance of future public reviews and discussions of the taxi industry so that they may avoid the errors in reasoning exhibited by the VTII.

2. The Report on page 10 (paragraph 2) expresses the view that taxi services are “generally a more expensive (transport) option ... for governments” than mass transit public transport modes. There is no reasonable basis or evidence for this assertion. Mass transit public transport (i.e. buses, trains, trams and ferries) is heavily subsidised in all Australian jurisdictions with Governments typically contributing more than 70 cents in every ticket dollar. The whole-of-journey, fully allocated cost for a person travelling with a wheelchair or mobility scooter is far cheaper for the Government when the travel is performed in a taxi.

The ATIA recommends the Report be amended to remove statement(s) and inference(s) that travel by persons with disability in taxis is, generally or otherwise, a more expensive option for Governments.

3. The Report on page 38 (last paragraph) notes the Victorian Government’s support for the VTII recommendation for, “the introduction of a central booking service for WATs in Melbourne”. The ATIA understands that the Disability Discrimination Act 1992 (DDA) and the DSAPT require all taxi booking/dispatch companies to offer the community an ability to book wheelchair accessible taxis (WATs) and to do so without discrimination. The proposal by the VTII would remove the capacity for one or more Melbourne taxi booking/dispatch companies to offer a WAT booking service, effectively bringing it/them into non-compliance with the DDA and DSAPT.

While a central booking service for WATs may have practical advantages for efficiency and effectiveness in cities with many booking/dispatch companies, and/or where some taxi fleets do not provide city-wide service, neither precondition is applicable for Melbourne. The VTII proposal is further complicated, if not confounded, by the Victorian Government’s removal of mandatory affiliation of taxis with an authorised taxi booking/dispatch company. To be compliant with the DDA and DSAPT, “unaffiliated taxis” would need to restrict their plying-for-hire to hail and rank fares (i.e. not offer or accept bookings), unless the respective vehicle is a WAT.

The ATIA recommends the Report be amended to include a qualification that the Victorian Government’s introduction of a centralised booking service is not compliant with the intent or letter of the DDA or DSAPT. The ATIA also recommends the Report be amended to express concern about the practical implications for the DSAPT of removing the mandatory affiliation requirement and the ramifications for taxi operators electing to operate outside of an affiliation with an authorised taxi booking/dispatch company (network).

4. The Report on page 38 (last paragraph) notes the Victorian Government’s acceptance that, “... people with disability ... continued to experience unacceptable levels of service quality, availability and accessibility” in regard to taxi services. It is a matter of some concern to the ATIA that the Victorian Government (and the VTII) seemingly can express such views without consequence or repercussion. In such circumstances, the Victorian Government and the VTII, at the very least, should have had or put in place objective,

quantifiable performance measures, benchmarks and targets for taxi services. Similarly, they should have implemented a robust data capture system to provide reliable and valid baselines and ongoing performance measurement. In the ATIA's view, the VTII's and the Victorian Government's reliance on non-quantitative, non-objective performance assessment is distinguishable from the approach of virtually every other State or Territory Government and it cannot be commended.

The ATIA recommends the Report be amended to note the unsatisfactory lack of objective, quantifiable performance measures for taxi services by the Victorian Government.

5. The Report on page 42 (paragraphs 3-5) presents a somewhat inadequate discussion of WAT numbers by not postulating possible solutions to problems of inadequate supply. State and Territory Governments have the capacity to address the market failure that causes WAT supply to be insufficient for WAT demand. They could provide more direct and indirect subsidies to offset the extra costs associated with WAT acquisition and operation. They could also promote WAT revenue opportunities by encouraging multi-use (e.g. high occupancy fares) and maintaining realistic taxi fare structures.

The ATIA recommends the Report be amended to note that WAT supply and demand imbalance results from market failure and that State and Territory Governments be encouraged to explore opportunities for improving their existing interventions to fully correct for the failure.

6. The Report on pages 42-44 provides a useful discussion of WAT response times. The ATIA believes that it is possible for the industry to delivery better WAT response times, and in particular, response times that better meet the needs and expectations of WAT customers more often and more reliably. Accordingly, the ATIA supports Recommendation 6 and looks forward to working cooperatively with the Australian Government, State and Territory Governments and the disability sector in the development of national compliance milestones by 30 June 2016.
7. The Report on page 44 (paragraph 6) notes that submissions were received promoting a new requirement for raised taxi identifiers to be provided "in both tactile and braille forms on the inside passenger side of the vehicle". The ATIA would oppose such a requirement because it would simply constitute an unnecessary regulatory burden. Where taxis are affiliated with an authorised booking/dispatch company (network), the dispatch technology already allows taxi vehicles and drivers to be identified based on trip details⁵.
8. The Report on page 44 (last paragraph) notes the disability sector's concern that payments under State and Territory taxi subsidy schemes need to be reviewed annually to ensure they maintain their effectiveness. The ATIA shares the disability sector's concerns and also advocates State and Territory Governments review their schemes annually.
9. The Report on page 45 (paragraph 1) notes a recommendation from the disability sector that the DSAPT specification of the minimum allocated space be a three-

⁵ in capital cities and regional cities.

dimensional rectangular prism with no encroachments. The ATIA has no objection to such a recommendation.

10. The Report on page 45 (paragraph 2) notes the Victorian Government's support for a VTII recommendation to allow State taxi regulators some flexibility "in regard to minor intrusions into the allocated space". The Report further notes the reason for doing so would be to allow a wider range of vehicles "similar to the London 'black cab' and the New York Nissan NV200". The ATIA understands that an accessible version of the NV200 would comply with a three-dimensional rectangular prism of the DSAPT allocated space and therefore no regulator "flexibility" is required. The ATIA further understands that the London 'black cab' (TX4) is materially short in regard to the DSAPT allocated space and so would require an unreasonable amount of flexibility to be considered a WAT for the purposes of the DSAPT. As noted in the Report, the ATIA is strongly opposed to the Victorian Government's support for the VTII recommendation to water down the DSAPT.

The ATIA recommends the Report be amended to remove the reference on page 45 to the Nissan NV200 because it does not require any flexibility to be given to a State taxi regulator. The ATIA also recommends that the Report be amended to quantify the extent of the "flexibility" sought by the Victorian Government and VTII to facilitate their support for the TX4.

11. The Report on page 63 (paragraph 2)⁶ notes that some submissions pointed to the need at airports for people with disability to be provided with greater assistance between the kerbside drop-off / pick-up points and terminal check-in / baggage collection areas. Airports generally prohibit taxi drivers from leaving their vehicles to provide such assistance for security reasons. ATIA accepts that security must be a very high priority in airport precincts. Accordingly, the ATIA advocates that airport operators should accept responsibility for implementing systems that facilitate assistance to persons with disability changing between transport modes, particularly taxi passengers with vision impairment.
12. The Report on pages 93-94 concludes that, "... more detailed research and analysis needs to be conducted to develop a thorough understanding of the community transport sector nationwide before any decisions can be made regarding inclusion under the Transport Standards". In the ATIA's view, State and Territory Governments' unwillingness to fund accessible vehicles for use by community transport operators is not a valid consideration and most definitely not a reasonable justification for the current blanket exemption. In calling for research without a plan or commitment to undertake that research, and to do so expeditiously, is inconsistent with good policy. The ATIA supports the view of the disability sector that the exemption for Community Transport should be removed.
13. The Report on page 112 (last paragraph) states that, "The Review sees any form of identifying Transport Standards compliant motorised mobility aids ..." as desirable. The ATIA reiterates its position that a national labelling scheme that omits or fails to identify safe anchorage points on mobility devices is necessarily deficient on safety grounds.

The ATIA recommends the Report be amended at page 112 (last paragraph) by removal of the words "any form of".

⁶ and page 78 at paragraph 1.

14. The ATIA supports Recommendation 6 and its discussion on page 132 of the Report⁷.

Finally, should you require any further information or clarification in regard to any matter raised in this letter, I can be contacted directly on [REDACTED]

Yours sincerely

A handwritten signature in cursive script that reads "Blair Davies".

Blair Davies
Chief Executive Officer

⁷ see also comments at dot point 6 above.