

11 April 2008

Ms Sharon Kennard
The Allen Consulting Group
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Canberra ACT 2600

Dear Ms Kennard

Re: Review of the Disability Standards for Accessible Public Transport 2002. Further information in response to the Draft Report

The Victorian Equal Opportunity and Human Rights Commission (the Commission) welcomes the opportunity to provide further information in relation to the Draft Review of the Disability Standards for Accessible Public Transport 2002 Report (draft Review). This is provided in addition to the Commission's submission to the review, submitted in August 2007. This response provides additional information in relation to the Commission's substantive report – 'Time to Respond. Realising Equality for people with a disability using taxi services.

The concern of the Commission in both its substantive report, and in the response to the call for submissions to the Disability Transport Review can be summarised as follows:

1. access to taxi services is an important component of 'public' transport for people with disabilities and older people, to enable their full participation in the community;
2. reasonable adjustments should be made to the provision of taxi services for people with a disability and older people to enable them to equitably access these services;
3. effective regulation of the equitable provision of taxi services has not been enacted and is required;
4. given the long lead-time for major infrastructure, adjustments required in tram, train and rail public transport services, there is a greater urgency for the equitable provision of taxi services.

Additional information about the experiences of older Victorians and people with a disability accessing taxi services is available in the 2006 survey the Commission, in conjunction with the Victorian Taxi Directorate, commissioned by Market Solutions. This survey was a large-scale survey exploring the quality of taxi services for passengers with disabilities. The survey captured the views of passengers with a disability, drivers and operators and owners. The results were presented in a report titled *Quality of Taxi Services for Passengers with Disabilities* (the Victorian Survey). Features of the survey are outlined below.

Reliance on taxis by people with disabilities

According to the Victorian Survey, people with disabilities rely heavily on taxis as their only or main form of transport. The Victorian Survey report states:

The most commonly reported alternative to taxis was being driven by family and/or friends (40%). Public transport, whether, train, tram or bus, was reported by almost one quarter of respondents (22%). The results highlighted, however, that for a notable proportion (12%), taxis are the one and only means of transport.

The Victorian Survey also found that 20% of people with disabilities use community or carer provided transport as an alternative to taxis (p. 7). This highlights the often additional and hidden costs resulting from an inaccessible public transport system, including taxis.

According the Victorian Survey, the abovementioned trends are more prevalent in regional and country areas due to relatively limited access to public transport:

Taxi usage appeared to be more frequent in regional cities than in metropolitan Melbourne, as access to other modes of transport is limited. Sub analysis revealed that passengers who use taxis in regional cities were more likely (50%) than other passengers to use taxis more than 5 times per week. Passengers using taxis in rural towns or areas were more likely (36%) than other passengers to use taxis 3 to 5 times per week." (p. 7)

Hailing taxis & taxi ranks

The main difficulty people with disabilities reporting having when accessing taxis was the process of hailing a taxi from the street. The Victorian Survey reveals that of the 87 respondents who indicated having difficulty with hailing a taxi in the street, 68% stated that they are unable to do so due to their disability. A further 13% of respondents stated that drivers are unwilling to accept their fare and reported being ignored by drivers as they go past (p. 10).

Response times

One of the main concerns relating to the provision of taxi services identified in the Victorian Survey relates to lengthy waiting times. In particular, passengers with disabilities raised lateness of taxis as the second main difficulty in using taxi services. Respondents commonly reported experiencing delays of 15 to 30 minutes; however, waiting times of up to an hour were also not uncommon.

Of the 159 respondents who indicated a difficulty with the length of time waiting for a taxi, the largest proportion (67%) stated that they experienced lateness and/or lengthy delays when booking a taxi. Respondents who stated that they have experienced taxis not showing up or they have waited so long that they gave up and sought alternative means of transport (16%) appeared particularly frustrated, stating that these occurrences interfere with appointments, meetings and connections with other public transport (e.g. trains).

The Commission is concerned about inefficient and limited data used to assess equal response times. This review has clearly identified that there is no opportunity to accurately measure and therefore confidently report waiting times. In fact, in most cases final figures are based in inference; namely the slight increase in WAT fleet size as a potential indicator of reduced waiting times.

The Victorian Survey results highlight the inadequacy of existing regulatory mechanisms to monitor and enforce the DSAPT standard in relation to equal response time. Given the response time standard was to be met by December 2007, it is clear that a more effective standard is required to achieve specified response times. The DSAPT therefore needs to also address regulatory mechanisms that need to be enforced by the regulator.

The Commission is concerned limited availability of empirical data to determine progress in relation to waiting times. The Commission emphasises the need to develop measurement criteria and implement reliable systems to measure progress. Data collection also needs to be able to measure and monitor a variety of relevant indicators including:

- Size and maintenance of WAT fleet
- Training related statistics including number of drivers attending disability specific training
- Actual number of wheel chair passengers relative to regular passengers,
- Accessibility of taxi ranks

Inappropriate size of taxis

The Commission submits that on the basis of the Victorian Survey, current standards that apply to the taxi industry in the DSAPT do not clearly articulate an effective plan to achieve equality in access to taxi services. In particular, the DSAPT does not effectively outline what reasonable adjustments are required to achieve equality of access for people with a disability and older people to access taxis.

Findings from the Victorian Survey indicate that people with standard sized wheel chairs and scooters experienced difficulty fitting into WATs, which acted as a barrier to using taxis in Victoria. Findings also indicate that passengers experienced issues of safety relating to the absence of mobility aid standards, anchor points and the inability of drivers to appropriately secure wheelchairs (p. 16).

In addition to supporting the introduction of a labeling scheme and amending prescriptive requirements contained in the Transport Standards, which relate to adjusting internal spatial proportions to ensure the appropriate fit of standard sized wheel chairs in WATs, the DSAPT should ensure that basic safety requirements of people in wheelchairs are specified to enable wheelchair users to travel safely and confidently utilise taxis. These standards should address the following issues:

- As a priority the DSAPT should identify universal standards that apply:
 - for taxis that are able to carry wheelchairs and scooters, and
 - for regular taxis to ensure access for all taxi commuters.This standard should specify a timeframe that allows capital replacement and uptake of design and technological changes to accommodate the needs of PWD utilising taxi services.
- Establish guidelines to ensure the selection of an appropriate vehicle to be modified for WAT usage;
- Need to consider the variations in wheelchair size in order to accommodate for all taxi users;
- Compulsory driver education for all drivers of WAT vehicles regardless of how casual their employment status may be;
- Defining minimum safety standards in securing wheelchairs and scooters;
- Identifying national specifications for wheelchair accessible taxis; and
- The timeframe and monitoring and enforcement mechanisms for achieving these requirements.

Service Provision

Relative to other modes of public transport the taxi industry involves a greater personal service element throughout the provision of its services, including the taxi booking process, assisting passengers in and out of the vehicle, the need for communication at various points throughout the journey, and handling payment procedures.

In this regard, there are a greater number of intersections where service providers, including depot staff and drivers, interact with people with disabilities and therefore required to understand their responsibilities in relation to the Disability Discrimination Act and state based equal opportunity legislation.

Difficulty securing the wheelchair or scooter into the taxi

According to the Victorian Survey, the most common issue for passengers with disabilities when having the wheelchair or scooter secured relates to relying on the driver to do this properly. The 16% of passengers who elaborated on their difficulty in having the wheelchair or scooter secured, stated that at times the driver does not secure the chair adequately, on all points. A further 13% reported that the driver does not know how to secure the chair or scooter adequately and another 13% of responses

referred to situations where the restraint points are used but are not tight enough. Notably, some respondents referred to more than one of these concerns in their response (p. 16).

Difficulty communicating with the driver

The Victorian Survey found that of the respondents who identified difficulty in communicating (n=153) with the driver, the largest proportion (44%) attributed this to their disability. For a number of these, this involved relying on non-verbal forms of communication with passengers reporting that they:

- Rely on written communication
- Have difficulty in speaking and therefore some drivers have difficulty understanding them
- Rely on others (e.g. carers) to communicate for them
- Have difficulty hearing and need drivers to speak louder

This highlights that drivers must be accommodating of the various communication methods and, whenever possible, the driver needs to demonstrate a degree of preparedness and not rely on the passenger for directions.

Difficulty using the automated booking system

The Victorian Survey found that 25% of the 109 respondents who identified having difficulty with the automated telephone booking service stated that they prefer to speak to a person.

Whilst this is not uncommon among individuals who do not have a disability, most of these respondents elaborated by stating that situations in which they have to communicate their needs to the taxi company or for persons who have difficulty communicating verbally, the automated system makes booking a taxi significantly more difficult and time consuming (p. 15).

Other passengers, such as those who are speech (20%), vision (9%) or hearing (4%) impaired, have an intellectual or physical disability (11%), or cannot use the telephone (9%) stated that they require assistance when using the automated service (p. 15). Consequently, it can be inferred that the automated service does not make booking a taxi easier for these passengers. Further, some passengers (11%) stated that they find it more difficult to arrange the correct time and type of vehicle using the automated service (p. 15).

It is concerning that that the recommendations appear to neglect the role of sedan and WAT drivers and depot operators in ensuring the provision of non-discriminatory taxi services. Findings from the Victorian study reveal a number of training opportunities to assist drivers:

- Create awareness amongst drivers of standard taxis that they are obliged to pick up people in wheel chairs, that standard fold up wheelchairs are easily accommodated in the boot or back

seat of their taxi, and that the process of safely and appropriately assisting a passenger with a disability is easy to learn, and not necessarily time consuming in practice.

- Compulsory training for drivers to ensure the basic safety requirements of people in wheelchairs and scooters are met.
- Training to address social and attitudinal barriers to the provision of non-discriminatory services

Concluding comments

The Commission believes that consideration needs to be given to regulatory incentives within the Transport Standards that will lead to equitable outcomes for people with disabilities and older people utilizing taxi services.. Possible outcomes should lead to additional funding, training, incentive and awareness programs targeted at sedan and WAT drivers that aim to improve service provision to passengers with disabilities and older people. For example:

- Develop a promotional campaign to encourage passengers with disabilities to use taxi ranks as the preferred means of accessing taxis
- Encourage greater WAT interaction with taxi ranks
- A funding, awareness and incentive program to encourage Local Government to upgrade accessibility and security of taxi ranks
- Broaden the priority rule to encourage **all** drivers to pick up passengers in wheel chairs off the street and
- Broaden the priority rule to encourage drivers and depot operators to reduce waiting times of people in wheel chairs
- Development of practical communication devices and training on their use to facilitate communication between the driver and passenger

The Commission does not offer specific comment on the Options outlined in the report. However, in the context of the issues raised with the Victorian Survey, the Commission supports:

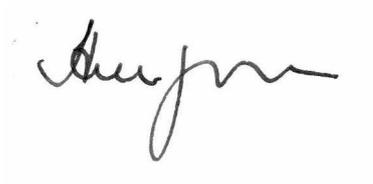
- all efforts to achieve greater transparency in the provision of taxi services is supported and as such believes that mandatory reporting frameworks are required and should be integrated into state based taxi accreditation programs.
- moves to include local government in the reporting framework given their vital role in ensuring taxi ranks comply with transport Standards.
- the need to develop a new consultative framework and emphasizes the need to actively incorporate the input and experiences of people with a disability and older people to achieve the development of meaningful outcomes.

The clear finding of the Victorian report indicates that individuals who experience discrimination in taxi services do not lodge complaints. The Commission believes that HREOC should be vested with the

ability to address systemic discrimination in the provision of taxi services, to ensure that the Standards are enforced when there are systemic barriers to people achieving equitable outcomes.

Thank you for the opportunity to comment.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Szoke', written in a cursive style.

Dr Helen Szoke
Chief Conciliator / Chief Executive Officer

<http://www.ddatransportreview.com.au/downloads/ACGTransportReviewDraftReport.p>