

# Physical Disability Council of New South Wales

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## **"Like Waiting For Godot":**

### ***Taxis In NSW And Discrimination Against People Who Use Wheelchairs***

***A Submission To The HREOC Public Inquiry***

**Physical Disability Council of NSW Inc**

**June 2001**

# **Taxis In NSW And Discrimination Against People Who Use Wheelchairs**

**A Submission To HREOC By PDCN**

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## **Summary of the PDCN Submission**

The views of PDCN about taxis and people who use wheelchairs are unambiguous and straightforward.

- We support the principle of equal human rights.
- We are against discrimination that results in less favourable treatment of people because of their disability.
- We believe that HREOC must act to ensure an equal outcome for wheelchair accessible taxi users. By this we mean that a wheelchair user making a taxi booking by phone, waiting at a taxi rank or hailing a cab from a street corner should not be required to wait longer for a taxi than people who do not use wheelchairs.

### **The PDCN submission builds on the points set out in this summary:**

- 1.1. Wheelchair users almost invariably wait significantly longer for wheelchair accessible taxis than people who do not require wheelchair accessible taxis. We believe that this problem is widespread, systemic and discriminatory.
- 1.2. No more than 300 of the 5,900 taxis in NSW are wheelchair accessible. This is barely 5% of the total. This figure is unacceptably low.
- 1.3. PDCN believes that the concept of 100% accessibility, based on a requirement over a reasonable timeframe that operators replace current vehicles with a universal taxi that complies with the draft standard, is one means by which equality of outcome can be achieved.
- 1.4. The efforts of the NSW Government over the last 4 years to accelerate the introduction of more wheelchair accessible taxis have failed. There are currently less than 100 additional wheelchair accessible taxis operating in NSW than in 1998 when the Disability Council of NSW published its report *"Taxis And People With A Disability: Issues For Government And Industry"*.
- 1.5. According to the NSW Department of Transport survey of wheelchair accessible taxi users, the State's dedicated booking service is not operating effectively. It does not provide the same level of service for wheelchair users as is available to the general public that use taxis.
- 1.6. 80% of all journeys made by wheelchair accessible taxi in NSW do not result from the dedicated, "0200" booking service.
- 1.7. If all taxis are required to be wheelchair accessible there are no perceived disincentives to operating such vehicles. A level playing field must be created to enable guaranteed equal service re; waiting times.
- 1.8. Wheelchair accessible taxi licences should be offered at a substantially lower fee than vehicles that perpetuate discrimination against wheelchair users.
- 1.9. Tax breaks should be introduced for the owners / operators of wheelchair accessible taxis to offset against the purchase price of new vehicles.

- 1.10. We believe that wheelchair accessible vehicles are not necessarily more expensive to run than vehicles that cannot meet the needs of all passengers. Unequal treatment imposed by the operator and/or co-ops on WAT drivers result in fees that drivers of inaccessible taxis do not pay.
- 1.11. PDCN believes that rigorous and effective enforcement of the conditions of wheelchair accessible taxi licences is essential. The regulatory monitoring of the vehicles by the RTA and DOT must be consistent with the draft DDA Transport Standard.
- 1.12. We believe that GPS has a crucial role to play in enforcement. It is our experience that WAT drivers, unlike drivers of inaccessible taxis, are virtually immune to punitive measures for services breaches related to failed or late pick-up of WAT passengers. Therefore, in our opinion, any operator / driver of a wheelchair accessible taxi refusing a call from a wheelchair using client for whom they are the nearest available service, as evidenced by GPS location data, should be, in our view, suspended from operation immediately for a specified, regulated and monitored period. Alternatively a fine should be imposed.
- 1.13. Competition between operators should be encouraged.
- 1.14. Taxis should be safe for all potential users. Drivers must be trained and tested in the safe use of equipment and customer care. This should be regularly tested by RTA Inspectors on a frequent and ad hoc basis.
- 1.15. The draft standard for a universal taxi design should be adopted, implemented and enforced by all regulators. Until the draft standard is finally approved regulators should develop a policy of endorsing specific vehicle designs and fitouts suitable for WAT transport.
- 1.16. To enable an equitable distribution of WAT services across the state it is essential that DoT requires every co-op to have a specified minimum percentage of its fleet that is two wheelchair space capacity and one wheelchair space capacity vehicles. The specified minimum percentage shall consider the general population of a region and the total number of taxis in its fleet. For example a target could be set that a poorly served area such as Newcastle have 5% of the fleet that are 2-wheelchair capacity and 10% that are 1 wheelchair capacity by the end of 2002.

### **PDCN & Discrimination Against Taxi Users Who Do Not Use Wheelchairs**

**In addition to making the comments included in this submission, PDCN believes it is important to remind HREOC that it is not only wheelchair users who experience discrimination in relation to taxi services. People with physical disability who do not use wheelchairs and other people with disability have many issues relating to disability discrimination inside the taxi industry.**

**PDCN recognises that the terms of reference of the current Public Inquiry are limited to issues affecting wheelchair accessibility and regulation. For that reason alone we have confined our comments to matters pertinent to the terms of reference.**

**PDCN believes, nevertheless, that the Commission must return to issues of discrimination as they affect the lives of people with disability who do not use wheelchairs. The sooner HREOC does so the better. At that time, PDCN will be keen to submit evidence based on the experiences of our members.**

## The Physical Disability Council of New South Wales Inc (PDCN)

2. The Physical Disability Council of New South Wales Inc (PDCN) provides a statewide voice for people with a physical disability. We aim to secure equal rights for people with disability. We participate in networks to build better links between people with a physical disability, their families and organisations. Whenever there are discussions involving service providers, decision makers in government, the communities in which we live or the world of business, we believe there should be “nothing about us without us.”

### 2.1. Our activities include

- Representation to government, non-government and private sector decision-makers on behalf of people with physical disability in NSW.
- Acting as a peak body and systemic disability advocacy organisation.
- Involving individuals and organisations in every region of NSW in open meetings and consultations about local, regional and statewide issues of interest to people with physical disability.
- Contributing to the network of information providers across NSW, principally as a key referral agency and ‘signposting’ organisation.
- Raising public awareness of the rights, needs and aspirations of people with physical disability.
- Producing regular newsletters, electronic bulletins and other information.

### PDCN Membership

2.2. Membership of PDCN is open to anyone in NSW with a physical disability or their representatives (in the case of children under 16 years of age) as well as other people or organisations with a commitment to the civil and human rights of people with disability.

2.3. According to the most recent data provided to us by our organisational members, PDCN, as a peak advocacy body, represents in excess of 30,000 people with physical disability and/or their representatives in NSW.

2.4. Currently, as of 18<sup>th</sup> June 2001, PDCN has 290 financial members of whom

- 204 are individual members, and
- 86 are organisational members.

2.5. Our organisational members range in size, scale and operations:

- Small, service-user led agencies such as *Allowance Inc.* in Sydney.
- Local service providers in regional and rural New South Wales such as the *Garden Court Centre* in Glenn Innes, *Western Plains Workforce* in Dubbo or *Family Link Wagga Wagga Respite Scheme Incorporated*.
- Statewide agencies such as *IDEAS Inc* (based in Tumut), *Jewish Care* and *Cystic Fibrosis NSW*.

2.6. PDCN’s organisational membership also includes non-government, state -wide disability service providers.

- 2.7. Organisations from the non-government, disability service providing sector join PDCN to participate in and contribute to a forum through which the interests of their service users can be protected, promoted and advanced through systemic advocacy. Service providers can be part of a service provision network if they join an agency such as ACROD. PDCN fulfils a different function.
- 2.8. PDCN is concerned solely with the interests of the people with physical disability who are members and service-users of member organisations, not with the organisations themselves.

## HREOC Issues for Comment

### 3. ***“Response times: Are response times significantly longer for passengers requiring wheelchair accessible taxis than other passengers making taxi bookings in any part of Australia? “***

3.1. It is the view of PDCN that wheelchair users almost invariably wait significantly longer for wheelchair accessible taxis than people who do not require wheelchair accessible taxis. We believe that this problem is widespread, systemic and discriminatory.

3.2. Our view that response times are significantly longer for passengers requiring wheelchair accessible taxis comes from three sources:

- The direct personal experience of committee members and staff of PDCN who have, over several years, found themselves waiting for the arrival of wheelchair accessible taxis for periods ranging from in excess of 30 minutes to more than 2 hours to make relatively short journeys between city centre locations (in Sydney) at times that were not peak usage periods and when the weather was not inclement.
- Individuals with physical disability contact PDCN to tell us of their bad experiences and/or to ask for information about how to complain about prolonged delays in the arrival of wheelchair accessible taxis, particularly in metropolitan areas outside the City of Sydney municipal boundaries.

We illustrate this point below with examples given to us recently by individuals and organisations on behalf of service users. We believe that the examples are typical of common problems:

a. The MS Society gave us recent examples, which include:

- A client who waited over 2 hours for a taxi.
- A client, who was 1 hour late for a therapy appointment despite booking the taxi 2 weeks in advance, was told there were no taxis available.
- A client waited over 2 hours for a taxi and missed a social function as a result (the taxi had been booked for 1 hour earlier than required as a precaution against precisely the delay that occurred).
- A client waited over 1 hour for a taxi that had been previously booked. The client was waiting at night outside shops that were not attended.
- A client waited 2.5 hours as the driver had to do his “normal school run” - however did not inform client of this.

b. Groups of people with physical disability in the Hunter Valley region tell us it is almost impossible to book a wheelchair accessible taxi when school runs are being carried out. They feel that disadvantaged service users of all types and ages are being pitted against each other because there are too few wheelchair accessible taxis to meet all needs.

c. People in the Hunter Valley region make the observation that they feel doubly discriminated against. There are too few wheelchair accessible taxis in the area, they tell us. There are, at the same time, too few wheelchair

accessible buses. People in rural and regional NSW have fewer transport options than in metropolitan areas. The effect of discrimination against wheelchair users is magnified in areas with fewer public transport options.

- d. One wheelchair user told us he had to wait four hours for a taxi for a trip from Spit Junction, Mosman to Willoughby, between Midday till just after 4.00 p.m. The same person told gave us another example, when the late arrival of a wheelchair accessible taxi led him to miss most of a function hosted the Governor of NSW.
- e. One wheelchair user told us how a wheelchair accessible taxi arrived one hour late for a booking to travel between Mascot and the CBD. As a consequence of the delay the wheelchair user arrived late to view an apartment for rent, which was taken by another person. Given the scarcity of wheelchair accessible accommodation he felt doubly penalised by the service failure and discrimination of the current WAT set-up.
- f. One wheelchair user told us how he waited 45 minutes outside the Queen Victoria Building in Sydney for a wheelchair taxi booked through the "0200" service. While the wheelchair user waited for the booking to be fulfilled, three different, vacant wheelchair accessible taxis, displaying illuminated "For Hire" signs, drove past the wheelchair user.
- g. The parent of a child with physical disability told us of his experience of travelling in a multiple-occupancy wheelchair accessible taxi. His child was not travelling with him at the time and the parent discussed the vehicle's uses (capable of carrying 12 passengers) without divulging his interest in wheelchair accessible taxis specifically.

The driver spoke enthusiastically of the income generating potential of his vehicle. He noted that wheelchair accessible taxi licences were substantially cheaper than standard licences but that there was little or almost no need meet the needs of wheelchair users. His taxi allowed him to earn "twice the income of other drivers [principally] by multiple hiring from the airport during busy periods". "Most mornings," he reported, he drove 5 non-wheelchair users to the city for \$20 per person.

The driver acknowledged that calls from wheelchair users were welcomed if they were close to his location at the point of them being put out through the radio network.

The driver definitely did not welcome requirements to be at a particular location for a particular time to meet a specified wheelchair user (which is precisely the basis of most wheelchair user requirements in NSW).

In summary, the driver is enthusiastic about his cheap licence and larger vehicle. He felt no real obligation to meet the needs of wheelchair users and work of this type was "minimal" and "inconvenient". The greatest benefit the driver saw of his vehicle was its capacity to accommodate group and multiple hire bookings from people who do not use wheelchairs.

**PDCN does not doubt for one moment that many drivers of wheelchair accessible taxis are dedicated, professional and excellent service providers. We are no less certain, however, that abuse of the type described above is not uncommon. We believe it must be eliminated if people with physical disability are to receive equal treatment from an industry that purports to be an essential part of the public transport network of NSW.**

We believe that these examples are neither uncommon nor untypical. We believe many more examples would be cited to HREOC (in the form of complaints) but for the fear of many current users of wheelchair accessible taxis that they would be identified as 'difficult' customers. That such a perception can exist among people with disability is a concern in its own right.

- Each year for the past four years PDCN has organised Community Consultation meetings for people with physical disability in all parts of NSW. During that time we have hosted almost 30 meetings involving in excess of 450 people with physical disability and/or their representatives and supporters. At every Community Consultation meeting organised by PDCN during the last four years that discussed general issues of concern, problems with wheelchair accessible taxis were raised by participants. The most often cited problem has been poor response times.
  - a. Two of our Community Consultation meetings in 2000 were called specifically to discuss transport issues. These meetings took place in Ryde in May and in Campbelltown in June.
  - b. Every wheelchair user attending these meetings reported direct personal experience of more than one occasion when they had been required to wait for an hour or more for the arrival of a wheelchair accessible taxi.
  - c. Three wheelchair users at the meeting in Ryde reported separate incidents in which they had tried for over four hours without success to book a wheelchair accessible taxi. All three indicated that such has been their loss of faith in the service that they have ceased to use it, believing that in the north of metropolitan Sydney wheelchair accessible taxi services are not a genuine transport option for casual users.
  - d. Two wheelchair users at the Campbelltown meeting reported their direct personal experience of waiting in excess of two hours for a wheelchair accessible taxi to arrive. At a meeting of the Campbelltown Council Access Sub-Committee on 4<sup>th</sup> June 2001 a wheelchair user in attendance reported that response times in the municipality had not improved since last year. She noted, with some irony, that some owners/operators of wheelchair accessible taxis living in Campbelltown commute daily to the more lucrative market of the city, removing their wheelchair accessible vehicles from the local service.

#### 4. ***“Proportion of taxi fleets accessible: What proportion of existing taxi fleets is wheelchair accessible?”***

- 4.1. According to the NSW Department of Transport report *“A Discussion Paper on the Rural Transport Taxi Industry in New South Wales”* 10% of all taxi licences outside of the Metropolitan TD, Newcastle TD and Wollongong TD are WAT licences. This figure falls to 3.1% inside the Newcastle and Wollongong Transport Districts. Metropolitan Sydney has marginally less than 5% of taxis being wheelchair accessible. (See table on next page)

Taxi District	Number of Taxis	Number of WAT	WAT as %
Rural / Regional	926	92	9.93%
Newcastle	158	4	2.53%
Wollongong	127	5	3.93%
Metropolitan	4689	189	4.03%
NSW	5900	290	4.91%

5. ***“Are these proportions sufficient: Is the proportion of taxi fleets which is wheelchair accessible insufficient in any areas of Australia to enable services to be provided to passengers requiring wheelchair accessible taxis, with equivalent reliability and waiting times to those for other passengers booking taxis? If so, what proportion of taxi fleets being accessible would be sufficient?”***

5.1. PDCN is strongly of the view that barely 5% of the fleet is woefully inadequate.

5.2. We believe that HREOC must act to ensure an equal outcome for wheelchair accessible taxi users. By this we mean that a wheelchair user making a taxi booking by phone, waiting at a taxi rank or hailing a cab from a street corner should not be required to wait longer for a taxi than people who do not use wheelchairs.

5.3. PDCN believes that the concept of 100% accessibility based on a requirement over a reasonable timeframe (we suggest 10 years from now) that operators replace current vehicles with a universal taxi that complies with the draft standard, is one means by which equality of outcome can be achieved.

5.4. We reject any claim suggesting there is no need for a greater proportion of the taxi fleet to be wheelchair accessible than the proportion of the population who use wheelchairs. HREOC and transport regulators in State Government need to consider wheelchair accessible taxis within the context of an integrated transport system for communities as a whole. People with disability generally and wheelchair users in particular have fewer transport options than the population in general. The context within which wheelchair accessible taxis must be considered includes these observations:

- In NSW (as in the whole of Australia) people with disability constitute approximately 19% of the population.
- More than half of the population with disability have a physical disability (either solely or in association with an additional impairment type).
- Half of the population of people with disability are retired age pensioners.
- Over two thirds of all people with disability live on fixed incomes.
- Two thirds of all people with disability of working age are not in employment.
- 90% of railway stations in NSW are not accessible to wheelchair users currently and will not be accessible for at least 9 years (and very much longer in many cases).

- 60% of State owned buses in NSW are not currently wheelchair accessible.
- 80% of privately owned buses in NSW are not currently wheelchair accessible.
- 96% of taxis in NSW are not currently wheelchair accessible.

5.5. In short, people with disability are disproportionately likely to be unemployed or living on fixed-incomes at the lower end of the income range. People with disability are less likely than the population as a whole to own and operate a private vehicle. At the same time, however, people with disability have fewer public transport options from which to choose than the population as a whole.

5.6. In these circumstances it would serve only to perpetuate discrimination against people with disability (wheelchair users in particular) by limiting the requirement for wheelchair accessibility in the State's taxi fleet to the same proportion as that of wheelchair users in the population as a whole or amongst the population of people with a disability.

6. ***“Measures to ensure sufficient proportion accessible: What measures have transport authorities taken or could they take to ensure that a sufficient proportion of taxi fleets is accessible?”***

6.1. The NSW Government has taken two major initiatives in the past 3 years to increase the number of wheelchair accessible taxis in NSW.

6.2. In 1997, the Minister for Transport announced the creation of 400 new WAT licences in NSW to be taken up by the time of the Sydney Olympic Games (September 2000). WAT licence holders would (and do) benefit from WAT operator dispensations that are designed to make WAT licences more attractive than conventional licences. These dispensations include:

- WAT licences were significantly cheaper to purchase than traditional licences.
- WAT vehicles were granted an extended operating life (10 years as opposed to 7 years).

6.3. Currently, fewer than 100 of these licences are being used on WAT vehicles operating in NSW.

6.4. Almost 300 of these licences were awarded to a new operator (Unicab Pty Ltd) early in 2001. According to the Managing Director of Unicab Pty Ltd the earliest date that the first of the company's fleet could become operational is March 2002. The introduction of this new operator's fleet remains uncertain (as of 18<sup>th</sup> June 2001). Unicab Pty Ltd believes it cannot progress to the next stage of its service development unless and until the Government of NSW requires all WAT operators to meet an agreed, verifiable and policed standard of accessibility for all new vehicles. As we prepare this submission for HREOC no such undertaking has been given by the NSW Department of Transport. As a consequence, 300 of the 400 WAT licences created with the intention of establishing a post-Olympics legacy remain in limbo i.e. allocated to an accredited operator but with no foreseeable date for entry to service.

6.5. In July 2000 the NSW Minister for Transport launched 200 new wheelchair accessible taxi licences, the first sixty of which were offered for public tender at the

same time. The tender was intended to be competitive. According to the Department's information:

*“The purpose of [the] tender [was] to determine the current market value of Wheelchair Accessible Taxi licences and to issue them at a fee equivalent to such market value, as required by the Act.”*

6.6. These new types of licences contained existing and new requirements, including:

- Vehicles had to comply with the draft standard;
- Vehicles had to be capable of carrying 2 wheelchair users;
- Vehicles had to be less than 10 years old (in contrast to the 6 year limit for non-accessible taxis);
- There was no upper limit on hours of operation;
- The lower limit on daily operation was 10 hours;
- Licences were to be issued for up to 20 years (in contrast to 7 years for non-accessible vehicles);
- Licences are transferable (in contrast to current arrangements).

6.7. The incentives built into these new arrangements have not accelerated the rate at which wheelchair accessible taxis come into service. The majority of such licences are not being used even though substantial numbers have been allocated to operators in NSW.

6.8. PDCN is strongly of the view that if wheelchair accessible licences issued to operators are not put into service within six months of issue, the Department of Transport should be empowered or use its current powers to recall and re-allocate such licences to operators who are willing, able and ready to provide services to people with disability. Clearly where exceptional and/or unforeseeable circumstances arise the Department would have discretion not to recall licences.

6.9. To ensure greater effectiveness of the issuing of WAT plates the Department of Transport must modify the “conditions of licence” to require operators to have vehicles on the road within a specified minimum timeframe – we suggest 6 months - to avoid Co-ops from “storing” the plates to artificially control the market.

6.10. The simplest measure available to regulators of taxi services to ensure that an adequate proportion of taxis are wheelchair accessible is to require all taxis to be accessible by a future date that is reasonable for stakeholders; within the terms of the over-riding policy imperative that services will move to a position of equality of opportunity for all users. (See proposals below).

7. ***“Universal taxi: If 100% fleet accessibility (the "universal taxi" approach) is necessary or desirable to ensure fully equal access to services (whether to achieve access to hailed services as well as booked services, or to reduce problems regarding priority for wheelchair user passengers, or to increase general public acceptance of wheelchair accessible vehicles, or for other reasons), what measures may be feasible and necessary (currently or within a reasonable period) to make possible the achievement of this level of accessibility?”***

- 7.1. PDCN believes that the concept of 100% accessibility, based on a requirement over a reasonable timeframe that operators replace current vehicles with a universal taxi that complies with the draft standard, is one means by which equality of outcome can be achieved.
- 7.2. Precedent exists for such an approach in the urban taxi fleets of the UK, many of which have had 100% fleet accessibility for 5 years or more.
- 7.3. PDCN invites HREOC to consider a simple but effective mechanism for moving towards 100% accessibility based on the concept of a universal taxi complying with the draft standard. We offer this suggestion on the premise that a range of vehicles operating currently in Australia meets the draft standard. It is no longer possible for operators to argue that such vehicles either do not exist or are not commercially viable. Neither observation is supported by fact.
- 7.4. It is not unreasonable to suggest that all taxis in the NSW fleet could be accessible by 1<sup>st</sup> January 2012, giving the industry more than ten years to plan for change. This period of change acknowledges that the current working life of a taxi in NSW is, by Government regulation, limited to 6 years.
- 7.5. To initiate such a phased process of change all new taxis brought into service from 1<sup>st</sup> January 2006 would be required to be wheelchair accessible. This five-year lead-in period allows ample opportunity for the industry, as it is today, to prepare for change.
- 7.6. The cycle of vehicle renewal required by the NSW Government means that almost two full generations of vehicles would pass before 100% accessibility is achieved. In our view such a staged implementation is neither inconsistent with precedent set in other countries nor unreasonable.

8. ***“Dedicated services: What experience or issues are there with operation of wheelchair accessible taxis as a dedicated service rather than also being available for mainstream service?”***

- 8.1. According to the evidence of the NSW Department of Transport survey of wheelchair accessible taxis users the State’s dedicated service is not operating at all for most service users or for most journeys. In NSW wheelchair accessible taxi users in metropolitan areas (where most taxis of any type operate) are supposed to use the dedicated telephone booking line known as the “Wheelchair Accessible Taxi Service” or the “0200 service”.
- 8.2. Most service users and 80% of all journeys made by wheelchair accessible taxi do not make use of the dedicated, “0200 service”
- 8.3. Most regular use of wheelchair accessible taxi services is organised within private arrangements established between operators and individuals (people travelling every day at the same time to work or college for example) or organisations (school runs or day service access organised by Government departments and officers). Irregular and casual users of wheelchair accessible taxis in NSW depend almost entirely on the official, dedicated arrangements organised through the “0200 service”. It is precisely these people who report greatest difficulty in accessing services within a reasonable and/or broadly comparable waiting time with people who do not depend on wheelchair accessible taxis.

8.4. It is at least debatable as to whether or not dedicated booking services are effective. The NSW experience suggests strongly that they are not, based on the research finding that as few as 20% of journeys are booked through the dedicated service. If and when a larger number of proportion of vehicles become wheelchair accessible the case for a dedicated service may become even less secure than it is currently.

9. ***“Economic factors: Are there any economic disincentives to provision of wheelchair accessible taxi services (either in provision of accessible vehicles or in their use to serve passengers using wheelchairs), which could be addressed by taxi regulatory authorities, by other relevant government agencies or by industry? In particular:”***

9.1. *Issues affecting capital or running costs of accessible vehicles*

9.1.1. If all taxis are required to be wheelchair accessible there are no capital disincentives to such vehicles. A level playing field for all operators must be created. Differentiations exists only to the extent that, and for as long as, vehicles that are not accessible to the whole community are permitted to ply for trade. This practice must be phased out.

9.1.2. The taxi market is currently distorted in favour of operators who discriminate against wheelchair users. The cost to society as a whole of acting in a non-discriminatory manner (supposedly the purpose of laws such as the DDA) is being restricted to operators with the foresight and commitment to anti-discriminatory practice. There is a perverse incentive for those who choose to operate vehicles that exclude a proportion of the community that the taxi service as a whole purports to serve. HREOC should act to eliminate this distortion, which is discriminatory.

9.1.3. We take the view that positive financial incentives should be introduced for operators who actively contribute to the reduction of discrimination by purchasing and using wheelchair accessible vehicles.

9.1.4. During the 10-year period that could be used to transform the NSW taxi fleet to 100% accessibility the fee charged for a wheelchair accessible taxi operators licence must be offered at a substantially lower fee than vehicles that perpetuate discrimination against wheelchair users. Similarly, wheelchair accessible vehicles should be granted substantially longer operating lives (consistent with safety, mechanical reliability, comfort and cleanliness standards).

9.1.5. A business tax credit or allowance should be established by the Commonwealth Government to enable a purchaser of wheelchair accessible taxis to offset the purchase price of new accessible vehicles against annual tax returns (whether as companies or sole traders) for the operating life of the vehicle and/or for as long as vehicles remain the property of the original purchaser.

9.1.6. Possession of a wheelchair accessible taxi licence would not be sufficient to trigger the tax concession. This incentive would be available only to operators who put such vehicles on the road for use as wheelchair accessible taxis.

9.2. *Any other distinctive costs in providing wheelchair accessible services*

- 9.2.1. PDCN knows of no evidence that shows that a wheelchair accessible taxi (once purchased) is necessarily or for all vehicle types any more or less expensive to operate than a taxi that fails to meet the needs of wheelchair users. We believe that wheelchair accessible vehicles are no more expensive to run or maintain than vehicles that cannot meet the needs of the whole community of potential passengers.
- 9.2.2. We note, in contrast to concerns about possible “distinctive costs” assumed to be associated with wheelchair accessible vehicles that such vehicles enhance the capability of operators to compete commercially in a diverse and disparate market of potential taxi customers:
- 9.2.3. Wheelchair accessible vehicles allow operators to ply for trade in every market niche.
- 9.2.4. Wheelchair accessible vehicles (with the exception ‘Metro cab’) have a greater passenger carrying capacity than inaccessible vehicles (between 5 people and 11 people depending on vehicle type) making operators more cost-effective for small group travel, opening up previously untapped sectors of the diverse range of passenger types in the market.
- 9.2.5. Recent additions to the range of wheelchair accessible taxis (e.g. the Mercedes Vito and Chrysler Voyager vehicles) do not suffer from the same market resistance as older model types. The claim that non-wheelchair users reject wheelchair accessible vehicles as a desired travel option is less supportable as each day passes.
- 9.2.6. We believe that the “Flash Cab” style of vehicle is not acceptable as wheelchair accessible taxi. The criticisms of its design are well known and documented. The vehicle does not meet the draft standard. The wheelchair passenger sits in an isolated and potentially deadly location in a vehicle that has not been crash-tested with regard to the specific design changes introduced for wheelchair users. The only reason wheelchair users are prepared to travel in these vehicles is because so very few options exist.
- 9.3. *Fare structure and fares income received for wheelchair accessible taxis in comparison to other taxi services.*
- 9.3.1. PDCN rejects any suggestion that a different fare structure should be introduced for wheelchair users using wheelchair accessible taxis. Kilometre for kilometre or minute for minute, there is no evidence that taxi operators lose out financially by carrying wheelchair users in wheelchair accessible taxis. PDCN believes the reverse to be true.
- 9.3.2. Operators of wheelchair accessible taxis have, by definition, access to a greater proportion of the entire taxi using market because their vehicles are capable of carrying wheelchair users as well as and in addition to people who do not use wheelchairs.
- 9.3.3. The NSW Department of Transport survey of wheelchair accessible taxi users showed that, on average, journeys by wheelchair users covered a greater distance and travelled with the meter running for longer period than passengers who do not require a wheelchair accessible taxi. Wheelchair users generate more income per person for taxi operators than passengers who do not use wheelchairs.

10. **“Effective use of accessible fleets: Are there any regulatory or technical measures being taken or which could be taken which would ensure that any given level of accessible taxi fleet meets demand for wheelchair accessible taxis more effectively? In particular.”**

10.1. *Possibilities for more effective implementation or enforcement of priority systems including issues affecting use of GPS and other new technologies, and barriers to effectiveness of priority systems*

10.1.1. PDCN believes that rigorous and effective enforcement of the terms and conditions of wheelchair accessible taxi licences is an essential component of over-coming discrimination against wheelchair users. It is common knowledge, for example, that in NSW:

10.1.2. Some operators of wheelchair accessible taxis (especially larger occupancy vehicles) prefer to seek custom at high turnover locations (Sydney airport and cab ranks near or at city centre hotels) than accept work from wheelchair users, even though the lower cost licence to operate such vehicles is awarded on the assumption that priority will be given to wheelchair users.

10.1.3. In both 2000 and 2001 wheelchair accessible taxis were contracted to deliver bouquets of flowers on Mother’s Day while wheelchair users were unable to secure services through the official, dedicated “0200 service” arrangements.

10.1.4. Properly resourced enforcement regimes could prevent such abuse of wheelchair accessible taxi licence regimes. PDCN is encouraged by recent initiatives by the NSW Department of Transport to toughen its enforcement regime. We hope that the new measures, including an increased number of more engaged Inspectors, will be supported by the Department for as long as it takes to bring about cultural change in the operation of a substantial proportion of wheelchair accessible taxi operators.

10.1.5. We believe it to be essential that taxi dispatch agents, (in the NSW context, this means the “0200” telephone booking be empowered and required to direct drivers to waiting wheelchair using passengers. Effective monitoring and rigorous enforcement must support this requirement by the licensing authority.

10.1.6. We believe that GPS has a crucial role to play in enforcement.

10.1.7. At least one operator in NSW believes that its GPS facility should be used for security (driver safety) purposes only. PDCN believes this to be a fundamentally misguided and inadequate policy.

10.1.8. The benefit of GPS in relation to driver safety is, of course, crucially important. The enforcement potential of GPS is no less crucially important to passengers who need wheelchair accessible taxis.

10.1.9. We favour the approach that we understand operates in locations such as the Gold Coast of Queensland. GPS data is used to determine the nearest available wheelchair accessible taxi to customers waiting for service. Allocation of taxis using GPS location data speeds up response times. The use of such data in this manner does not conflict with any other role, responsibility or obligation placed upon operators of wheelchair accessible taxi licences and/or drivers of wheelchair accessible vehicles.

10.1.10. It is because we can see no conflict of interest in using GPS location

data to assist in the timely allocation of taxis to wheelchair using customers that PDCN favours its use by all operators as a condition of operating. Any operator / driver of a wheelchair accessible taxi refusing to a call from a wheelchair using client for whom they are the nearest available service, as evidenced by GPS location data, should be, in our view, suspended from operation immediately for a specified, regulated and monitored period.

## 10.2. *Relevant performance standards and licence conditions*

10.2.1. Wheelchair accessible taxi licences must not be issued to operators whose vehicles do not meet the draft standard for the universal taxi.

10.2.2. The regulating department should specify what additional charges may be and may not be imposed by Co-ops upon WAT drivers to ensure equal treatment, which ensures that unfair economic hardship does not ensue, rendering unviable the operation of a WAT.

## 10.3. *Clarification of responsibilities of booking services, taxi operators, regulators and any other relevant industry participants*

Relevant issues have been cited in other sections of this submission.

## 10.4. *Issues regarding competition or co-ordination of services*

10.4.1. Competition between operators should be encouraged.

10.4.2. No one provider should be permitted to dominate a local market or control a disproportionate number of wheelchair accessible taxi licences. No operator should be permitted to hold wheelchair accessible taxi licences but not deploy vehicles within six months of the licence being issued. This practice restricts trade.

## 10.5. *Measures to ensure accessible taxis are complete with necessary equipment and driver skills to ensure accessible service with an equivalent degree of safety to other passengers is available in practice*

10.5.1. Taxis should be safe for all potential users. Drivers of wheelchair accessible taxis must be trained and tested in the appropriate, safe use of equipment. Driver training should include input from wheelchair users.

10.5.2. Department of Transport Inspectors should conduct periodic, unannounced spot checks of equipment to ensure it is present in the vehicle, has been adequately maintained and that the driver knows how to use it.

10.5.3. In addition to training in equipment use, all drivers of wheelchair accessible taxis should be required to undergo customer care training with a disability equality / awareness component as a requirement of the operator's licence. Such customer care training should have input from wheelchair users.

10.6. *Issues regarding compatibility of different types or sizes of wheelchairs or other mobility aids with accessible cabs and possibilities for certification or consumer information regarding public transport compatibility of these aids*

10.6.1. PDCN endorses the work that has been carried out to compile a draft standard in relation to such matters. The draft standard should be adopted, implemented and enforced by all regulators. The standard should be reviewed periodically to ensure that it is consistent with the current needs of all stakeholders.

10.7. *Issues regarding co-ordination with or substitution for other modes of accessible public transport (generally or for specific purposes such as school transport), including relationship to "community transport" services.*

**The approach of PDCN to these matters is straightforward.**

**We believe that any and all forms of public transport must be accessible to all people in Australia at the earliest possible date. Unless and until we achieve full accessibility in public forms of transport people with disability will suffer the ill effects of discrimination, perpetuating social disadvantage and exclusion to the direct detriment of people with disability and the indirect detriment of the population as a whole.**

**Dougie Herd  
PDCN Executive Officer  
29<sup>th</sup> June 2001**

# Taxis In NSW And Discrimination Against People Who Use Wheelchairs

## Supplementary evidence from PDCN

### 1. Financial discrimination against users of wheelchair accessible taxis

#### a. Telephone booking fees

All telephone bookings of taxis carry a fee in NSW OF \$1.10. Most wheelchair accessible taxi journeys have to be booked over the telephone - waiting on the corner or at a taxi rank to hail a cab is hardly viable when less than 5% of the NSW fleet is wheelchair accessible. The combined effect of these two realities is to add an unreasonable financial burden on wheelchair users as a consequence of their disability. The telephone booking fee discriminates against people who use wheelchairs for as long as they do not have an equal opportunity to call a cab by the full range of methods enjoyed by the public in general.

#### b. Discriminatory additional costs.

Taxi travel is more expensive than any other form of public transport. Wheelchair users are forced to use taxis more than the average member of the population because of discrimination built-in to other forms of inaccessible public transport (principally buses with steps and train stations with no level access). Action should be taken to eradicate this unreasonable financial burden on wheelchair users who are dependent on taxis. One means to achieve this end would be to increase the taxi travel subsidy funded by the State Government. PDCN believes the subsidy should be increased from 50% to 75% and the upper limit of the subsidy for any single journey to be increased to at least \$42.50.

### 2. Competency based training

Driver training should be based on the development of competencies. The acquisition of knowledge is not, in itself, sufficient to ensure safety for wheelchair users travelling by taxi. In effect this means that drivers of wheelchair accessible vehicles should be tested to ensure not just that know how equipment is supposed to work but that they can actually use the equipment as it was designed and intended that they be used.

### 3. Meters

Meters must be sited in all taxis so that wheelchair users have an unobstructed view at all times. This is not always the case. Failure to locate the meters in full view is discriminatory.

Dougie herd  
PDCN Executive Officer  
Tuesday, 3 July 2001