

Physical Disability Council of New South Wales



E.mail: pdcnsw@pdcnsw.org.au
Web Site: <http://www.pdcnsw.org.au>

St. Helen's Community Centre
3/184 Glebe Point Road
Glebe NSW 2037

Telephone (voice): 02 9552 1606
Telephone (TTY): 02 9552 1370
Fax: 02 9552 4644
Freecall: 1800 688 831

“ Still Waiting For Godot”:

Taxis And Discrimination Against People Who Use Wheelchairs

***A Response To The HREOC Draft Report On
Wheelchair Accessible Taxis***

**Physical Disability Council of NSW Inc
December 2001**

1. Introduction

PDCN welcomes the opportunity to respond to the draft report on wheelchair accessible taxis published by HREOC. It is commendable that the Commission has offered the draft report for comment by interested parties. In our view, as a consequence, there is a stronger possibility that good public policy can emerge from such a process of constructive dialogue around key issues of discrimination.

In submitting our response to HREOC, PDCN wishes to repeat two fundamental points from our original submission on wheelchair accessible taxi services. These are:

- *We are against discrimination that results in less favourable treatment of people because of their disability.*
- *We believe that HREOC must act decisively 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.*

We repeat these observations because of what we see as regrettable disparities between the context setting elements of the draft HREOC and its unnecessarily limited set of proposals, actions and recommendations. In short, it is the view of PDCN that the draft report lacks the assertive statements, clear guidance and measurable recommendations that key stakeholders (including HREOC itself) need to act upon.

2. Discrimination is not disputed

The draft report acknowledges that wheelchair accessible taxi services can be fairly characterised as suffering from “widespread problems of severely late arrival or non-arrival of accessible taxis”. The fact that such problems are real and affect every aspect of the lives of people with fewer transport options than the population in general is not contradicted or disputed by the authors of the report nor by any submission received by HREOC.

The final HREOC report must, therefore, make explicit the obligations, expectations and actions that wheelchair users can expect different stakeholders to meet or take in this area of service. The final report must become a definitive point of reference for measurable development against clearly articulated standards for improving outcomes for users of wheelchair accessible taxis.

In our view, the final report by HREOC, must clarify the following matters:

- HREOC must make it explicitly clear that, in its view, the current widespread problems which result in less favourable treatment for many

people with disability are unacceptable and constitute reasonable grounds for a complaint of discrimination within the terms of the DDA.

- HREOC must set out for operators and regulators what HREOC believes to be the minimum set of actions each must take in current circumstances (as described in the draft report) if they wish to protect themselves from the possibility of complaints being raised under the DDA.
- HREOC must expand its consideration of wheelchair accessible taxis services to matters other than the very limited range of items referred to in the draft DDA standard on transport.

In the remainder of this PDCN response we consider each topic set out by HREOC in the summary and recommendations of the draft report.

3. Focus on response times

We re-iterate what seems to us to be a crucial point made in the report (but not made explicitly enough or with sufficient strength):

- *People who rely on wheelchair accessible taxis receive less favourable treatment from the service system by virtue of their disability.*

The service system discriminates against people because of their mobility impairment and some regulators permit that discrimination to occur.

PDCN is pleased to note from submissions and the draft report that no one disputes that people who rely on wheelchair taxis experience *"widespread problems of severely late arrival or non-arrival of accessible taxis."* The report acknowledges that people with disability encounter serious discrimination and disadvantage. This is beyond dispute.

Our criticism of the insufficiently clear or strong statements from HREOC about the disadvantages service users face (which are real, profound and unchallenged by any submission) is not an exercise in semantics.

Not even the taxi industry submissions argue that people who use wheelchairs do not often wait longer than other customers. Many people in submitting evidence have sought to explain (sometimes justify) discriminatory response times. No one, however, denies that different response times are common.

Understanding the reasons that explain why any service system treats any group of people with disability less favourably is, of course, a necessary part of eradicating discrimination. PDCN is of the view, however, that HREOC, as the Commonwealth's Government's Commission, has obligations which extend beyond merely identifying problems.

In HREOC's own description of its duties within the terms of the DDA, the Commission exists in to

- ***“eliminate discrimination against people with disabilities”***.

There is no dispute that wheelchair accessible taxi users are treated less favourably than other taxi users. In such circumstances, we believe, HREOC is obliged to take unambiguous action that moves society forward towards the elimination of this particular form of discrimination. There is little evidence in the draft report, however, to suggest that HREOC is willing to grasp that nettle and meet its obligation to strive to eliminate – not just describe – discrimination.

Furthermore, PDCN is deeply disappointed that HREOC has limited its consideration and analysis of response times to booked taxi services. People who need wheelchair accessible taxi services are forced by the realities of current service provision to use this single service access mechanism. That is, in and of itself, discriminatory.

Most taxi hiring is done in one of three ways:

- Hail a taxi on the street.
- Board a taxi at ranks designated by the appropriate regulatory authority.
- Book a taxi by phone.

A very substantial proportion of taxi journeys (probably the majority) are commenced by passengers hailing a taxi or boarding a taxi at the rank. The failures of operators and regulators to treat wheelchair users no less favourably than other customers means that users of wheelchair accessible taxis are, in reality, forced to book by phone. This costs money and limits access to services.

People who rely on wheelchair accessible taxis are effectively denied reliable access to two of the three methods of hiring a cab. The decision of HREOC not to consider, analyse or comment upon these matters is profoundly regrettable and a seriously mistaken error of judgment.

4. Private arrangements

According to research in NSW, as many as 80% of all journeys by wheelchair users in accessible taxis are made through private arrangements. Only 1 in 5 of all wheelchair accessible taxi trips are arranged through the official '0200' booking line. PDCN believes the time has come to ask if the single booking service is still relevant

We support liberalisation of the taxi industry (within the context of moving towards equality of opportunity to access taxi services). It may be time to say that dedicated booking lines ought to be phased out. If people who rely on

wheelchair accessible taxis want to catch a taxi, they should do what everyone else does – hail one on the street, wait at a rank or phone the taxi company.

The requirement, where it exists, to make use of a dedicated telephone booking service for wheelchair accessible taxi services may contribute to a service culture in which discrimination is systemic.

Any person without a disability can contact a taxi operator directly to engage their services. People can and do make journeys in wheelchair accessible taxis as a result of such bookings even in circumstances where there is no need for an accessible taxi. People who do actually rely on wheelchair accessible taxis are prohibited, however, from making a direct arrangement with an operator (unless they enter a private arrangement). In these circumstances people who rely on wheelchair accessible taxis in NSW are required by the service system to use a booking system that is admitted to deliver service in only 20% of cases.

PDCN sees merit in the view that booking of wheelchair accessible taxis services must be 'normalised'. The facility for customers to book a wheelchair accessible taxi directly, through the mainstream radio network of operators, should be an obligation placed on any operator of radio networks. No network should be allowed to decline a request for service made directly by a user of wheelchair accessible taxi services.

5. Performance standards and monitoring

PDCN strongly supports the HREOC call for urgent monitoring of wheelchair accessible taxi services against appropriate performance standards. In NSW, PDCN welcomed the reforms that created a new Taxi & Hire Car Bureau. We are pleased to see that our own State regulator is going further than before to police abuses of wheelchair taxi services. We strongly believe, however, that more can be done to effectively police WAT services. We will continue to lobby for full enforcement of licence conditions

PDCN is pleased that HREOC has reminded regulators that if they do not take prompt and effective action to monitor appropriate service standards they could be cited in complaints under the Disability Discrimination Act as bodies permitting discrimination to occur.

6. Proportion of accessible vehicles in fleets

We note that while 14% of all taxi licences in Australia are reported to be for accessible vehicles, NSW has as the lowest proportion in the whole country - a mere 5.4% (based on the reliable comparable figures presented in the draft report). This is unacceptable. Action must be taken immediately to ensure verifiable increases to the proportion of WAT in NSW towards the national aggregate (as a first stage towards a much higher proportion).

It is clear from the policies cited in the draft report (Victoria and Queensland in particular) that requiring the industry to move towards a greater proportion of its fleet being wheelchair accessible does not create unjustifiable hardship.

The draft report notes that:

"For some years Queensland Transport has been applying a policy of requiring all new licences to be for accessible taxis, until 10 per cent fleet accessibility is reached."

The draft report also notes that

"...in Queensland ... [where] the regulator there reports recent licence issues not only as fully taken up but as oversubscribed."

The draft report further notes the report of the Victorian Taxi Directorate that

"... in recent years the only new taxi licences issued have been WAT licences and that the most recent issue had 98% takeup"

Both examples of regulators placing a requirement on the local taxi industry and individual applicants for operating licences to conform to wheelchair accessible standards have been demonstrably neither a restraint on trade nor an imposition of unjustifiable hardship. It is astonishing that HREOC does not recommend that regulators with substantially lower proportions of accessible fleets under their jurisdiction to do at least what has been and is being done in Victoria and Queensland to raise the proportion of wheelchair accessible vehicles.

Given that 14% of the total number of licences issued across Australia is for wheelchair accessible taxis, PDCN believes it is not unreasonable that regulators in each State and Territory be required by HREOC to show in the form of an action plan how each will move (over the course of the next 5 to 10 years) to a position where the proportion of their feet is no less than the 14% currently identified in the HREOC draft report at the end of 2001.

7. Proportion of WATs to WAT users

PDCN can see no point in calculating or debating the proportion of WATs to WAT users. There is even less value in comparing that ratio and the ratio of taxis in general to the population in general. The exercise is sterile. The debate which some might see ensuing from the comparison of such ratios is futile, pointless and addresses not one aspect of why users of wheelchair accessible taxi users receive less favourable treatment than taxi service users in general.

Comparisons of unmet need or proportions of vehicle types between people who rely on wheelchair accessible taxis and people who do not rely on them are simply not valid. The exercise does not compare like with like.

We illustrate our refutation of these attempts to cloud the issues by referring to the verifiable data about transport options in NSW. We assume that similar patterns are repeated in most, if not all, States and Territories. In NSW,

- Most train stations are not wheelchair accessible;
- More than 60% of State buses are not accessible;
- More than 75% of private buses are not accessible; and
- Almost 95% of taxis are not accessible.

In circumstances such as those (which are based upon official reports of service provision in each service type) there is simply no useful purpose of any description served by comparing the ratio of WAT users to WAT vehicles and the ratio of whole populations to all vehicles.

HREOC should confidently assert that such comparisons are futile, useless and misleading and can form no legitimate part in any defence offered to any complaints lodged in the future

8. Additional time for boarding and unloading

In NSW boarding a taxi is carried out with the meter running. Boarding time, therefore, cannot be argued to be a threat to the income generating potential of taxi drivers and operators. They are earning money as wheelchair users board.

The suggestion or inference that “unloading” wheelchair users from a WAT contributes substantially to reduced economic viability in the taxi industry is one of the world’s great urban myths, with not a shred of supporting evidence. All kinds of taxi passengers board and leave taxis quickly and slowly, wheelchair users included. Wheelchair users who make a disproportionately high use of taxi services (because of restricted options in other modes of transport) and who have actually booked a taxi do not cost as much in time or lost opportunity as the more easily evidenced and some times prolonged periods during which unoccupied taxis of all types wait for potential customers at ranks or cruise through CBD areas in often forlorn hopes of picking up fares.

The suggestion made about supposed lost opportunity for operators and drivers is made on the false premise that because a driver has to “unload” a wheelchair user that driver is automatically and/or necessarily missing the opportunity to pick up another customer. This is a convenient fiction. All stakeholders in the taxi industry know that a significant proportion of any driver’s shift is spent in an empty taxi with no fee-paying passenger at all.

It could be argued that outside peak times and wet weather conditions there is an over-supply of inaccessible taxi services (which explains the not uncommon sight of long queues of taxis without customers stacked up at supposedly lucrative ranks). The irony, which seems lost on the industry and is unobserved by HREOC, is that in such circumstances wheelchair accessibility and/or universal taxi design become part of the solution to over-supply rather than part of the problem. Wheelchair accessible / universal taxis can access segments of the whole market that are currently closed to inaccessible taxis.

In addition to our disagreement with the opinion that loading and unloading wheelchair users necessarily results in lost opportunities we note comments by many wheelchair users, however, that some drivers (who often do not know how to use safety equipment) take too much time because they have not been trained properly in the use of equipment. Some drivers take a very long time to perform a task that other drivers can do in next to no time and with their eyes shut. All too often, we hear reports that meters are left running when the rules in NSW require drivers to stop them on arrival.

9. Impact of school transport requirements

The comments made by HREOC about the relationships (sometimes conflicts) between the transport needs of school students who rely on wheelchair accessible transport and others, principally adults, are depressingly circular and self-defeating. HREOC is in danger of formulating a bizarre set of arguments that are the wheelchair accessible transport equivalent of “Catch 22”.

HREOC notes

“The transport requirements of students with disabilities cannot be regarded as less of a priority than those of other people with disabilities.”

We agree with HREOC absolutely. In a logical world, however, HREOC’s statement cries out for action to be taken to integrate and make accessible all school transport. The HREOC observation above is precisely the reason why school transport ought not to be excluded from a draft standard on transport.

Instead, we find ourselves in the bizarre, illogical, Catch 22 position in which:

- Providers of education transport services have no requirement under a draft transport standard to give the same priority to students with disability as students with no disability (to paraphrase the HREOC observation quoted above).
- Unless and until parents lodge complaints under the DDA education providers need do nothing to make school transport services wheelchair accessible.

- Because school, transport services are not accessible, education providers and parents block book the only accessible transport alternative – wheelchair accessible taxis.
- Wheelchair users who have no need of school transport services cannot rely on accessible taxi services during peak periods in term time because students who are excluded from school transport services are using taxis.

The view of PDCN is unambiguously clear on these matters. We also believe it be logical, cost effective and efficient. School transport should be wheelchair accessible so that school students can travel to and from school by means of school transport. If and when school transport becomes wheelchair accessible the demands placed on wheelchair accessible taxis will be reduced. In such circumstances there will be no need to attempt to balance one legitimate set of users' transport needs against another legitimate set of users' transport needs.

10. Status as specialised vehicle

PDCN is clear about this aspect of the draft report. We believe that the status of so-called “specialised vehicle” perpetuates discrimination. It is ironic that HREOC quotes the experience of Mr Mark Bagshaw in London (where there are no so-called specialised taxis, only wheelchair accessible taxis) while seeming unable to draw conclusions about discriminatory services in Australia.

11. Priority issues, incentives and subsidies

PDCN urges all stakeholders to be clear about the issues of priority use, incentives and subsidies. We believe that HREOC is in danger of making a grave error of judgment with regard to these issues (at least in the NSW context). It may be that the caution and ambivalence exhibited in the draft report can be traced to incomplete knowledge (although these matters were raised by PDCN in its submission and in our verbal evidence to the Hearing in Bankstown).

For the purposes of clarity in relation to NSW, we repeat and elaborate on key matters relating to subsidies, incentives and (therefore) issues related to priority of use. In short, taxi operators in NSW receive massive subsidies and incentives to put WATs on the road. The figures we quote are provided by the NSW Taxi and Hire Car Bureau or are based on industry evidence cited in the draft report.

- In NSW the licence for an inaccessible taxi currently costs \$232,500.
- The licence for a WAT in the metropolitan area is a “fraction of that cost” (\$1,000 per year of operation on 6 or 20 year licences)
- WAT licences are issued free in rural NSW.

According to taxi industry evidence quoted in the draft report:

- An inaccessible taxi costs \$45,000 and must be replaced after 6 years.
- A WAT costs “\$75,000 or more” and must be replaced after 10 years (eight years in rural NSW)

Using these figures (provided by the NSW regulator and the taxi industry) it is clear that a taxi operator entering the NSW market tomorrow with an expectation of operating a service for 20 years can choose from the following options (at today’s prices):

- An inaccessible taxi (3 vehicles are required to cover 18 of the 20 years) requires a commitment or outlay of \$367,500. These costs assume operators forego the last two years of operating unless they decide to purchase a fourth inaccessible vehicle at a cost of an additional \$45,000.

In addition to the costs of vehicles and payment of licence fees any operator required to pay the \$233,500 fee has the extra financial outlay or lost opportunity associated with the fee payment. An operator purchasing the licence outright with a single payment of \$232,500 immediately loses the investment or interest-bearing potential of that lump sum. An operator required or choosing to finance the payment with the assistance of a third-party loan or other facility has to bear the interest costs of the loan throughout its duration.

Using 5% as a base figure to assess the annual burden or lost opportunity of the \$232,500 licence fee, PDCN estimates that the annual cost to operators is likely to be in the region of \$12,000 to \$15,000 per year over the 20 years described above.

- A WAT vehicle costing \$75,000 (2 are required in 20 years) requires a commitment or outlay of \$170,000.
- A WAT vehicle costing \$90,000 (2 are required in 20 years) requires a commitment or outlay of \$200,000

The subsidy to WAT operators provided by the NSW Government in the form of reduced licence costs is between \$167,000 and \$197,000 over 20 years (excluding finance charges). If we include the extra burden or lost opportunity of financing the cost of the \$232,500 licence the real value of the subsidy to WAT licence holders dramatically increases.

Both WAT licences and inaccessible taxi licences assumed for the purposes of these calculations are tradable commodities throughout the 20 years. The finance charges or lost opportunity linked to \$232,500 licences seriously diminish the return on tradable licences for inaccessible vehicles, although we

acknowledge that it retains value throughout and beyond the twenty years we have used to describe the incentive that WAT licence holders receive.

Currently, 20 year WAT licences must be returned to the Department of Transport. We believe that this requirement may be an act of unintentional discrimination. The market value of a WAT licence decreases the nearer it comes to its termination date. Equalising the arrangements for WAT licences with traditional licences would stimulate the market for WAT licences, enhancing their attractiveness.

We ask HREOC to note that our assumption of costs in relation to the \$90,000 wheelchair accessible vehicle challenges an often-reported difficulty perceived to exist with offering WAT services. It is claimed (and PDCN sees no reason to debate the claim) that minibus-style, maxi-taxi, wheelchair accessible vehicles encounter substantial resistance from potential users who do not require wheelchair accessibility. Our reference to a \$90,000 wheelchair accessible vehicle assumes that operators select a 'people mover' such as a Chrysler Voyager. Our aim in illustrating this point about subsidy and incentive is to show that even the most expensive wheelchair accessible taxi currently in service in NSW is:

- Less costly to purchase and licence over 20 years than an inaccessible sedan;
- Opens up the niche market of wheelchair users, which is closed to inaccessible taxi operators;
- Allows slightly larger group bookings than inaccessible traditional sedans;
- Encounters no culture of resistance to use among potential users who do not require wheelchair accessibility.

The calculations we make above use figures provided by the NSW regulator and the taxi industry. Using figures from these sources we are able to show that HREOC is simply and straightforwardly wrong that it

"... must be accepted for the foreseeable future the cost of an accessible taxi meeting the universal taxi objectives will be substantially higher than for a standard sedan taxi."

This is not true.

The HREOC draft report makes the fundamental error of assuming that the words "vehicle" and "taxi" mean the same thing and that one can substitute for the other. This is not so: No vehicle – accessible or inaccessible – can be used as a taxi unless and until it is licenced by a regulator to operate as a taxi. The

costs that HREOC needs to consider, therefore, in assessing claims of justifiable hardship are not merely the cost of one vehicle type compared with the cost of a second or third vehicle type.

A taxi is more than the cost of the vehicle used to carry passengers. A taxi is a combination of vehicle cost, licence cost and other costs (radio network, etc).

- “Other costs” are the same for accessible and inaccessible vehicles;
- Accessible vehicles cost more than inaccessible vehicles to purchase;
- Licences for accessible vehicles are substantially cheaper than licences for inaccessible vehicles.

For reasons that are not clear to PDCN, HREOC has elected to consider only one component of the costs of operating a taxi. If HREOC is to make any fair, reasonable and accurate assessment of claims of unjustifiable hardship HREOC needs to consider the whole package that makes up a taxi. As the figures above indicate for NSW, claims of unjustifiable hardship are not sustainable.

Given the clear economic benefit and enhanced viability that can be achieved through the combination of State Government incentives for WAT licences and a wise selection of WAT vehicle type, many people and organisations (PDCN included) may be puzzled as to why resistance to WATs remains strong in the taxi industry in NSW. We believe the problem lies in the way in which the incentive of low-cost (sometimes free) WAT licencing is currently arranged.

The principal beneficiary of the incentive of low-cost licences in NSW is the taxi operator rather than the taxi driver. The \$167,000 to \$197,000 saving that the operator makes from applying for a WAT licence is not necessarily (perhaps never) passed on to drivers. There is, for example, no reduction in the radio network fees payable by WAT drivers even though the WAT licence fee paid by the operator may be a tiny fraction of the fee paid to operate an inaccessible taxi.

In circumstances where incentives are not passed on to drivers and where policing of WAT operations leaves much to be desired it is not surprising that drivers, who may be acutely aware of the problems of over-supply of inaccessible vehicles we referred to earlier, mistakenly judge it to be in their best interests to ignore the priority access rights wheelchair users are supposed to receive in return for the massively subsidised licence to operate a wheelchair accessible taxi. HREOC must take action to require regulators to spread the benefit of incentives funded at a cost to taxpayers to all stakeholders in the supply side of taxi services, not just to operators.

In addition to the incentive of low-cost WAT licences, most wheelchair users in NSW receive a 50% subsidy on the cost of all taxi fares up to \$30. This is a very real, commendable and valuable incentive scheme supported by the State Government.

Given that massive incentives have already been made available through direct subsidy funded through tax dollars or low-cost licence incentives, PDCN believes it to be essential that priority use (not exclusive use) of wheelchair accessible taxis be given to wheelchair users. HREOC should require regulators to put in place and enforce reasonable penalty measures for abuse of wheelchair user's priority access rights. The model that we understand operates in parts of Queensland, which withdraws the offender's right to trade for specified periods, is one that we support and which is entirely feasible as a consequence of increasingly common (soon to universal) global positioning systems.

12. Are there enough accessible vehicles?

That statement by HREOC that it is

" ... difficult to form definite conclusions about whether the proportion of accessible vehicles in fleets is sufficient ... "

is an abrogation of the Commission's responsibility to identify, describe and act to eliminate one of the significant causes of discrimination in this service system.

The draft report cites the evidence submitted by Mr Bagshaw. He describes his experiences in London thus:

"There is no issue regarding waiting or booking taxis at all. When in London, I am able to hail any passing taxi for use ... I have never had to wait for my taxi longer than anyone else."

All new taxis in the UK must be wheelchair accessible and all taxis must be wheelchair accessible by 2012 (2008 in the city of Bristol). In the city of Edinburgh (which has a taxi fleet of 1,000 serving a population of 800,000 people) all taxis have been wheelchair accessible since 1997. Less favourable treatment in relation to response times in that service system has ceased to be an issue for service users.

Closer to home, however, HREOC notes that

" ... relatively low levels of fleet accessibility at least in NSW and Victoria appear a substantial part of the reason for higher reported levels of dissatisfaction with services ... "

Attempting to address issues associated with the so-called specialised vehicle status, the draft report comments

" ... it might be reasonable to conclude that Sydney and Melbourne, despite their larger absolute numbers of WATs than other centres, also require a

higher proportion of accessible vehicles in their fleets to deliver an effective service ..."

Given the testimony that HREOC considers worthy of reproducing in its draft report and the inferences HREOC makes about "substantial" parts of reasons for dissatisfaction and "reasonable" conclusions, it is difficult understand why HREOC feels unable to draw conclusions that are, by and large, incontestable. One of the factors (not the only factor) that leads to less favourable treatment is relatively low proportions of accessible vehicles in any fleet in any given location.

Although PDCN has suggested that regulators consider as a viable option a strategy for increasing the proportion of accessible vehicles in fleets over a reasonable time frame, we have not proposed that HREOC specify any percentage or proportion as a requirement or target. We made it explicitly clear in our initial submission that we must all focus on measurable outcomes.

We believe, nevertheless, that it is not unreasonable for HREOC to categorically state that, based on the evidence currently available from inside Australia and overseas, increasing the proportion of accessible vehicles in all fleets forms a necessary part of the package of measures that will be required to eliminate disability discrimination in this service system.

13. Regional towns lacking WAT services

PDCN agrees with HREOC that circumstances in which there are no WAT services are unacceptable. The HREOC observation (which is not supported by any evidence) that

" ... there is a clear need for transport regulators to examine means by which provision of accessible taxi service might be made viable or more attractive to operators ..."

presumes that such services are not viable (questions of what constitutes "attractive" are entirely based on value judgements that entrench the unacceptable status quo).

It seems to PDCN that HREOC misses the point of its own report from evidence submitted about non-metropolitan Victoria and Queensland. According to the draft report, in both jurisdictions only wheelchair accessible taxi licences are available to new applicants. In neither jurisdiction, however, is there evidence to support claims of unviability or unattractiveness (indeed the reverse is reported to be the case). Given what HREOC reports in its draft document, we propose that HREOC must indicate to regulators that in regional towns with "quite sizeable fleets" but which have no wheelchair accessible vehicles, applicants for new licences must be obliged to operate wheelchair accessible vehicles.

14. Universal taxi designs

We welcome the acknowledgement by HREOC that we need to finish the debate about universal design. This does not mean, however, that any one vehicle type can be or should be designated as the universal taxi. We are confident that a range of possible vehicles can be cost-effectively modified to become taxis that meet the minimum standard all passengers (not just wheelchair users) should expect in what is currently referred to as the universal taxi.

PDCN is unequivocal in this regard. We support the introduction of taxis that meet the draft standard for a universal taxi. The sooner more taxis, which meet that standard, are on the road the better for all passengers and the industry itself.

15. Compatibility of mobility aids with taxis

We welcome the call for discussions on compatibility of mobility aids with various public transport modes. We note, however, that resolution of the discussion around the draft standard for a universal taxi would go a considerable way to addressing issues reported on by HREOC.

16. Marketing of accessible vehicles for mainstream use

We enthusiastically believe that all stakeholders must do what can be done to re-define the relationship between WAT vehicles and so-called mainstream use. That requires everyone to think hard about whether or not taxis that are little more than four door sedans with a radio and decals are appropriate to the needs of modern, integrated, public transport systems. Progress towards universal taxi design will help in this regard.

17. Planning for accessibility

We support the call for operators and regulators to plan better for accessibility. Plans must, however, be supported by demonstrable action if wheelchair users are to place any value on the worth of well intentioned but unrealised plans.

HREOC should require taxi regulators to submit measurable action plans which set out clear, verifiable targets for moving towards the elimination of discrimination in taxi services and which result in the reduction and reasonably scheduled eradication of less favourable treatment.

18. Fraud

PDCN is aware that some people making verbal or written submission to HREOC raised concerns about the potential for fraud. Among examples cited to PDCN are:

- Meters being started before the customer arrives at the taxi, before the driver has announced the arrival of the vehicle or before the booked time for service.
- Meters being kept running after the taxi has arrived at the destination.
- Requests that users hand over signed, blank subsidy vouchers.
- Requests that more than one voucher be submitted per journey.

PDCN acknowledges that the vast, overwhelming majority of drivers are honest and reject fraudulent behaviour as strongly as the vast, overwhelming majority of passengers. We further recognise that fraud related issues are not strictly or directly related to disability discrimination (although people with few transport options, such as users of wheelchair accessible taxis services, may, by virtue of that disproportionate dependency, find themselves exposed to fraud more often than other people). Nevertheless, we would welcome reassurance from HREOC that any generalised or specific concerns related to fraud which emerged in written or verbal evidence have been or will be passed to the appropriate regulatory or investigative authority.

Dougie Herd
PDCN Executive Officer
Friday, 21st December 2001