

Response to the Taxi Industry Discussion Paper

Wheelchair Accessible Taxi Consortium
May 2010

About the Wheelchair Accessible Taxi (WAT) Consortium

The Wheelchair Accessible Taxi Consortium is a group of organisations that have had dealings with Wheelchair Accessible Taxis (WATs) in the ACT, and who have formed a coalition to meet with government and other parties to resolve the outstanding issues with WATs.

Consortium members who have worked on this response are:

Ian Trehella AM	People with Disabilities ACT Inc
Margo Hodge OAM	People with Disabilities ACT Inc
Sue Salthouse	Women with Disabilities ACT
Christina Ryan	Advocacy For Inclusion
Trevor Robinson	ACT Disability Advisory Council
Alexa McLaughlin	AIRA (Allergies & Intolerant Reactions Association)
Mary-Ann Kal	Sharing Places Inc.
Marcia Williams	Women's Centre for Health Matters
Sue Ellerman	MS Society
Robert Altamore	People with Disabilities ACT

Project Officer: Padma Menon, Women's Centre for Health Matters

Contact details:

Women's Centre for Health Matters

Phone: 6290 2166

Email: p.menon@wchm.org.au

May 2010

(c) Copyright Wheelchair Accessible Taxi Consortium

This publication is copyright, apart from use by those agencies for which it has been produced. Non-profit associations and groups have permission to reproduce part of this publication as long as the original meaning is retained and proper credit is given to the WAT Consortium. All other individuals and agencies seeking to reproduce material from this publication should obtain the permission of the Consortium.

Contents

Contents.....	3
Executive Summary	4
Recommendations	6
A new WAT Services Model for the ACT (The Model)	7
Model 2 – The Compromise Model – Single WAT Fleet under central management	10
Model 3 - Improved Status Quo	10
Attachments - Addressing questions from the Discussion Paper	11
Attachment 1: A new WAT Services Model for the ACT (The Model)	11
1 Ideal Competitive Taxi Market Structure:	11
2 Optimum Number of Standard and WAT Taxi Licences.....	12
3 Ownership Model for Future Taxi Licences	14
4 Renewal of Standard Government and WAT Leased Taxi Licences	14
5 The Cost of Taxi Licences (Standard and WAT)	14
6 Fare Structure.....	14
7 Operator/Driver Viability	15
8 Performance Measures for WAT and Standard Taxis	16
9 Regulatory Arrangements Which May Improve WAT Performance.....	16
10 Regulatory arrangements – Existing and possible changes	17
11 Other Issues	18
Attachment 2: Model 2 – A Compromise Model – Single WAT Fleet under central management.....	19
2 Optimum Number of Standard and WAT Taxi Licences.....	19
3 Ownership Model for Future Taxi Licences	19
4 Renewal of Standard Government and WAT Leased Taxi Licences	20
6 Fare Structure & 7.3 Affordability of Taxi Fares	20
7 Operator/Driver Viability	21
8 Performance Measures for WAT and Standard Taxis	21
9 Regulatory Arrangements Which May Improve WAT Performance.....	22
10 Regulatory arrangements – Existing and possible changes	22
Attachment 3: Model 3 - Improving the Status Quo	24
2. Optimum number of Standard and WAT Taxi licences.....	24
3. Ownership Model for Future Taxi Licences	24
4. Renewal of Standard Government and WAT leased Taxi licences.....	25
6 Fare Structure & 7.3 Affordability of Taxi Fares	25
7 Operator/Driver Viability	25
8 Performance Measures for WAT and Standard Taxis	26
9 Regulatory Arrangements Which May Improve WAT Performance.....	27
10 Regulatory arrangements – Existing and possible changes	27

Executive Summary

This submission represents the views and concerns of the Wheelchair Accessible Taxi (WAT) Consortium – this is a group of organisations that have had dealings with WAT services in the ACT and who have formed a coalition to meet with government and other parties to resolve outstanding issues for improvements with WATs.

The WAT Consortium welcomes the opportunity to contribute to the review of taxis in the ACT, and to highlight the views of people with disabilities in the Canberra community. People with disabilities rely heavily on WAT services because many are without private vehicles and cannot access public transport easily, yet they continue to experience long waiting times and difficulties with the poor standard of WAT services.

To achieve a viable and sustainable WAT system the Consortium considers a radical departure from current thinking is needed. We are no longer prepared to be excluded from our community and the opportunities that it offers.

Priority 2 of the Canberra Plan (Respect, Human Rights and Diversity Goals) is to '*Promote the inclusion of people with a disability in all areas of the ACT community*'. The ACT Government needs to commit to this Goal by recognising that taxis are very important to people with disabilities, to their inclusion, and to their active participation in the social and economic life of the community. Many people with disabilities are reliant on accessible taxis to keep in touch with their family and friends, to access essential services, to work, to study and to participate in and contribute to community life.

Any final outcome of the taxi review must be the better provision of service to people with disabilities. While Canberra's existing taxi service caters for a broad range of people with a broad range of needs, this should not be at the expense of residents and visitors who are unable to access public transport options available to the wider community and whose access to taxi services is essential for them to participate. These needs must be a key consideration of the decisions made on the future direction of taxi services in the ACT and region.

The Consortium recognises the importance of taxi services, and the role of taxi services in the overall provision of public transport. The current WAT and standard taxi services are not serving people with disabilities in the ACT and we are of the view that these difficulties are in breach of both the *Disability Discrimination Act 1992 (DDA)* and the *United Nations Convention on the Rights of Persons with Disabilities (CRPD)*.

The *DDA* states that '*A person with a disability has a right to obtain goods and use services and facilities in the same way as people without a disability.*' '*This means that providers of goods, services and facilities cannot: Provide goods, services and facilities on less favourable terms and conditions.*' *DDA Guide* (www.hreoc.gov.au/disability).

The *CRPD* identifies the following Articles that are designed to improve human rights of people with disability that includes Article 4 – General Obligations, Article 9 – Accessibility, Article 19 – Living Independently and being included in the community and Article 20 – Personal mobility all of which need to be addressed in the Review.

As highlighted by the Victorian Equal Opportunity and Human Rights Commission in their report *TIME TO RESPOND, Realising Equality for people with a disability utilising taxi services (November 2007)* reasonable adjustments need to be made to facilitate equality of access to WAT services, and '*creating equal opportunity does not equate with providing identical treatment to every person and every group. Rather, non-discrimination often requires that a group or individual be treated differently in order to generate an equal and just outcome.*'

The Taxi Industry Discussion Paper (IDP) states that: "It is generally agreed that governments should only intervene in a market where there is a clear market failure."

The descriptor of 'clear market failure' applies in the ACT. There is a clear market failure in the delivery of taxi services for people with disabilities. Consequently it is clearly time for the government to intervene. In proposing a new model for providing a Wheelchair Accessible Taxi Service (WATS) for people with disabilities (The Model), the Consortium contends that this will support the ACT Government to meet its Human Rights obligations to provide transport to people with disabilities as per Article 9 (Accessibility) of the CRPD. This article states that:

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

...

b. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

Removing the WATs from the current combined network and setting up a WAT fleet within ACTION would enable the standard taxi market to operate in a competitive way as set out in the 2007 OECD report cited in the IDP. This would also enable the removal of any cap on licences and reduce regulation costs, with subsequent improvement of the private services for all standard taxi users, including those people with disabilities who are able to use standard vehicles.

In the ACT the WAT system has been rapidly declining for some years and passengers are at risk, unable to participate in the community, angry and annoyed, and no longer prepared to accept this. Many avoid relying on WATs if at all possible. Unfortunately for many people there is no alternative and this must change.

The need to ensure accessibility of taxi services for people with disabilities in the ACT is essential, given that Canberra's ACTION bus network will not be completely accessible until 2022.

The impact of the ageing population will have a major impact on the demand for, and supply of WATs into the future. According to the ACT Government's *ACT Strategic Plan for Positive Ageing 2010-2014*, the ACT has one of the fastest-growing populations of people aged 60 years and over in Australia, and this is expected to grow from 15.8% in 2010 to 19.6% by 2020, and to 22% by 2030. Since the incidence of many chronic illnesses and disabilities increases with age, and is linked to social isolation and disadvantage, there is a need to look for ways to adjust current thinking and approaches within the ACT to assist people to connect with the community and to raise the quality of their lives.

WATs must be an active part of the transport plan for the future to meet the increased demand into the future of people dependent on wheelchairs. WATs will undoubtedly require additional government funding into the future to do this.

Despite the incentives so far provided by Government, the taxi industry is still identifying issues relating to the viability of WAT services, and WAT users still highlight issues about the reliability and quality of WATs to meet their needs and allow them to participate in the community, as well as the higher transport costs that other members of the population do not face.

The WAT Consortium believes that there is no scope in the current discussion paper to enable the development of a good system of providing WAT transport, and does not believe that continued adjustments to government funding to support these services at a higher level, or the release of more WAT licences, will make them more effective and financially viable.

Instead it is time to consider whether the WAT service should be provided as a taxi service or as part of the total accessible transport system provided through government funding.

The WAT Consortium proposes a government run, not for profit model, operated in the ACT through the ACTION bus system. The Consortium considers this model to be the only real, viable and sustainable system for WATs.

The focus of this submission is on wheelchair accessible taxis which some wheelchair and scooter users must use, but the Consortium recognises that there are issues for other wheelchair and scooter users, people with disabilities who don't use wheelchairs or scooters and older people who access regular taxis.

Recommendations

1. The operation of a not for profit WAT service run by ACTION, which integrates with overall sustainable transport planning in the ACT.
2. The phasing out of existing taxi network WAT licences as they expire within the next four years, and a transition to the ACTION WAT network.
3. An ability for passengers to use ACTION bus tickets as fares OR a simple swipe card system without the need for Taxi Subsidy Scheme (TSS) vouchers.
4. Salaried drivers to work as part of the ACTION WAT team, with the career path opportunities that this provides.

A new WAT Services Model for the ACT (The Model)

The WAT and standard taxi services are not meeting the service needs of people with disabilities in the ACT. Their performance is not at a level that is compliant with the *Australian Disability Standard for Accessible Public Transport 2002*. The WAT Consortium believes that there is no scope in the discussion paper to enable the development of a good system of providing WAT transport. The Consortium therefore proposes a completely different model – one that will allow the ACT Government to show leadership in an area that has been industry driven for some time, and which has focussed on numbers (of accessible taxis and licences) and financial aspects at the expense of the experience of individuals who wish to use the ACT's transport system in the same manner as people without a disability.

In doing so, the Consortium notes that past changes, adjustments and incentives have failed to generate improvements that meet the minimum requirements of the *Disability Standard for Accessible Public Transport 2002*, this being the legislation to be complied with by all State, Territory and the Commonwealth Governments.

The WAT Consortium has arrived at this preferred model for delivery of WAT services for the ACT taking into account numerous factors, including the need for:

- Reliability
- Passenger safety and comfort
- Lower cost to the passenger
- Lower cost of running a WAT
- Lower cost to government / taxpayer
- Meeting fleet requirements
- Driver training and support
- Abandoning the complete failure of all previous “tinkering” with the system.

The Consortium understands that there is no known public taxi system in the world that provides a reliable, safe, and economical service suitable for all passengers using wheelchairs and scooters. The provision of taxi transport for people using wheelchairs has baffled both the government and private sector globally. Some solutions work intermittently, but no long term sustainable system has yet been achieved.

In the ACT the system has been rapidly declining for some years and passengers are at risk, unable to participate in the community, angry and annoyed, and no longer prepared to accept this. Many avoid relying on WATs if at all possible. Unfortunately for many people there is no viable suitable alternative and this must change. The current WATs operations provided by either network have never achieved 100% compliance and the Transport Regulations have also failed to force operators to meet their compliance levels.

It was suggested some years ago by the ACT Government that increased competition would improve WAT and Standard Taxi services. However, we are yet to experience these improvements even with the establishment of the second taxi network - Cabxpress.

With this universal failure in mind the Consortium proposes a government run, not for profit model, operated by ACTION. The WAT consortium considers this model to be the only real, viable and sustainable system for WATs. It is readily able to integrate with sustainable transport planning, and will provide real capacity for tracking travel needs.

Specifics of the Consortium's proposal are:

- ACTION owned fleet of WATs – commencing with the existing number of WAT licences
- Salaried drivers who work as part of the ACTION team, with the career path opportunities that this provides
- Drivers working regular shifts (the Consortium proposes 2 x 8 hour shifts daily, with an on call system for the 10 pm to 6 am shift, which is generally quieter)

- Maintain a small number of WATs on standby to ensure the system has the capacity to respond promptly
- An ability for passengers to use ACTION bus tickets as fares OR a simple swipe card system without the need for Taxi Subsidy Scheme (TSS) vouchers
- Several WATs (2 or 3 are envisaged) capable of taking up to 8 wheelchair passengers. These would be mini bus type vehicles which have folding seats down the length of the bus and floor attachment points. Such vehicles could be called on by community organisations or chartered by conference organisers as needed (consortium members have seen vehicles of this design in use in Quebec City, Canada).

Existing WAT licences will all expire within the next 4 years leading up to 2014. This provides a perfect opportunity to phase out taxi network WATs and the massive licence concessions associated with them.

The Consortium has identified numerous savings to government of an ACTION operated system. Many payments and administrative systems will become redundant or will reduce substantially including:

- Current public holiday bribe paid to drivers
- Separate regulatory system to ensure compliance with standards, both roadworthy and passenger pickup (this system has never really worked)
- Removal of the large administrative system surrounding the TSS, although some TSS system will still be required it will be substantially reduced
- Micro management grant paid to network operator
- Concessional licences for WATs (this substantially reduced licence is a major subsidy paid to WAT owners)
- Depending on fare structures, the TSS of 75% of fares paid will no longer be needed
- Lift fees, including increased lift fees on public holidays
- Misused vouchers (despite all attempts to overcome it there are drivers who still take longer routes and/or write in fares that are not correct). We are yet to learn of action taken by the ACT Government for these fraudulent actions by those irresponsible drivers.

The following social benefits would also contribute to potential downstream savings as a direct result of more accessible public transport options contributing to the active participation of people with disabilities in social and economic activities:

- Increased independence resulting in reduced costs to the community
- Increased access to employment
- Increased health and well being
- Increased community participation
- Greater use of services, business and social
- Savings on health services due to reduction in mental/ physical health issues caused by lack of social isolation/marginalisation.

There are several specific advantages to operating the WAT system through ACTION. The maintenance of taxis is a clear point of difference – ACTION has its own mechanics and workshop. This will allow it to stock common parts, train apprentices across a broader skill set, and to train all ACTION drivers to work consistently in a safe manner. The capacity for vehicles to be maintained to an acceptable standard is a clear safety benefit.

Greater supervision of the system by ACTION inspectors will ensure a better quality of WAT maintenance, including internal fittings, cleanliness and therefore passenger experience. Of particular note is the added ability to monitor the geographic characteristics of WAT users, which over time can be used to assist in planning the roll out of fully accessible ACTION buses. This will directly support both the sustainable transport plan and the accessible transport plan.

Further important advantages to using salaried ACTION WAT staff are increased safety for drivers (particularly at night), improved job security and career opportunities, and greater flexibility for drivers in

the work that they do. The Consortium also notes greater protection for drivers through participation in an established workplace.

Naturally there will be some establishment costs for this system including the need to purchase suitable vehicles, setting up a booking system, and maintaining a voucher system for ACT residents travelling interstate. However, these costs are considered to be significantly outweighed by the savings mentioned above and the important outcome of a functional and sustainable WAT service.

The members of the WAT Consortium have arrived at this model after lengthy debate and consideration. Consortium members are increasingly despairing at constant tinkering with a dysfunctional system, which some of us have witnessed over more than two decades. Clearly more tinkering is of no real value and may only result in short term improvements, if at all.

To achieve a viable and sustainable WAT system the Consortium considers a radical departure from current thinking is needed and must happen if improvements for users are to be achieved. We are no longer prepared to be excluded from our community and the opportunities that it offers.

Attachment 1 addresses questions from the Taxi Industry Discussion Paper (IDP) in relation to this model.

Model 2 – The Compromise Model – Single WAT Fleet under central management

Our preferred model for a Wheelchair Accessible Taxi Service (WATS) is an ACT Government owned and operated Wheelchair Accessible Taxi (WAT) fleet, operated as a section of ACTION, with salaried drivers. If this model is rejected then our compromise is for a single WAT fleet under central management, outside existing taxi networks, and using a pool of dedicated WAT drivers. This has been tried previously in the ACT, but was not continued as a result of the establishment of the second taxi network. However, we point out that even if properly implemented, this compromise would provide an inferior service to that which would be offered under the Model.

The key features of this model are:

- The establishment of a voluntary co-operative for WAT operators and drivers
- All WAT operators and drivers be eligible to join this network on a voluntary basis subject to them meeting general taxi industry licence requirements and specific WAT network requirements with respect to training, accreditation and service standards
- All WAT operators and drivers in this network will be retrained in accordance with a National Standard and will be required to undertake retraining as determined by National Standards
- All WAT plates will be owner/driven and operated with a limit of one licence per person
- The Taxi Industry generally, and the WAT fleet in particular, will operate within a strong regulatory framework with real performance standards for drivers and operators and strong enforcement of these standards by a skilled, dedicated and well resourced regulatory authority
- A user friendly and effective complaints mechanism will deal with complaints by users of WAT and standard taxis and will be integrated with the regulatory framework so that the investigation and resolution of complaints contributes to improvements in the taxi service
- The existing Taxi Subsidy Scheme (TSS) must be converted from a paper voucher to an electronic form
- A Disability Action Plan for the WAT fleet must be developed and implemented by operators and drivers, the WAT Network, the CTIA and the regulator
- An advisory body of people with disabilities will be established and resourced with a charter to monitor the implementation of the WAT Disability Action Plan and the regulation of WAT services by the regulatory authorities.

There is a need to maintain a number of WATs on standby to ensure that the system has the capacity to respond promptly to WATS bookings.

Attachment 2 addresses questions from the Taxi Industry Discussion Paper (IDP) in relation to the single fleet under central management model.

Model 3 - Improved Status Quo

As mentioned in the Executive Summary it is important to recognise the rights of people with disabilities to equality in their access to taxi services. The WAT service does not do this in its current form. It does not cater for people who cannot use the open transport market due to disability and who are disadvantaged by the fact that they cannot increase their income to meet the rising costs of taxi services. For them taxis are more than an occasional luxury, or a work-related cost.

The Consortium does not believe that tweaking the current system will address the systemic failure currently operating in the ACT. This is based on the outcomes of the large number of reviews and inquiries which have already taken place over the last decade in response to concerns about WATs. The same overall concerns of people who use wheelchairs and must use WAT services are still there despite the reviews of the past: - response times, safety concerns, driver training, attitude and knowledge of dealing with wheelchair users.

Attachment 3 addresses questions from the Taxi Industry Discussion Paper (IDP) in relation to just improving the status quo.

Attachments - Addressing questions from the Discussion Paper

Attachment 1: A new WAT Services Model for the ACT (The Model)

Using The Model as a basis, the Consortium addresses the following sections and questions from the Taxi Industry Discussion Paper (IDP) in relation to such a model.

1 Ideal Competitive Taxi Market Structure:

The IDP states that: "It is generally agreed that governments should only intervene in a market where there is a clear market failure."

The descriptor of 'clear market failure' applies in the ACT. There is a clear market failure in the delivery of taxi services for people with disabilities. Consequently it is clearly time for the government to intervene. In proposing The Model, the Consortium contends that it will support the ACT Government to meet its Human Rights obligations to provide transport to people with disabilities, as per Article 9 (Accessibility), and the other Articles previously mentioned, of the UN Convention on the Rights of Persons with Disabilities (CRPD). Article 9 states that:

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

...

b. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

Removing the WATs from the current combined network and setting up a WAT fleet within ACTION would enable the standard taxi market to operate in a competitive way as set out in the 2007 OECD report cited in the IDP. This would also enable the removal of any cap on licences and reduce regulation costs, with subsequent improvement of the private services for all standard taxi users, including those people with disabilities who are able to use standard vehicles.

1.2 Competitive Taxi Market Structure Options

In The Model, the question of a cap on number of licences becomes irrelevant because the WATs will consist of a fleet owned and operated through ACTION. In the initial period, as current WAT licences expire, the existing WATs would be returned to the standard taxi fleet, to be used as dual purpose taxis. These returning dual purpose taxis would then have no licence obligation to take wheelchair passengers, but would be versatile enough to take people either with or without disabilities. This would improve the 'universal access' quality of the standard taxi fleet, thereby meeting further obligations under CRPD (Article 2¹). There could be a 'grandfathering' time period during which the owners could pay a lower licence fee with this gradually increasing to the standard licence fee over a number of years. It is necessary to have a new way of describing the former WATs because the licence conditions would, of necessity, be different from those of the current Dual Purpose Cabs. The Consortium proposes use of the term Universal Cab.

In The Model, we propose that ACTION purchase vehicles suitable to carry a long frame wheelchair, and therefore also able to carry all smaller wheelchairs. The gradual introduction would be done in accordance with the expiration of current licences and would mean that three vehicles would come into ACTION WAT service at least by 2011 (IDP p.31 Licence Renewal Table), with a further 6 ACTION WATs by 2012, 5 more in 2013 and the final 12 licences in 2014. This means that by 2015, 26 Universal Cabs would be added to the standard taxi fleet, and there would be a fleet of 26 new ACTION WATs all capable of taking larger wheelchairs.

¹ "Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

2 Optimum Number of Standard and WAT Taxi Licences

Since WAT usage has increased by 38% over the last 3 years (IDP p.17), and the ACT has an ageing demographic, it is clear that a fleet of more than 26 ACTION WATs will be needed by 2015.

The Model enables much better monitoring and estimated numbers of WATs needed because their operation will be under ACTION and accurate statistics can be kept on the location of WAT users, number of school users, the degree of accessible bus use as more become accessible, a greater ability to schedule buses along suitable routes where people with disabilities need them, etc. ACTION will also have direct access, through other departments, to ACT data on people with disabilities, people in retirement homes, etc.

2.2. Standard taxi licence numbers based on population growth and peak demand

Q 5 - What methodology could be adopted to determine when additional WAT licences are needed to be released into the market?

The Model specifically solves the dilemma for the industry with regard to the availability of sufficient taxis to meet Peak Demand, and still having viable fare-earning demand in off-peak periods. Operating a WAT ACTION fleet builds in a much greater degree of flexibility. The drivers will be salaried staff and not under pressure to take fares that divert them from doing jobs for people with disabilities. The Government will be relieved of the cost of paying large incentives just to have WATs used for WAT jobs, and people with disabilities will have a system that enables them to participate in the community. This has the added advantage of enabling the ACT Government to meet its aspirational goals as set out under *Future Directions – Towards Challenge 2014*.

It will be much easier to deploy staff on different tasks. As drivers will be part of a larger workforce and work place they will be able to engage across various roles according to their level. This would make their jobs more varied, challenging and interesting. It will also mean that ACTION WAT staff are multi-skilled and highly valued in the ACT Government workforce, giving them a prestige that is not available for single vehicle WAT drivers in a private fleet.

The jurisdictional comparison of taxi licences per head of population, as cited in the IDP, does not give an accurate picture of how WAT fleets operate in other states. In the IDP, a comparison is drawn between the total number of WATs per head of population in Adelaide and Canberra. This is a spurious comparison since the number of WATs and Dual Purpose cabs in the ACT is only nominally 30, and in reality there is often only a third of that number operating. Moreover, anecdotal evidence from Consortium members who regularly travel to Adelaide is that it is possible to pre-book, or ask for immediate pick-up in that city and be able to rely on a clean, well-equipped WAT with a courteous, well-trained driver to arrive on time, for a pre-booked cab, and within 10 minutes elapsing for an immediate pick-up booking. This has been tested biennially over 6 years, at the peak time of the Adelaide Festival, and over more than 20 trips both within and outside the CBD.

Another aspect of Peak Demand for ACTION WATs must be addressed. The ACT must be able to host sporting, cultural and academic events that will bring large numbers of people with disabilities to Canberra. Under The Model, ACTION will have a capacity to gain an holistic understanding of the broader needs for transport and plan for them, including transport for tourists and convention visitors with disabilities. At the moment it is not possible for ACT disability activists to discuss international disability conferences with international colleagues. Hosting disability events brings good revenue to the ACT because tourists with disabilities travel with companions and have more overnight stays than other visitors.

The degree to which Peak Demand exists for all taxis is questionable. The report cited in the IDP (Nicholls, D., *Transporting the Wheelchair Dependent – A Review of the Wheelchair. Accessible Taxi Industry, Australian Taxi Industry Association, 2007*) showed that there is only a slight peak period between 8am and 9am for standard taxis. It was shown that an ACTION WAT fleet would have a staggered afternoon mini peak period and that there is strong potential for a staggered morning peak.

2.3 Standard taxi licence numbers based on operational performance

Q 10 - Would inclusion of performance data, together with population and visitation growth data provide a more robust model?

The Consortium believes that this is the most useful proposal in the IDP. However, it needs an assurance of improved performance data collection and some additional information. People with disabilities will still use standard taxi services. Usage data could be tracked through the Taxi Subsidy Scheme (TSS) which should be transferred to ACTION administration. The performance data currently collected is not accurate or reliable, and its collection needs to be more stringently monitored by Government. Population and visitation growth data needs to be incorporated. In addition, the current high and increasing resale value of taxi licences is also an indicator of the number of taxis needed. This KPI will gradually disappear as the government relinquishes the 'leasing model' but at the moment the data can be used to calculate the release rate of licences and their initial cost.

The Consortium also believes that operational performance is also impacted upon by TSS payments being administered by the Department of Disability, Housing and Community Services (DHCS). We understand that reimbursements to WAT operators are held up in excess of the normal 30 day or monthly payments. It is our understanding that this can sometimes exceed six weeks for vouchers to be processed. This is totally unacceptable as a business practice and one that needs addressing if these small businesses are expected to survive and to achieve any performance standard.

2.4 Determination of WAT licences based on demand

The IDP describes a number of problems that are all too evident with current WAT arrangements. Performance data does not indicate actual performance. The IDP states that there are large numbers of un-logged private jobs. The Consortium agrees and estimates that this makes up more than 50% of all jobs. Performance data about people with disabilities' use of standard taxis is not collected at all because the TSS data is not directly linked to standard taxi data. A high percentage of standard taxi trips by people with disabilities are also un-logged because once a person with disabilities finds an empathetic driver they tend to use that person almost exclusively. It is also inaccurate to claim that there are 25 WATs operating when experience shows that the figure is closer to 6 at any given time over recent years and not all are giving a priority WAT to people with disabilities as the Regulation dictates. The evolution of Private Bookings by people with disabilities direct with sympathetic drivers only evolved out of desperation by users to at least get a WAT service.

The Consortium believes, that all of these problems would be solved, if there was an ACTION WAT fleet, and if the TSS was administered by ACTION rather than DHCS.

Consortium members know that: "many WATs perform a high percentage of standard taxi work" over the priority WAT work. We also know that many operators/drivers in fact give this standard taxi work preference over the work for which their WAT licence was issued. The large number of WATs lined-up at the airport at any one time is evidence of this. In addition, many WAT night drivers, by their own admission, are not trained, do not know how to use tie-down equipment, and even if *bona fide*, are reluctant to take wheelchair passengers, especially if they can multi-hire in lieu of WAT work.

There is no acceptable ratio of dual to single WATs. The ACTION WAT fleet must be capable of taking a large power wheelchair or a scooter, for which single WATs are not suitable. In addition the eventual WAT fleet must have at least 2 multiple wheelchair vans.

Q 12 - What data is needed to provide an accurate picture of the demand for WAT services?

Q 13 - How useful would the customer profile information held by the taxi networks be in compiling an accurate assessment of the demand for WAT services?

Q 14 - What would be the best method for gathering all relevant data?

Q 15 - What would be an appropriate method for determining an appropriate number of WATs to service demand?

As outlined above, an ACTION WAT fleet would be able to accurately collect data about demand – both numbers and locations of origin and destination for travel by people with disabilities. In contrast, current taxi network data is inaccurate and unreliable and yet this forms the basis for the Transport Regulator to judge performance. Accurate data, combined with data supplied by the ABS and internally by DHCS about disability and ageing populations, will enable better estimation of demand. Better collection of data (and its disaggregation by gender) is a part of the National Reform Agenda at the Council of Australian Governments (COAG), and thus is a required ACT Government action. The extension of the data collection obligation to assessing transport demands is logical and expedient. With accurate data about demand available, changes in the size of the fleet could be adjusted as part of the normal process of projecting future demand for buses, and ACT Budgets drawn up accordingly.

2.5 Peak service licences to address periods of high demand

In The Model, the matter of peak demand is automatically addressed. There would need to be sufficient taxis and drivers to meet the demands of people with disabilities getting to work and school. They would work during the first 8 hour shift. The second 8-hour shift would meet the day time demand and the home-from-school trips, followed by the home-from-work trips. Fewer drivers would be needed on this shift because the school and work finish times are staggered. Still fewer drivers would be needed for the overnight on-call shift. Even in the peak morning time, drivers could be more efficiently used by micromanaging bookings.

The current practice of people with disabilities commandeering the services of ‘pet’ drivers would be eliminated; there would be better information about pick-up and drop-off points, and therefore logical multiple trips in various locations could be worked out. Adult users travelling to their place of work, knowing that they had a reliable service, would be able to negotiate a different start time, so that the intensity of the morning peak demand could be ameliorated. An added bonus would be that more people with disabilities could contemplate employment. This will benefit both the individuals, and the entire ACT economy.

3 Ownership Model for Future Taxi Licences

Under The Model, there will still be use of standard taxis by people with disabilities. The Consortium strongly opposes perpetual licences for standard taxis. Nor should licences be sub-leased or transferable. Licence holders should be directly involved in the industry in the ACT.

All these matters become irrelevant under The Model proposed by the Consortium for WATs to become part of an ACTION owned and operated fleet.

4 Renewal of Standard Government and WAT Leased Taxi Licences

The renewal of WAT licences is irrelevant under The Model. The renewal of Standard Government licences must build in the possibility for some replacement cabs purchased to be universal design taxis capable of carrying a single wheelchair.

5 The Cost of Taxi Licences (Standard and WAT)

The cost of WAT licences is irrelevant under The Model. The phased introduction of leased taxi licences for standard taxis should be followed as outlined in the IDP.

6 Fare Structure

The Model proposes that the fares for the ACTION WAT fleet should be at the same rate as ACTION buses, with the same ticketing system usable in each mode of transport. It is discriminatory for the cost of taxi travel across Canberra to be different when people have no option to use other forms of transport. This acts as a barrier to employment and social inclusion.

The Model minimises the negative effects of ‘dead running’ for WATs. Better information about the location and regular transport needs of people with disabilities, which will result from the central administration of the WATS, will enable more efficient use of each vehicle than is currently possible.

For standard taxis, the Taxi Composite Cost Index (TCCI) takes into account a large number of factors listed in the IDP although (it is difficult to see what the stated 10 factors are from the list given). The current resale value of licences is an indication that the earning capacity of a taxi is viable under the current fare structure for standard taxis. As perpetual licences are phased out, this indicator will disappear. However, it can be used in the interim to gauge the accuracy of the fares assessed under the TCCI. The IDP states that there is a high level of 'dead running' of taxis resulting from the geographic layout of Canberra, and that this must be taken into account when setting fees. The Consortium believes that more skilled network allocation of jobs would minimise the amount of dead running for individual taxis.

7 Operator/Driver Viability

All of the matters addressed in the IDP under Sections 7.1 'Operator Viability', 7.1.1 'Driver Shortage', 7.1.2 'Oversupply of taxis operating in the off-peak periods', 7.1.3 'Government fees and other charges', and 7.1.4 'Compulsory taxi network affiliation', are automatically covered in The Model. ACTION would become the Operator; drivers would be salaried employees of the Government. Casual and permanent, part time and full time positions could be created to give maximum flexibility for operation of the fleet, as with current ACTION recruitment strategies. The number of taxis operating in peak times could be rationalised, and thus the oversupply in off-peak periods would also be at a minimum. Some WATs would be idle in depots during off-peak periods. However, there would not be idle drivers, since this could be completely managed through the allocation of driver shifts.

7.1.5 Increase taxi job opportunities

With WAT drivers employed through ACTION there can be a career structure, and opportunities for training and development, for apprenticeships as mechanics, for transfer of skills between bus and taxi operation and maintenance. Disability Awareness Training would be relevant and useful for both fleets. Employment as a driver in the ACTION WAT fleet will become a prestige position in ACTION and one where recognition of good driver attitude and skills is made annually through an award system voted on by both co-workers and WAT users.

7.1.6 Work/Family Balance

The Model gives drivers job security, award wages, and the ability to have their awards protected through union membership. There is greater stability of work hours, and thus a greatly enhanced work/family balance. The different shifts proposed enable drivers to choose a shift type suited to their family's needs. For example, a driver with home duties could opt for the overnight on-call shift, thus enabling their partner to work during the day whilst he/she looked after children. The day shift might better suit a semi-retired driver, for whom the early start or overnight work may no longer be attractive. Students would be able to fit in the early shift with their lecture time tables. Other examples abound. This flexibility which is built in with The Model, would enable better work/family balance to be achieved by all drivers.

7.1.7 Operator understanding of taxi industry

When ACTION becomes the operator, there will automatically be an improved understanding of the WAT industry. Data collection will become coordinated, unencumbered by the taxi operators' 'filter' to produce the results wanted in KPIs, and the opportunity to share information between Government departments is increased.

7.2 Driver Viability and Retention Issues

Under The Model, drivers are salaried, have award conditions, a career pathway, the opportunity to diversify their skill set, and better work/family balance. Prestige positions in the WAT fleet can become sought after within ACTION, and the expertise of drivers who have done Disability Awareness Training would improve the whole operation of the fleet and of the Department of Territory and Municipal Services.

7.3 Affordability of Taxi Fares

The Model proposes that fares be aligned with ACTION bus fares. The same tickets would be used for a WAT trip as other people use for a bus trip. This would obviate the need for separate vouchers for the WATs. However there will still need to be a TSS to support those people with disabilities who cannot use public transport but are able to use standard taxis. There would be fewer people than currently using the

TSS, and therefore a much reduced cost to Government of the scheme. A mechanism would be needed to tie taxi fare increases to TSS voucher increases, so that the latter did not lag behind the former in rates of reimbursement. Subsidies will continue to be needed because a large majority of those using the standard taxis will be welfare recipients or in lower paid part time work, and the cost of taxi fares should not be a barrier to seeking or maintaining employment.

8 Performance Measures for WAT and Standard Taxis

The Model proposes that a new set of service standards be developed. People with disabilities must be involved in the development of these and in any group set up for their monitoring. This is consistent with the CRPD which mandates that people with disabilities are involved in decision making processes. Article 4 (General Obligations) Paragraph 3 states:

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

However, it should be noted that the standards should closely mirror the existing standard of operation for ACTION buses and their drivers. Consistency of quality operation would then be achieved across all ACTION operations.

Standards are needed for both quantity (response times etc) and quality (the ability to meet the travel requirements of people with disabilities). In addition independent customer satisfaction surveys should be undertaken on a biennial basis. These will also feed into the need of the ACT Government to measure and meet its compliance requirement under the Standard for Accessible Public Transport each 5 years, working towards a fully accessible public transport system in the ACT by 2022.

8.1 Peak/Off Peak Performance Generally

Performance standards (Minimum Service Standards [MSS]) specific to the WAT fleet could be developed. Whilst they would still need to be referenced to the response times of the standard fleet in order to meet the minimum requirement of the *Disability Standards for Accessible Public Transport 2002*, under The Model it is most likely that the response times would far exceed those of the standard taxi fleet.

8.2 WAT Performance

The Consortium is very sceptical about the data provided by both taxi networks about their response times, with the quoted figures being at odds with passengers' experiences. In addition they do not account for the unmet or abandoned need where people with disabilities have drastically limited their taxi travel, because of the unreliability of the service. Poor WAT service limits the ability of people with disabilities to visit doctors to maintain their health and to participate in any way in the community. The deficiencies highlighted in the report *Accessible Public Transport in the ACT – Action Plan 2009-2012*, show that unsatisfactory response times were coupled with negative and unhelpful attitudes of some drivers and a lack of awareness among drivers with regards to the rights and needs of people with disabilities.

It has been shown above that The Model would enable WAT performance to be properly managed, and to exceed the MSS applied to standard taxis. It would also provide an exemplary service that could be copied in other jurisdictions.

9 Regulatory Arrangements Which May Improve WAT Performance

9.1 Possible options to improve WAT performance

Under The Model regulatory arrangements will be under one management regime and be synchronised with arrangements for ACTION buses, thus economies of scale and staff efficiencies will be achieved. These matters have been addressed above. With respect to the comments listed in the IDP, job allocation can be improved; driver training would be systematic, regulated and far superior to that prevailing today; roadworthiness and maintenance matters would come under the ACTION regime and be regulated and managed; driver ID would be routine; non-compliance issues in refusing to pick up

people with disabilities will disappear; the current lack of capacity for motorised wheelchairs and scooters will also disappear; the need for a lift fee will similarly disappear; and there is a greater likelihood that the despatch system will be more efficient, reducing frustration levels in drivers and passengers alike.

Infringements for poor performance would become an internal matter and would NEVER result in the total number of WATs operating to be negatively affected. In the IDP, it is stated that Aerial has supported a proposal to instigate a specialist WAT booking network. This is an intrinsic and integral part of The Model, whereby ACTION will set up, manage and operate a booking service exclusive to the ACTION WAT fleet. The need to pay a micro management fee to operate a booking service is negated and therefore represents a saving under The Model.

The Consortium has failed to establish a commitment by either taxi network which identifies the development of any ongoing improvements to WAT service by the taxi industry and that we believe demonstrates their commitment to performance.

9.2 Driver Standards and Training

The Model addresses and resolves all current concerns about driver standards and training. As part of *Future Directions – Towards Challenge 2014* the ACT will develop a single Disability Action Plan, in a manner similar to that in which a single Reconciliation Action Plan is currently being developed. This would apply to all of ACTION's operations including driver training and standards. The WAT Consortium considers that drivers interested in diversity and disability issues would be attracted to the salaried, secure positions.

Having salaried drivers is not inconsistent with the proposal for an Australia-wide national training scheme. In fact there is scope for the ACT to show leadership and set a high benchmark because the drivers would all be under a single award, and in a single workplace.

10 Regulatory arrangements – Existing and possible changes

In The Model, complaints handling will also be more efficiently managed, due to integration with the overall ACTION complaints system.

10.1 Road Transport Authority (RTA) role

Compliance with the *Road Transport (Public Passenger Services) Act 2001* is automatic under The Model, and the RTA will exercise the same authority over the WAT fleet as for the bus fleet.

10.2 Taxi Industry - Effectiveness in dealing with breaches, complaints, etc

The Consortium members have received various reported anecdotes about difficulties with WAT services and, while some have been reported to the taxi networks, outcomes have not been successful.

In addition, there has not been any improvement by either taxi network in their complaints mechanisms over time. As a result of lobbying the Transport Regulation Office has recently developed its own direct telephone complaints line to receive complaints independently.

Effectiveness of dealing with complaints will improve. There will be costs savings flowing from the lack of necessity to collect data and the ability to have both WAT and bus complaints handled by the same staff.

Complaints could be dealt with efficiently, obviating the need for passenger recourse to the ACT Human Rights Commission or the *Disability Discrimination Act 1992*.

Conflict of interest situations currently arise, for example where a network provider may also be a taxi licence operator, and may be required to enforce a penalty on a driver of their own taxi and in so doing may reduce their own income. Such situations will disappear under The Model.

11 Other Issues

11.1 Government expenditure

11.1.1 Provision of Taxi Ranks and Pickup/Drop off Points

ACTION WAT taxis must have access to the same ranks as standard taxis. In addition WAT taxis must be able to pick up and drop off passengers in locations that are safe. This particularly applies in the CBD where offloading a wheelchair passenger onto a busy road is unsafe.

11.1.2 Taxi Subsidy Scheme (TSS)

Under The Model, the TSS is operated by ACTION. A review of eligibility for the TSS is urgently needed. Eligibility needs to be linked to the level of impairment limiting the ability to walk or use public transport rather than the current system which links eligibility to the type of equipment used. For example someone who uses a 'walker' and has poor balance, may not be allocated any vouchers, yet be entirely unable to use a bus.

Attachment 2: Model 2 – A Compromise Model – Single WAT Fleet under central management

Using the single WAT fleet under central management as a basis, the Consortium addresses the following sections and questions from the Taxi Industry Discussion Paper (IDP) in relation to such a model. This model has previously been trialled but not fully due to the introduction of the second cab network.

2 Optimum Number of Standard and WAT Taxi Licences

The ACT WAT Fleet has 26 WAT licences of which we understand 25 are currently in operation. This is less than 12% of the ACT taxi fleet (217 taxis). The IDP notes at p.23 that in comparing the proportion of WATs to standard taxis in the taxi fleet, most jurisdictions have a greater number of WATs per standard taxis than Canberra, with the exception of Perth and Melbourne. The experience of most WAT users is that there are long waiting times for WATs and it is very difficult to book a WAT with confidence that it will turn up on time, or indeed at all. In particular, WAT users experience greater difficulties in booking WATs at peak demand times, when there are major sporting or cultural events, or when there are specific events in the ACT, e.g. disability sporting events, which increase the demand for WATs. The IDP notes a steady increase in WAT patronage in the three years 2006-07 to 2008-09.

The IDP acknowledges that there is an absence of data on the factors influencing the demand for WATs at various times of the day and various times during the year. The Consortium believes that the data needed to obtain an accurate picture of the demand for WAT services should be based on the lived experience of people with disabilities. The customer profile information held by the taxi networks would be of lesser value and would under-report demand as it would not include factors such as waiting times and costs which are disincentives to WAT usage. The WAT Consortium also contends that while the Networks may hold customer profiles it is doubtful if this would generate demand improvements.

One aspect that could see improved services is for WAT licences to be renewed based on services evidenced by the Taxi Subsidy Scheme (TSS) Voucher statistical results. These TSS Vouchers are certainly more likely to give clearer information about which WAT and Standard Taxis are doing the work and it would illustrate which licences should be renewed on an annual basis.

In addition the Consortium recommends that TAMS should fund the survey research necessary to obtain this information and use it, along with the community data which it uses to determine the optimum number of standard taxis and WATs. If peak service licences are issued to cover periods of peak demand these should include WAT licences.

3 Ownership Model for Future Taxi Licences

In the absence of a non-profit WAT system, the Consortium believes that the competitive market structure which will best deliver a quality service to WAT users is one where each WAT licence is issued to an individual person with a limit of one licence per person. We believe that a driver with individual responsibility and individual accountability to a passenger will be the most powerful market force to ensure that the person who drives each WAT will have and maintain the necessary personal commitment to provide the highest quality service to users. This incentive for service quality and improvement is lost when multiple licences are issued to one operator or if licences are issued on a permanent basis. Since 1990 a number of WAT licences have been owned by an individual and this has not provided a quality service. We know from past experience in the ACT that where there was one operator that held a large percentage of WAT licences, there is substantial risk to the service if that operator experiences financial failure or other disaster. The most accountable licensee is the individual who owns, operates and drives their own WAT. We also observe that accountability to both the WAT user, and regulatory authorities, is lessened when there is a separation of ownership and driving.

We acknowledge that owners will have to use relief drivers to keep their vehicles on the road and earning income. Owner drivers should only employ as relief drivers persons who are otherwise qualified to hold an owner's licence and who are persons for whom the owner accepts responsibility.

While each WAT plate should be issued and held on an individual basis, the ACT WAT fleet should be managed centrally, in so far as voluntary membership of a WAT network will permit. Although membership of the central WAT network would be voluntary, this does not preclude the use of strong incentives to encourage individual WAT operators or drivers to belong to one network providing a central dedicated booking dispatch and management support service for all WATs. This network could be set up by the Canberra Taxi Industry Association (CTIA) based on the model of Taxi Zero 200 in Sydney (<http://www.zero200.com.au/about.htm>), which is the service providing centralised bookings for all the wheelchair accessible vehicles that are registered in Sydney, irrespective of what Co-operative they belong to.

While the network would provide a central booking and dispatch service for WATs, this should be done within a framework that allows for private bookings of WATs by individual WAT users.

The Consortium would be very disappointed if private bookings were discouraged following the Taxi Industry Review, as private bookings have been the only way many people with disabilities have been able to achieve a successful WAT service to meet their transport need. It is also difficult to accept that any removal of the private booking option would be based on the contention that these are not put into the job collection statistical system by drivers who accept private bookings as it is the drivers' responsibility. People with disabilities should not be penalised for inaction by drivers and networks under the guise that some of these statistics don't make it into the network data.

4 Renewal of Standard Government and WAT Leased Taxi Licences

Existing licences should be allowed to expire without renewal and the opportunity be used to transfer the licence to the recommended single owner/driver model. This may require some transitional arrangements to minimise disruption to the availability of WATs. An existing operator's compliance with standards and licence conditions, licence payment requirements and audit outcomes should be relevant considerations to the renewal of their licence.

The renewal system should be used as the process to move the ACT taxi fleet towards an ultimate goal of all taxis being accessible and 50% of taxis being capable of carrying two large electric wheelchairs. We support the conversion of some existing non-concessional licences to WAT licences as a means of increasing the availability of WATs, should this compromise model be used. A performance based renewal as previously mentioned must also be incorporated, together with strong compliance policing.

Two-wheelchair WATs are the preferred vehicle for people with disabilities not only because the size of electric wheelchairs is increasing and the single-wheelchair WAT is not suitable for many passengers, but anything less than two wheelchair capacity also discriminates against people in wheelchairs as it assumes they don't have friends that are also in wheelchairs and may wish to travel together. The *Disability Standards for Accessible Public Transport (DSAPT) 2002* require a height of 1500mm, a length of 1300mm and a width of 800mm for a vehicle to accommodate a wheelchair. Details of these dimensions should be made known to people with disabilities.

6 Fare Structure & 7.3 Affordability of Taxi Fares

The combined effect of the level of fares and the low level of the current subsidy means that taxi travel is prohibitively expensive for people with disabilities. The majority of people with disabilities have low incomes. This means they have to severely limit taxi travel to employment or medical appointments. Taxi travel for recreational purposes is often precluded. The cost of taxi travel can be a significant barrier to employment e.g. if you have to pay between \$30 and \$40 to get to or from work each day or \$40 to travel one way to an unsuccessful interview for a job.

The IDP asks whether a special rate should be determined for WAT operations. We believe that if such a rate is determined, this must be done taking into account the human rights and social impact of WAT fares as well as the economic factors relevant to the operation of a WAT and operator/driver viability. The social costs of the effect of prohibitive fares on the participation of people with disabilities in the economic and social life of the community need to be taken into account and addressed either through the fair

structure or the level of subsidy. The OECD review of taxi services (*Economic Aspects of Taxi Accessibility* (2001) European Conference of Ministers of Transport. OECD Publications Service) states that higher prices and low availability of taxis disproportionately affects people on low incomes, which includes the vast majority of people with disabilities. More research is needed into the application to WATs of the Taxi Composite Cost Index (TCCI). People with disabilities will make a useful contribution to this research and the WAT Consortium is the appropriate mechanism to provide this input.

7 Operator/Driver Viability

Our proposal for single management of the WAT fleet presents opportunities for reducing regulatory and network costs and streamlining payments to drivers receiving TSS payments.

7.1.4 Compulsory Taxi Network Affiliation

While the CTIA model for WATs proposes compulsory WAT network affiliation, we favour network affiliation based on voluntary agreement with strong incentives to encourage individuals to affiliate to the network. The benefits of compulsory taxi network affiliation set out in the IDP are particularly relevant to WATs, especially in relation to public safety, the investigation of crimes and regulatory offences committed by drivers and the ability to exert some control on the behaviour of operators and drivers who fail to meet required standards.

We understand that some owner/operators aren't convinced that there is value in being affiliated to either network as it is expensive and the Taxi Regulation fails to allow individuals to own and operate outside a taxi network which they see as a significant cost to the taxi's operation with little benefit.

8 Performance Measures for WAT and Standard Taxis

Performance criteria for taxis in general, and for WATs in particular, should not focus solely on meeting waiting times, but should cover all those matters which contribute to the provision of an affordable, timely and quality service for taxi users. The Consortium has previously mentioned that it would prefer that WAT Licences should be based on performance statistics gathered from the TSS Vouchers returned by the networks for job reimbursements.

8.2 WAT Performance

We agree with the IDP regarding the current performance of WATs in the ACT. The current situation is that WATs are doing such small percentages of their work as WAT work, while WAT users experience unacceptable difficulties and waiting times in booking and getting a WAT service. This suggests that the current system is seriously flawed, is substandard and requires a major overhaul. (see The Model.)

A key performance measure for WATs is the reliability and operation of the specialised wheelchair loading and securing equipment. This requires prescriptive performance standards and rigorous compliance monitoring and enforcement. WAT users frequently encounter situations in which hoists and ties are either broken or inadequate. Failures in the hoists or the wheelchair ties cause unease and discomfort to a WAT user and in cases of failure can cause injury or be life threatening.

Performance measures for WATs must be set in consultation with WAT users. There must be separate measures for individual drivers, individual operators and network service providers. Performance measures for WATs must also include physical appearance, cleanliness and tidiness. There should be regular surveys of WAT users including both numeric and qualitative measures of satisfaction and dissatisfaction.

Finally, we do not accept that the introduction of community buses as transport for older people has caused a loss of WAT hirings. Any decline in WAT use among older people is due to deficiencies in the performance of the WAT service and not to the availability of other forms of transport.

In addition to the above, there is no random policing or spot checking of WAT vehicles in the ACT to identify faulty equipment, or dirty or unsafe taxis as is undertaken at Melbourne Airport where Commissioners have the authority to report and have any taxi removed from service.

9 Regulatory Arrangements Which May Improve WAT Performance

We have outlined our preferred options for a WAT service and have included the regulatory framework to accompany that model (please see The Model).

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

We have no difficulty with the use of penalties, bonuses, booking quotas, peak hour restrictions and differential licence fees to encourage operators and networks to meet waiting time performance standards. Experience tells us that centralised, or micro management of the WAT fleet produces the best outcomes in terms of responsiveness and waiting times. Claims by both networks of a commitment to micro management have also failed to generate improvements in WAT services

The Consortium modifies the CTIA 9 point proposal to include: term rather than perpetual licences, to be based on voluntary incentive, not mandatory network affiliation, and supported by robust regulatory and complaints mechanisms. We support a graduated change in the fleet to move from single wheelchair vehicles to larger vehicles which can carry 2 wheelchairs, luggage and larger mobility aids. Safety and comfort requirements necessitate that all operating WATs meet the Australian Standard (AS/NZS 10542.1.2009) for wheelchair space and tie down and occupant restraint assemblies. The relevant Standard for hoists and ramps, AS.NZS3856.1-1998 and AS.NZS3856.2-1998, must also be met.

Whilst the CTIA 9 point plan is based on their preferred option, similar to a taxi model practiced in Geelong Victoria, the WAT Consortium does not support this as being the only or best model to further a better working model for the ACT.

The taxi networks should be required to compensate a passenger who has been disadvantaged by the network's failure to meet their commitment to provide a WAT at a pre-determined time. Compensation claims should be resolved in the first instance by the operator paying compensation in response to the passenger's claim. Where a claim cannot be resolved, the passenger should have the option of a third party resolution through the taxi regulator.

As mentioned previously, we support the transfer of the TSS from paper to electronic form as soon as is practicable.

9.2 Driver Standards and Training

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

10 Regulatory arrangements – Existing and possible changes

Our compromise WAT model includes provision for a robust regulatory arrangement in conjunction with an effective complaints mechanism to provide a quality taxi service. We reject models of self-regulation, or delegation of responsibility by the RTA to networks, to ensure compliance with matters relating to service quality and standards. Such models ignore the clear conflicts of interests which exist for networks as regulators having regard to the business relationships between networks, operators and drivers (see pages 66 and 67 of the IDP). We support the RTA maintaining a central role in the regulation and policing of compliance in all aspects of the taxi industry. The Regulator should also be supported in its role by a stakeholder forum which includes representatives of people with disabilities. People with disabilities,

because of their social and economic circumstances, are significant users of WATs and general taxis and they are more dependent than the general public on taxis as a safe and practicable means of transport.

10.2 Taxi Industry - Effectiveness in dealing with breaches, complaints, etc

We support the recommendations about a complaints process in the *Accessible Public Transport Plan 2009-12*. An independent complaints system is necessary so that the interests of people with disabilities are strongly considered and not simply dismissed. The inclusion of a representative of people with disabilities in this complaints system would strengthen its implementation and provide a more inclusive, transparent and truly representative mechanism for all stakeholders.

11.1.2 Taxi Subsidy Scheme (TSS)

We strongly support the transfer of the TSS from paper vouchers to an electronic basis.

Although taxi fares have increased over recent years, the TSS subsidy has not kept pace with fare increases – this lack of parity means vouchers are now meeting less of the cost of an average journey. This inequity should be addressed as it is cost shifting to those who are less able to meet this increase from their limited resources. The TSS levels should be reviewed at the same time taxi fares are reviewed and adjusted by taking into account the CPI and additional factors which affect the levels of any increases in taxi fares.

11.9 Transport Needs for Large Public Events

People with disabilities who travel to Canberra for conferences and events regularly comment on the considerable difficulties they experience in booking and accessing WATs. This issue was recently embarrassingly highlighted by the failure of both taxi networks operating ACT WATs to provide transport for 15 delegates with disabilities at an international disability conference. The poor WAT service provided for interstate and international visitors with disabilities in Canberra costs the ACT economy now that people with disabilities avoid the ACT as a venue for conferences and gatherings. In addition to the obstacles to the tourism and conference industry, the poor WAT service available to visitors to Canberra severely impacts on people with disabilities visiting the ACT for family, tourist or recreational reasons.

There is some merit in the CTIA proposal to establish a committee to take responsibility for identifying major tourist and festival events and other ad hoc occasions that require the transportation of large numbers of people. This committee should include substantial representation from people with disabilities. However, we point out that the efforts of such a committee will come to nought if the issues highlighted in this submission in relation to the numbers and management of the WAT fleet, and the training of drivers and operators, are not addressed.

Attachment 3: Model 3 - Improving the Status Quo

Using The Model as a basis, the Consortium addresses the following sections and questions from the Taxi Industry Discussion Paper (IDP) in relation to just improving the status quo.

2. Optimum number of Standard and WAT Taxi licences

Wheelchair Accessible Taxis (WATs) account for around 12% of the ACT's taxi fleet, with a total of 26 WATs. In the ACT 16% of people live with a disability, of which 84% report some form of physical disability. In addition Canberra has a growing ageing population and the current number of WATs will not address this ongoing demand.

The issue is not just about the number of WATs, but about how many of them are available or in good running condition at any given time, and whether drivers prioritise WAT bookings over standard bookings (as is required by the Regulations). In addition WAT users experience greater difficulties in accessing WATs at peak taxi demand times, or when there are major events in the ACT.

The previous experience in the ACT indicates that simply increasing the numbers of licences will not address the problem. It has not worked before because it is not the number of available WATs that is the cause of a less than acceptable response time, it is the ability of the driver of a WAT to earn more by servicing the standard taxi market with multi-hirings rather than the WAT market. This is why the Consortium strongly recommends The Model as our preferred option.

There has also been an increase in multi-hiring taxi licences with the capacity to carry wheelchairs, but these licences are issued without the need to prioritise wheelchairs as is the requirement of WAT Licences. This has not helped improve WAT services!

There needs to be a better understanding of the needs of WAT users. The Discussion Paper highlights an absence of data on the factors influencing the demand for WATs.

The Consortium believes that the data needed to obtain an accurate picture of the demand for WAT services should not only be based on the lived experience of people with disabilities, but on reliable consumer data such as the locations of WAT users, their peak times, trip destinations and pick up points, an understanding of the types of travel trips (short trips within and between local areas versus longer trips) as well as profiles of the WAT users (including the type of wheelchairs used) which could then provide disaggregated data that can better inform an improved model. We believe all of the above information can be obtained from the Taxi Subsidy Scheme (TSS) Vouchers that are already in the hands of Disability ACT who manage the TSS. Data would need to also be collected with regard to the degree of uptake of bus usage as they become more accessible.

The Consortium recommends that TAMS should fund the survey research necessary to obtain this information and use it, along with the community data which it uses, to determine the optimum number of general taxis and WATs.

Forecasts also need to be built into this model which recognise the impact of the ageing population on increasing numbers of people with disabilities, combined with the preferences by older people for remaining in their own homes, which is also government policy.

Given the fact that many WAT users have to make other choices due to non availability of WATs (including travel with family), it would not be reliable to use the customer profile information held by the taxi networks as comprehensive data. Anecdotal evidence suggests this data is in any case not updated.

3. Ownership Model for Future Taxi Licences

There should be no perpetual licences issued for standard taxis, nor should licences be sub-leased or transferable. Licence holders should be directly involved in the industry in the ACT - local owners have a

greater commitment to the local ACT situation and will be affected by the complaints and issues that arise here in more immediate ways that interstate investors.

The Consortium believes that each WAT plate should be issued to an individual person with a limit of one licence per person. Experience shows that where a number of WAT licences are owned by one individual, this has not provided an improved service quality.

History has shown the Consortium that the most accountable WAT ownership model would be an individual who owns and drives their own WAT – or some expectation that owners be required to drive WAT taxis for a certain amount of hours per week. Drivers of WATs should also be required to demonstrate the necessary personal commitment to provide the highest quality service to users, and assume responsibility and accountability to deliver a good service to every WAT user. Providing a WAT service would be easily measured by TSS vouchers that show all the relevant information for each trip including which WAT undertook the job.

4. Renewal of Standard Government and WAT leased Taxi licences

Existing WAT licences should be allowed to expire and not be renewed, unless there is evidence that WAT licencees have honoured their WAT commitments in response to the lower cost licences. Such an assessment should include the existing operator's compliance with customer satisfaction, compliance with standards and licence conditions, driver training and monitoring and an audit of safety and other outcomes. This may require some transitional arrangements to minimise disruption to the availability of WATs during the transition process.

There also needs to be some move towards more two-wheelchair WATs since the size of electric wheelchairs is increasing and the single-wheelchair WAT is not suitable.

6 Fare Structure & 7.3 Affordability of Taxi Fares

The combined effect of the level of fares and the low level of the current subsidy mean that taxi travel can be prohibitively expensive for people with disabilities, particularly for those who have low incomes. Any special rate for WAT operations must take into account the human rights and social impact of WAT fares and not just the economic factors relevant to the operation of a WAT and operator/driver viability. It is discriminatory if the cost of essential taxi travel across Canberra is a barrier to employment and social inclusion for people with disabilities who can only use WATs.

A mechanism is also needed to tie taxi fare increases and structure to TSS voucher increases, so that the latter do not lag behind the former in rates of reimbursement.

More research is needed into the application of the Taxi Composite Cost Index (TCCI) to WATs. The WAT Consortium can assist in providing this input.

7 Operator/Driver Viability

Any improvements in wages and benefits should be coupled with improved training and ongoing development for WAT drivers, to ensure they understand and can meet the needs of WAT users. Standards of service quality, car presentation, and driver presentation and behaviour, should also be an integral part of assessments for WAT drivers. It is hoped that the independent review into taxi cost may also highlight real cost and therefore prove that WATs are viable if they operate only on the basis of a priority service for wheelchair users. We are aware that several WAT operators undertake the majority of WAT work. These operators chase this WAT work and this suggests WAT work to be quite viable and that operators can earn a good living.

7.1.4 Compulsory Taxi Network Affiliation

While the CTIA model for WATs proposes compulsory WAT network affiliation, the Consortium favours network affiliation based on voluntary agreement with strong incentives to encourage individuals to affiliate to the network - service quality and levels need to be driven and sustained by individual commitment.

The benefits of compulsory taxi network affiliation are particularly relevant to WATs, especially in relation to public safety, the investigation of crimes and regulatory offences committed by drivers, and the ability to exert some control on the behaviour of operators and drivers who fail to meet the required standards.

8 Performance Measures for WAT and Standard Taxis

The Consortium is sceptical about the data provided by both networks in regard to their response times, with the quoted figures being at odds with passengers' experiences. In addition they do not take into account the unmet need where people with disabilities in the ACT have drastically limited their taxi travel, because of the unreliability of sub-service.

The poor WAT service limits the ability of people with disabilities to visit doctors to maintain their health and to participate in any way in the community. The deficiencies highlighted in the report *Accessible Public Transport in the ACT – Action Plan 2009-2012*, showed that unsatisfactory response times, negative and unhelpful attitudes of some drivers, and a lack of awareness among drivers about the rights and needs of people with disabilities.

The current situation is that WATs are doing such small percentages of their work as WATs work while WAT users experience unacceptable difficulties and waiting times in booking and getting a WAT. This suggests that the current system is seriously flawed and requires a major overhaul. In addition, the large incentives provided over time have not resulted in improvements in WAT services to the people who heavily rely on these services to access the community.

Performance criteria for taxis in general, and for WATs in particular, should not focus solely on the meeting of waiting times but should cover all matters which contribute to the provision of an affordable, timely and quality service for taxi users, including safety aspects, driver attitude and knowledge, and car presentation.

People with disabilities must be involved in the development of performance criteria and in any group set up for their monitoring. This is consistent with the *United Nations Convention on the Rights of Persons with Disabilities (CRPD)* which mandates that people with disabilities are involved in decision making processes. Article 4 (General Obligations) Paragraph 3 states:

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

8.2 WAT Performance

Performance measures for WATs should be set in consultation with WAT users. There should be separate measures for individual drivers, individual operators and network service providers. Performance measures for WATs should include standards for both quantity (response times etc.) and quality (the ability to meet the travel requirements of people with disabilities, including physical appearance, cleanliness and tidiness. There should be regular customer satisfaction surveys of WAT users including both numeric and qualitative measures of satisfaction and dissatisfaction.

A key performance measure for WATs must also be the reliability and operation of the specialised wheelchair loading and securing equipment. There needs to be prescriptive performance standards and rigorous monitoring and enforcement. WAT users frequently encounter situations in which the hoists and ties are either broken or inadequate. Failures in the hoists or the wheelchair ties cause unease and discomfort to a WAT user and in cases of failure can cause injury or be life threatening.

We do not accept the assertion that the introduction of community buses as transport for older people has caused a loss of WAT hirings. From our experience, any decline in WAT use among older people is due to deficiencies in the overall performance of the WAT service and not to the availability of other forms of transport.

9 Regulatory Arrangements Which May Improve WAT Performance

The availability and commitment of drivers is critical to enhancing the viability of WAT operations and improving the level of service to users. We acknowledge the need for a lift fee payment which would adequately compensate WAT drivers for WAT work, and suggest that a driver should not be eligible to claim the lift fee unless he has completed WAT training and is certified as competent to operate lift equipment.

Any framework must be supported by a strong and robust complaints mechanism. It must also have a very strong ability to enforce compliance in relation to the Taxi Regulations including WATs.

Safety and comfort requirements also necessitate that, at all times, all operating WAT vehicles meet the Australian standard (AS/NZS 10542.1.2009) for wheelchair space and tie down and occupant restraint assemblies. The relevant Standard for hoists and ramps, AS.NZS3856.1-1998 and ASN.ZS3856.2-1998, must also be met.

We believe that taxi networks should be required to compensate a passenger who has been disadvantaged by the network's failure to meet their commitment to provide a WAT at a pre-determined time. Compensation claims should be resolved in the first instance by the operator paying compensation in response to the passenger's claim. Where a claim cannot be resolved in the matter, the passenger should have the option to take it to a third party such as the taxi regulator.

9.2 Driver Standards and Training

The experience of people with disabilities supports the findings of *Accessible Public Transport in the ACT 2009-2012* regarding the deficiencies in the performance of taxis and in particular the performance and training of WAT drivers. We support many of the recommendations in the report. We again refer to the need for adequate training and retraining of WAT drivers. There is a strong need for drivers to undertake Disability Awareness Training. We recommend that the ACT adopt National Training Standards for taxi drivers in general and WAT drivers in particular.

The Consortium considers that WAT Licence renewal should be based on demonstrated performance of WAT jobs from TSS vouchers and on successful annual driver training.

10 Regulatory arrangements – Existing and possible changes

A strong and robust regulatory arrangement must work in conjunction with an effective complaints arrangement to provide a quality WAT service.

The delegation of regulatory responsibilities such as driver training to taxi networks has failed WAT customers and has not ensured compliance with service quality and standards. Such models ignore the clear conflicts of interests which exist for Networks as self-regulators having regard to the business relationships between networks, operators and drivers.

The Consortium supports the RTA or another Government agency maintaining a central role in the strong compliance regulation of all aspects of the taxi industry. We believe that the Regulator should be supported in its role by a stakeholder forum which should include representatives of people with disabilities. This is essential since they are significant users of WATs and general taxis and are more dependent than the general public on taxis as a safe and practicable means of transport to access the community. This is consistent with the *United Nations Convention on the Rights of Persons with Disabilities (CRPD)* which mandates that people with disabilities are involved in decision making processes. Article 4 (General Obligations) Paragraph 3 states:

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

10.2 Taxi Industry - Effectiveness in dealing with breaches, complaints, etc

We support the recommendations about a complaints process contained in the *Accessible Public Transport Plan 2009-2012*. An independent Complaints system is necessary so that people with disabilities' interests are considered and not just dismissed. The inclusion of a representative of people with disabilities in this complaints system will assist in its implementation.

11.1.2 Taxi Subsidy Scheme (TSS)

The Consortium believes that the appropriate requirement for eligibility for the TSS 75% subsidy is that the person is reliant on using wheelchair accessible transport. The 50% subsidy applies to those who are able to use private cars or standard taxis on most occasions. The current criteria may have been meant to be a proxy for such a rationale but fails to appropriately operationalise it.

In the proceedings of the Legislative Assembly of 17 June 2009, the government advised that the current requirement was "the 75% subsidy is available to individuals who are permanently dependant on using a wheelchair for all mobility and must travel in a wheelchair accessible taxi". Some people have been advised that "if you can stand to transfer then you can't have them" This differs somewhat from the definition of "wheelchair dependent people" in the IDP.

The current definition is perverse with regard to people using electric scooters. ACT regulations require that users **MUST** transfer to a seat and not travel on a scooter in a moving vehicle. However, being able to transfer is not the same as being able to go without a scooter.

At the other end of the spectrum, people using a mobility walker may be unable to get in and out of an ordinary vehicle due to seating being too high or too low for access or due to unsteadiness to transfer. They may therefore be dependent on the hoist of a wheelchair accessible vehicle.

We strongly support the transfer of the Taxi Subsidy Scheme from a paper voucher basis to an electronic basis. Although taxi fares have increased over recent years, the TSS subsidy has not – this lack of parity means vouchers are meeting less of the cost of an average journey than in the past. This inequity must be addressed. TSS subsidy levels should be reviewed at the same time as taxi fares are reviewed and adjusted taking into account both the CPI, and factors additional to the CPI which affect the levels of any increases in taxi fares.

11.7 Taxi Appearance

Rather than discussions about the uniform of drivers and the colour of taxis, there needs to be a focus on the cleanliness of taxis and their condition and make. In addition, the needs of vision and hearing impaired people need to be included in aspects such as colours of lights and separation barriers between passenger and driver in the taxi.

Additional environmental factors must also be considered. Reliance on odorous cleaning chemicals and air fresheners may compromise the safety of some passengers who are chemically sensitive and their use should be minimised. While smoking is now prohibited in vehicles, some drivers smoke outside an open vehicle which causes fumes to enter. This should also be prohibited. There are also a number of circumstances in which traffic and vehicle fumes enter vehicles, which is a hazard for all passengers.

11.9 Transport Needs for Large Public Events

People with disabilities who travel to Canberra for conferences and events comment on the considerable difficulties they experience in booking and accessing WATs. This issue was recently embarrassingly highlighted by the failure of ACT WATs to provide transport for 15 delegates with disabilities at an international disability conference. The poor WAT service provided by both taxi networks for interstate and international visitors with disabilities to Canberra is a cost to the ACT economy because people with disabilities now avoid the ACT as a venue for conferences and gatherings. In addition to the obstacles to the tourism and conference industry, the poor WAT service available to visitors to Canberra from either ACT taxi network severely impacts on people with disabilities visiting the ACT for family, tourist or recreational reasons.

We see some merit in the CTIA proposal to establish a committee to take responsibility for identifying major tourist and festival events and other ad hoc occasions that require the transportation of large numbers of people. We believe that such a committee must include substantial representation from people with disabilities. However, we point out that the efforts of such a committee will come to nought if the issues we have highlighted in our submission in relation to the numbers and management of the WAT fleet and the training of drivers and operators are not addressed.