

31 March 2008

Allen Consulting Group
Level 12
210 George Street
Sydney NSW 2000
By email: dstransport@allenconsult.com.au

Dear Sir / Madam

RE: DRAFT REPORT FOR THE DSAPT REVIEW

The Australian Taxi Industry Association's (ATIA) has considered the draft report prepared by the Allen Consulting Group of its review of the Disability Standards for Accessible Public Transport (DSAPT). We offer the following comments for your consideration before preparing the final report for the Minister for Infrastructure, Transport and Regional Services, and Local Government and the Commonwealth Attorney General.

1. The report asserts on page 39 that there are 2 relevant parts of the taxi industry - the "*radio networks*" and the "*taxi service itself*". Unfortunately, this oversimplification misunderstands the industry and fails to take account of the respective status and behaviour of the controllers of taxi licences (either as owners, lessees or managers) and self employed taxi drivers. The constituents of both these groups (bailors and bailees) operate with relative independence from taxi networks, and this independence is extremely relevant for the DSAPT target for wheelchair accessible taxi (WAT) response times. As noted in the ATIA's previous submission, taxi networks lack crucial control over key industry components of the WAT service delivery supply chain.
2. The report notes on page 40 that the DSAPT target only requires "*the average response time for WATs (to be) the same as the average for all taxis*". While not an uncommon misconception, critically, this rendering of the DSAPT target is incorrect. It is not the "averages" that need to be the same under the DSAPT but every WAT response time vis-à-vis the comparable response time of other taxis (i.e. net of WAT jobs). The actual DSAPT target is a far more onerous and unachievable standard.
3. The report appears to assume in Chapter 4 that "taxi operators and providers" are responsible for the provision of accessible infrastructure such as taxi ranks, associated paths and signage. Taxi ranks are solely the property and responsibility of whoever owns the land on which they are located. The DSAPT's obligations in regard to taxi rank infrastructure belong unambiguously with the respective land owner.
4. The report on page 48 does well to identify the practical problem associated with the prescribed weight limits for a person and their mobility aid. It is effectively impossible for taxi drivers to determine with any measure of accuracy or reliability whether a particular passenger and their mobility aid exceed the 300kg limit. However, the draft report is deficient in not recommending a satisfactory solution to this problem or some expeditious course of action directed towards finding a preferred solution

5. The Australian Federation of Disability Organisation's statement quoted on page 49 is factually incorrect. In most Australian jurisdictions, training "*on providing services to people with disability*" is a standard component of all new taxi driver courses.
6. The report asserts on page 49 that "*it is acknowledged by both the taxi industry and consumers that response times for WATs continue to be higher than for standard taxis*". Unfortunately, this paraphrasing of the industry's position is both inaccurate and misleading. It is not true that WATs always arrive at the passenger's location later than a standard taxi. To the contrary, data available to the ATIA indicates that on a majority of occasions WATs arrive at the passenger's location faster or within approximately the same general time parameters as other taxis. However, it does not happen on all occasions as required to meet the DSAPT target. Moreover, for all of the reasons detailed in the ATIA's previous submission the (minor) proportion of WAT bookings which will experience excessive service delays inevitably will be somewhat higher than the comparable proportion associated with other taxis. .
7. The report notes on page 75 that the DSAPT provided an "*impetus to public transport providers to consider and plan for accessible conveyances and infrastructure*". The ATIA would support that statement. However, its further comment in relation to taxis in Queensland "*providing levels of accessibility greater than that required at this stage*", is not sustainable. WAT services in Queensland are comparatively very good but they have not, and do not, consistently exceed the DSATP target on 100% of occasions (as would be required by the target).
8. The report notes on page 78 (and variously elsewhere) that users reported low "availability and reliability" of WATs during peak periods when WATs are used as de facto school buses. However, the report fails to acknowledge that these "school bus runs" typically operate under contract to the respective State/Territory Government and involve transportation of students with disabilities. While non-student WAT users doubtless experience somewhat less convenient response times, student WAT users typically receive timely and reliable services. This is not a case of a discriminatory service. Furthermore, the report's inclination to encourage the transfer of this work across to the bus industry (see recommendation 2 on page 171) may be counterintuitive. The transportation of children with disabilities to and from school often contributes crucially to the viability of WAT services in local communities.
9. The report notes correctly on page 95 that the performance-based nature of the WAT response time target has created "*confusion*" between operators and people with disabilities. It has created undeliverable expectations for customers and unreasonable concern and frustration for service providers.

However, the report is not correct in stating that the taxi industry "*defines response times as being the time the taxi receives the job from the dispatch system until the time the person is picked up.*" The ATIA's submission advised that taxi networks (i.e. the only entity identified as responsible for taxi response times in the DSAPT) can only control processes for handling a booking request and then offering it to the affiliated fleet of taxis available at the time. This is the only part of the existing response time target for which taxi networks can reasonably be held responsible or accountable.

The report is also deficient by not analysing the target in more reasonable detail. The ATIA's previous submission provided substantive argument that proved the target could be met for some individual WAT bookings, that it would likely be met

in most jurisdictions for a majority of WAT bookings, however it would be impossible in any Australian jurisdiction for the target to be met for all bookings. Unfortunately, the DSAPT WAT response time target as currently expressed is impossible.

(NB Contributing to this inadequacy, the report does not necessarily distinguish between poor performance and discriminatory performance. As a case in point it variously cites claims by WAT users of excessive waiting times as though passengers booking other taxis are not subject to excessive waiting times during peak periods.)

The report notes on page 95 that the DSAPT's WAT response time target "*requires greater prescription.*" Regrettably though, the report fails to recommend a preferred solution to this problem or any course of action directed towards expeditiously finding a preferred solution. This is a very significant deficiency for the report.

10. The recommendation on page 158 (re Part 9.1) to replace the existing 2 dimensional "footprint" prescribing the minimum size for allocated space within a WAT with a 3 dimensional "envelope" is not opposed. However, the ATIA would be concerned that the envelope's shape, and the length of its vertical dimension(s), should be determined by consultation with the taxi industry with due consideration of the availability of suitable vehicles (and production lead times for new vehicles). We would also request that any amendment to the DSAPT would include reasonable and appropriate grandfathering provisions.
11. The recommendations on page 158 (re Parts 9.3 & 12.5) to review the minimum headroom targets and vertical door height targets for WATs are similarly not opposed (subject to the caveats noted above).
12. However, it is both surprising and extremely disappointing to the ATIA that, in addressing space related safety issues in WATs, the report largely ignores safety problems associated with oversized, under-engineered and/or poorly built (or maintained) wheelchairs and motorised scooters. The report appropriately considers the fitness of the WAT and its driver to facilitate safe travel. However, its treatment of safety concerns surrounding the fitness of mobility devices for travel is less than satisfactory. The ATIA contends that the DSAPT, its requirements and targets, cannot be reviewed in isolation from road safety or workplace health & safety considerations. The ATIA is firmly of the view that until such a review is undertaken, taxi drivers and their passengers will continue to be exposed to unacceptable and avoidable risk of injury.

In that context, the report appears presumptuous in its recommendation on page 172 that a sub-committee of the Accessible Public Transport Jurisdictional Committee (APTJC) be tasked with development of "*a national scheme for labelling mobility aids based on specifications in the Transport Standards*". The labelling scheme advocated appears to fall well short of the ATIA's preference for a bona fide national certification system that would validly and reliably identify which mobility aids are suitable for travelling inside the passenger compartment of a WAT and which are not, and of the former, which are safe for the user to remain seated in the mobility aid (with appropriate restraints applied to the passenger and the device) and which would need the user to transfer to a fixed seat in the WAT.

13. The recommendation (re Part 17.7) to require "*raised lettering*" to be fitted on the inside of taxis as well as on the outside is not supported by the ATIA. (NB We assume that "*raised lettering*" is the same as the DSAPT's "*raised taxi registration numbers*"). The report makes no substantive case for such an

amendment. Worryingly, it seemingly accepts anecdotal representations in favour of the amendment without any balanced reflection of counter arguments presented by the ATIA (see our previous submission). The report also seems to have ignored the fact that promoters of the amendment, at the time of making their submissions to the review, had not had the opportunity to fully experience and assess the adequacy of the existing requirements (i.e. raised taxi registration numbers being fitted externally on taxis' passenger doors.) They were only widely in use after November 2007. It is ATIA's view that the final report must take proper account of all stakeholders' representations. The DSAPT's requirement for raised taxi registration numbers to be fitted on the exterior of taxis should be given some reasonable opportunity and time to prove its adequacy or otherwise. The report's recommendation should be amended to scheduling a review of the issue to coincide with the next review of the DSAPT and round of milestones (i.e. 31 December 2012).

Finally, the Australian taxi industry is in the business of delivering on-demand, 24/7, door-to-door passenger transport services. This is our core business. Importantly, unlike the other modes of public transport (e.g. rail, bus, ferry etc) the taxi industry is wholly private sector funded and operated. We typically receive few if any State or Federal Government subsidies.

In that context then, the Australian taxi industry views the delivery of transport services to people with disabilities as an emerging business opportunity. Demand for WAT services currently represents 1%-2% of total demand for taxi services. It is a very small and challenging market niche that the ATIA along with its members is keen to nurture and grow.

However, for the long term viability and sustainability of this market niche, we desperately need to replace the current unworkable and impossible WAT response time target in the DSAPT. It is essential that final draft of the five year review of the DSAPT acknowledges this point and either articulates a new (realistic) target or advocates the expeditious development of same.

Should you require any further information or clarification in regard to any matters raised in this letter please do not hesitate to contact me directly on (07) 3847 3500.

Yours sincerely



Blair Davies
Executive Director