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Via E-mail

Re- Draft changes to regulations on

Taxi and Rideshare services.

Disability Voices Tasmania appreciates the opportunity to submit to and comment on the draft changes issued by the minister for transport on Friday 5 May.

Disability Voices Tasmania is Tasmania's only cross-sector Disability Representative Organisation and works toward equal rights and equal access for Tasmanians with disability. We collaborate with individuals, organisations and government to drive systemic change. We take a human rights-based approach to empower, inform and connect disabled people across Tasmania. We are funded by the Department of Social Services under the Information Linkage and Capacity Building program, to undertake projects which build capacity for individuals within Tasmania's disability community, but

our policy, advocacy and systemic change work is entirely volunteer driven. Our board and staff are people with disability and our membership comprises Tasmanians with disability.

Disability Voices Tasmania is extremely disappointed at the short timeframe afforded the community to comment on the proposed changes the implications of which are so important to so many Tasmanians. We have commented previously on decisions being made by Government without appropriate community consultation and without allowing enough time for individuals and organisations to appropriately formulate responses to changes which affect them and their communities of interest. It must be clearly understood that these issues are often complex and require significant research and information gathering to adequately comprehend the issues and ensure the views proffered are appropriate and reflective of the community's needs and values. As well it is important to recognise that gathering information to condense into submissions of this nature can often be difficult and must be done in a trauma-informed way to allow individuals to feel safe as they tell their stories. Further, like DVT, many organisations are volunteer driven and preparing submissions and comment must be done outside work hours which puts an unfair burden on organisations and individuals seeking to assist with policy and regulatory change of this nature. Specifically, regarding these changes, there is a significant amount of reviewing of legislation, policy and regulation involved which takes time and input from policy and industry specialists in order that organisations and individuals can provide affective input into the process. Disability Voices Tasmania affirms that effective consultation and true systemic change must be undertaken through a co-designed approach between government, service providers and people with disability. We recognise that this will require extra time however it is vital that changes are implemented in a way which will generate improvement to service for people with disability whilst providing the least possible disruption to existing services. Further, the potential benefits to government realised from this approach are considerable, particularly in terms of community "buy-in" and significant simplification of the ability to properly socialise change.

Whilst Disability Voices Tasmania commends the state government for its desire to move quickly to affect change in the regulation of taxi and rideshare services to improve access for disabled people, we caution that these proposed changes must be considered as the first stage in a broader process if we are to completely eliminate the barriers faced by people with disability in accessing taxi and rideshare services. These issues have been longstanding and whilst these changes are broadly welcome, they will not go far enough to ensure that people with disability who rely on these vital services are able to access their communities safely and in a timely fashion.

Disability Voices Tasmania has long advocated for improved accessibility to public transport in Tasmania and several of our members who have expertise in public transport standards as well as lived experience sit on advisory groups which have a remit to improve public transport accessibility. We recognise the significant impediment faced on a daily basis by people who use wheelchairs, mobility scooters, Guide Dogs or other assistive technologies, who heavily rely on taxi and rideshare services owing to a lack of other available options; people who need to get out into the community and live their daily lives but are barred from doing so owing to a lack of wheelchair accessible vehicles or driver behaviour which discriminates against them because of their disability or use of an assistance animal or mobility device. In particular, we have heard and understood the impact of inadequate Wheelchair Accessible Taxi (WAT) services and are committed to working with government and service providers to find a solution which means that people can access the vital transport services they need.

We regularly hear from service providers, taxi and rideshare drivers and members of the community that:

- Wait times for wheelchair accessible taxis are excessive; frequently more than two hours despite the Accessible Transport Standards requirement that wheelchair users should experience the same wait-times as anyone else.
- Wheelchair users are often expected to book many days in advance of travel requirements, whereupon their taxi often fails to show up or is extremely late.
- Bookings go unfulfilled because of low vehicle numbers or no available drivers, job refusals or poorly trained radio-room staff, rendering people with disability unable to attend vital medical appointments, get to and from work, go about their daily business or return home after being out in the community – particularly dangerous at night.
- Drivers frequently do not understand passengers' needs owing to communication or language barriers or because the vehicle is too noisy for speech to be adequately heard from the rearmost seating position, generally where the wheelchair restraint points are located.
- Regular refusal of wheelchair trips where passengers do not have access to the Transport Access scheme.
- Transport Access Scheme cards are often refused by drivers owing to misunderstanding of the operation of the scheme or the length of time it takes to receive payment from the scheme, rendering passengers out of pocket.
- Many Drivers are not appropriately trained on how to guide or assist a person with disability into or out of the vehicle, appropriately restrain a wheelchair, use the equipment or deal with accidents associated with entering or exiting a vehicle.
- Wheelchair accessible vehicles are often of mediocre quality, uncomfortable and noisy and equipment such as ramps, hoists or wheelchair restraints is not up to standard.
- Rideshare providers do not have wheelchair accessible vehicles and are therefore inaccessible.
- Operators, drivers and fleet managers frequently have a poor understanding of standards and regulations which are in place to assist people with disability such as the Accessible Transport Standards on the Disability Discrimination Act, and are not aware of the types of devices required for mobility and the requirement to carry assistance animals, leading to abuse aimed at passengers, lack of carriage or difficulty and misunderstanding.

Disability Voices Tasmania welcomes the mandated requirement that drivers of WAT vehicles undertake a minimum number of wheelchair bookings but cautions that mandating a specific number may cause issues for drivers and operators in smaller jurisdictions where there may be fewer bookings. We recognise that allowance is made for this in the draft changes however mandating a specific number could lead to a fear of noncompliance for drivers and operators rendering them less likely to want to operate WAT vehicles. As well, in larger areas the minimum is unlikely to prove effective in decreasing wait times or have a significant impact on the number of bookings unfulfilled. We submit that a percentage of total jobs undertaken may better suit needs of the community and service providers as this would be scalable for size of community, number of bookings ETC. This percentage must be reflective of the number of vehicles on the road and the number of actual bookings received by operators in a given jurisdiction. There is no statistical information provided about the number of bookings which remain unfulfilled or the number of drivers refusing wheelchair bookings and why. It is important we understand the severity of this factor if we are to determine appropriate methods for redress. Further, it is important the community understand how this change will be evaluated and what penalties will be imposed on drivers and operators who do not comply with this requirement. We assert that these penalties must be significant to ensure that drivers and operators maintain awareness and an understanding of the trauma that not being able to reliably use a taxi or rideshare service brings.

Whilst Disability Voices Tasmania recognises the intent to improve the number of WAT vehicles on the road by extending the end-of-life requirement, we caution that this may have a significant impact on the quality and safety of vehicles. We need an evidentiary basis for understanding the impact of constant use on the types of vehicles typically used as WATs taking into account wear and tear, unrepaired damage ETC. We know that vehicles deteriorate over time however we are not aware that this deterioration is slower for the types of vehicles in question. Extending the road-life for these vehicles could result in a poorer quality service and poor working conditions for drivers which may render them unwilling to drive WAT vehicles, which are already, according to some drivers, less favourable to drive owing to size (particularly in high-traffic areas), noise and comfort. We argue that this will ultimately result in vehicles being left unused and therefore a further reduction of WAT vehicles in service owing to lack of willing and available drivers.

As well, stringent regular and independent safety checks must be mandated on all WAT vehicles particularly as they age. This must include wheelchair restraints, hydraulic hoists and entry and exit points. Many fleets have a policy of checks of equipment by drivers at the commencement of each shift but regular preventative maintenance is essential. Regular training for drivers and operators is equally important, especially given relatively high turnover of personnel. We have heard from several users of WAT services about incorrectly fitted restraints and poorly maintained and operated equipment resulting in falls, damage to property and person and other traumatic incidents. The community has expressed deep concern that extending the road-life of these vehicles will result in slower turnover of vehicles and reduced safety and comfort for passengers.

Disability Voices Tasmania applauds the increase to the subsidy provided to drivers of WAT vehicles compensating them for any extra time that fulfilling a wheelchair booking may take. We see that this will likely have a significant impact on the appeal of these bookings for drivers. However, this must be set against recent concerns from the community about the state government's previously advertised position on ceasing the Taxi Transport Subsidy scheme for NDIS participants. We understand that further work is being done to evaluate the effectiveness of the NDIS's transport cover and implications for the scheme, but many community members have informed us of a fear of using the scheme owing to it being "taken away" if used too much. We call on the state government to broaden and improve the Taxi Transport subsidy and its usefulness to people with disability, as well as taxi and rideshare operators. This has proved successful in other states where trip caps have been increased and rideshare operators have been included in the scheme. It will likely also provide ongoing benefits to other people with disability using taxi and rideshare services.

Disability Voices Tasmania submits the following recommendations which members of the disability community who make regular use of and have a good understanding of the operating environment for taxi and Rideshare services believe will make the system more inclusive:

- The definition of "wheelchair" should be broadened so as to encompass any form of wheeled conveyance used for the purpose of assisting a person with disability to be mobile. This must include mobility scooters and other such devices.
- Incentives for owners and operators of WAT vehicles. This could include free or discounted motor-vehicle registration for any vehicle licenced under these regulations and used for the purpose. It could also include free or discounted taxi licences, or in the case of Rideshare, passenger transport safety certification. Such incentives would be available for the useful road-life of the vehicle and could be on a rebate basis, providing that the operator has complied with all regulations and the vehicle and service continues to meet the Accessible Transport Standards.

- Discounted servicing/maintenance contracts for WAT vehicles. This must include safety-checks for restraint equipment, hoists and entry and exit points.
- Minimum vehicle number requirements. For example, all taxi areas should require at least 25 percent of taxi fleets to be wheelchair accessible vehicles. Specific percentage should be based on historical data and future projections but has been set at 25 percent in other jurisdictions for some time.
- Broader and stronger enforcement powers. Disability Voices Tasmania is aware of the requirement that all taxis must comply with the Accessible Transport standards and in particular, that wait time for wheelchair users should not exceed that for a standard taxi booking. We understand that many fleet operators appear to consider this as optional. We have received many reports, for example, that taxis do not have raised identification on their doors which renders them unidentifiable by a blind person, and that some vehicles are extremely difficult to enter or exit, particularly the back seat; doors difficult to close, ETC. Compliance with the standard must be more rigorously enforced with penalties imposed on drivers and fleet operators who use vehicles which are non-compliant or where wait times for wheelchair accessible taxis regularly exceed the standard. Road monitoring is of key importance to ensuring compliance; and police should be further empowered to impose stronger penalties on taxi and rideshare vehicles and operators where compliance is not met.
- Establishment of a reporting service or hotline. This would be available to people with disability, taxi operators and drivers, and is essential to evaluate the community's position on issues affecting them. For example, assistance animal refusals, extended wait times, physical or verbal abuse from or to drivers, misuse of the Transport Access Scheme ETC. This would form a part of reporting against the Accessible Transport standards and a first step in the investigation process to maintain compliance. It would also greatly assist with monitoring the success of regulatory and/or legislative changes.
- Establishment of a sector working group. This group should comprise representatives from taxi and rideshare companies, drivers, government and regulators, taxi and rideshare users particularly people with disability. It should seek to understand the scope of the issue and make recommendations to government on appropriate measures to make the taxi/rideshare industry more sustainable and inclusive.
- Mandatory Disability Awareness training for drivers, licence holders and radio operators. This should be conducted by people with disability and should be a mandatory requirement for all drivers and operators (including radio-operators), particularly those who operate wheelchair accessible taxis and rideshare. This training should be required at least every two years and include but may not be limited to safe manual handling procedures, techniques for assisting or guiding a disabled person, effective communication and Guide Dog access. Any operator/driver who has not undergone the training must be disqualified from taking passengers as the physical and emotional risk to vulnerable passengers can be considerable.
- A community education project which ensures that service providers and members of the disability community have a common understanding of rules, regulations and policy surrounding taxi and rideshare and that all stakeholders understand their rights and responsibilities.

In conclusion, whilst Disability Voices Tasmania recognises the importance of taking steps to remedy the considerable concerns of the community whilst making it easier and more attractive for fleet operators and drivers to maintain their fleets and keep vehicles on the road, this must not be done at the expense of safety for drivers and passengers. As well, these draft changes should be considered a first step in the process of working toward a sustainable taxi and rideshare industry which is inclusive of people with disability and ensure they have the essential transport services they need.

Disability Voices Tasmania is committed to collaborating with the disability community, providers and the state government to understand the severity of the problem and help to build a strong, healthy and inclusive industry for all Tasmanians. We call on the government to immediately establish a co-design body to undertake this work in a respectful and collaborative manner.

Please do not hesitate to contact me for further enquiries or clarification.

Sincerely

Vaughn Bennison – Executive Officer

Disability Voices Tasmania