



DISABILITY  
COUNCIL NSW

Official **Adviser** to the NSW Government

7th November, 2012

Transport for NSW  
NSW Passenger Transport Review  
Policy and Regulation Division  
PO Box K659  
HAYMARKET NSW 1240

By email: [PTLReview@transport.nsw.gov.au](mailto:PTLReview@transport.nsw.gov.au)

Dear Mr Wing,

**Re: NSW Passenger Transport Legislation Review**

### **About the Disability Council NSW**

The Disability Council NSW ('the Council') is the official advisory body to the NSW Government on disability matters. Established under the *Community Welfare Act 1987* the Council's key responsibilities under the Act are to:

- Advise the Government on policy, programs and services relating to disability.
- Raise community awareness about people with disability and their aspirations.
- Promote participation of people with disability in all aspects of the community.

The Council consists of a diverse group of 14 people with broad expertise in disability issues appointed by the NSW Government.

The Council welcomes the opportunity to provide input for the NSW Passenger Transport Legislation Review. The NSW Long-Term Transport Master Plan, the Transport for NSW Disability Action Plan and the NSW Passenger Transport Legislation Review all provide an unprecedented landmark opportunity to improve the citizenship of people with disability in New South Wales.

An accessible, reliable and affordable transport system can be a significant enabler for people with disability to participate in society, both economically and socially.

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# Discussion Paper Issues

## New objectives for Passenger Transport Legislation

The Council supports the inclusion of a set of objectives in the revised Passenger Transport legislation to meet the minimum accessibility requirements of the Disability Standards for Accessible Public Transport (“Disability Standards”). The Disability Standards provide a practical focus on achieving outcomes for people with disability accessing transport services.

The NSW Passenger Transport Legislation Discussion Paper outlines the overall objective of the Review as follows:

*The Review’s primary purpose is to ensure the legislative framework for providing passenger transport services supports the Government’s objectives for the delivery of **customer focused**, integrated, safe and efficient passenger transport services<sup>1</sup>.*

The Council notes that there is no reference made to the relationship between the proposed new legislation, and the disability action planning process in Transport for NSW which is important for the delivery of customer focused services. Given that the Passenger Transport legislation covers contracts, with performance specifications, between Government and transport operators, the Council is concerned that the planned actions contained in Transport for NSW’s proposed Disability Action Plan are not addressed as part of the legislative review. Further, the needs of people with disability and the objective of achieving social inclusion has not been highlighted as a priority in meeting customer needs in the future.

A truly integrated, customer focused passenger transport system can only be equally achieved for both passengers with disability and those without disability by synthesising the principles of the Disability Action Plan into the Passenger Transport legislation, and into the associated contracts, performance specifications and associated KPIs.

The adoption of minimum Disability Standards into the NSW Passenger Transport legislation would provide a significant benchmark for all passenger modes covered by the legislation. This would greatly improve opportunities for people with disability to participate in the community and achieve the objective of customer focused outcomes. A truly customer focused transport system that is accessible, efficient and cost effective would provide a cornerstone in achieving a better life for people with disability.

The Council notes the broad objectives of proposed reforms affecting people with disability, such as Person-Centred Approaches and the National Disability Insurance

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<sup>1</sup> Review of NSW Passenger Transport Legislation Discussion Paper, Sept 2012 1.1 Purpose of the Review of NSW Passenger Transport Legislation, pg.14.

Scheme. These reforms will increasingly lead to greater inclusion of people with disability in the life of the community, both economically and socially. The lack of accessible public transport is a major barrier to such inclusion, so the successful implementation of accessible transport services state-wide will be critical.

The Council recommends that the Passenger Transport legislation adopt a human rights approach in its framework for delivering passenger transport services, in accordance with the following Article of the *United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)*<sup>2</sup>:

*Article 4 - General obligations, states:*

*1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:*

*(a) **To adopt all appropriate legislative, administrative and other measures** for the implementation of the rights recognized in the present Convention;*

This means NSW government agencies should ensure their services enable people with disability to fully participate in society. The Council recommends that the following Article of the UNCRPD be adopted as a guiding core principle for delivering passenger transport services to people with disability:

*Article 9 – General obligations:*

*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, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, 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:***

*(a) **Buildings, roads, transportation** and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;*

*(b) **Information, communications** and other services, including electronic services and emergency services.*

A related outcome of having a truly accessible public transport system is that NSW would become an accessible tourist destination for people with disability from all over the world.

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<sup>2</sup> UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006, A/RES/61/106, Annex I, available at: <http://www.unhcr.org/refworld/docid/4680cd212.html> [accessed 1 November 2012]

## Taxi networks

The Council recently raised some issues and made recommendations for improving taxi services in a response to the NSW Long-Term Transport Master Plan, 11 May 2012. The Council recommends that issues relating to Wheelchair Accessible Taxis (WATs) be addressed as part of the review of the Passenger Transport legislation, particularly given that the 2010 Inquiry into the NSW Taxi Industry highlighted the need for critical improvements in availability, accessibility, safety and cost-effectiveness of WATs are essential for people with disability who are unable to independently use public transport or drive.

The Council also recommends that the review of the Passenger Transport legislation include consideration of how relatively simple and practical mechanisms could be introduced to improve the response times of WATs, such as:

- Creating a single and centrally managed booking line;
- Making better use of customer details on a database, to avoid making numerous requests;
- Allowing for SMS bookings;
- More active notification for the commuter if a WAT is not available;
- Increasing the minimum number of WAT licenses and seek ways to improve the poor take-up of existing WAT licenses where limits are not present.

In its response to the NSW Long-Term Transport Master Plan, Council suggests that all WATs be required to comply with the Disability Standards before a license is approved. For example, failure of a WAT to comply with the Disability Standards can mean they cannot accommodate all sizes of wheelchairs. This is clearly a poor outcome for people with disability who depend on WATs to get to work and otherwise participate in activities that are critical to their social inclusion. Taxi operators would also benefit from knowing whether they are indeed driving a WAT that is capable of accommodating all wheelchair users. Furthermore, safety features such as retractable, over the shoulder lap /sash belts should be compulsory for all WATs.

The Council is concerned that the taxi transport subsidy has not increased since the NSW Taxi Transport Subsidy Scheme was introduced years ago although fares have increased significantly. Customers with disability using the system in 1981 had significantly more benefit from the subsidy than consumers in 2012. The gap between the \$30 maximum subsidy and the real cost of travel is becoming prohibitive for people with disability to fund. For people with disability who cannot use public transport or drive, these high taxi costs are creating a major barrier to independence and social inclusion and can make the difference between a person's capacity to continue to be employed in the paid workforce or participate in other activities.

For example, one Council member compared the cost of using WATs,<sup>3</sup> between 1999 and 2012. This shows that a person who works in Sydney and commutes to work by WAT would have been charged between \$45 and \$55 in 1999. In 2012 this meter fare for the same journey is between \$75-\$85. After allowing for the taxi subsidy, the cost of travel has increased by around 250% or \$14,400 per year and has created a major cost imposition on this individual's travel to and from employment.

The Council recommends an urgent review of the Taxi Transport Subsidy Scheme system to reduce the cost imposition on people with disability who must rely on WATs, not only in Sydney but in rural and regional areas. The disadvantages for people with disability living in rural and regional NSW who must rely on WAT transport to participate in community life are further compounded.

The Council recommends the review of the NSW Passenger Transport legislation also include consideration of the following ideas:

- Retention of mandatory network registration, especially for WATs as a possible way of maintaining the highest level of access for users.
- That performance reporting on networks be public and plentiful, to allow users/customers to choose the most efficient and effective network. This will also assist in the identification of gaps in the implementation of the legislation and allow service improvement.
- That innovation and effective design be encouraged in the provision of WATs. The current designs have significant room for improvement.
- Conducting regular customer satisfaction surveys for each mode of transport will help achieve cultural change and continuous service improvement, rather than the ever present focus on infrastructure changes. The Council believes that many material improvements in accessibility rely on staff, culture and process, rather than infrastructure.
- A complementary measure is to monitor the usage of public transport by people with disability. Currently 57% of people with disability do not use public transport which indicates a low engagement rate. The Council would like to see clear targets set over the next 5 years and 10 years to eventually reach comparable usage levels by people with disability, when compared with the broader population.
- Council supports that the power to determine eligibility for concession transport, in all its forms, is vested with the Minister of Transport, with the reservation that the power to control fares be mediated by a representative body as it is currently performed by IPART.

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<sup>3</sup> Darcy, Simon (2012) Case-Study - *Comparative cost of use of wheelchair accessible taxis in NSW 1999-2012*, UTS Business School – University of Technology Sydney.

Thank you for the opportunity to provide input into the NSW Passenger Transport Legislation Review. The Council values the commitment of Transport for NSW in making improvements to Passenger Transport legislation and supports the vision for a more integrated, accessible, and customer focused transport system for all citizens of NSW.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Cain Beckett', with a stylized flourish at the end.

**Cain Beckett, FAICD**  
**Chair, NSW Disability Council**