

8 May, 2017



## **Transport for NSW**

### **Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017**

Point to Point Implementation

Freight, Strategy and Planning

Transport for NSW

PO Box K659

Haymarket NSW 1240

(Submitted Online)

#### **Re: *Draft Point to Point Transport Regulations 2017***

NCOSS appreciates this opportunity to comment on the draft regulations governing Point to Point Transport (Taxis and Hire Vehicles) in NSW.

The NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage to see positive change in our communities. When rates of poverty and inequality are low, everyone in NSW benefits. With 80 years of knowledge and experience informing our vision, NCOSS is uniquely placed to bring together civil society to work with government and business to ensure communities in NSW are strong for everyone. As the peak body for health and community services in NSW we support the sector to deliver innovative services that grow and evolve as needs and circumstances evolve.

As part of support for and representation of our members, NCOSS convenes a Transport Policy Advisory Group comprised of member organisations including the Community Transport Organisation, the Physical Disability Council of NSW, Combined Pensioners and Superannuants Association, NSW Aboriginal Transport Network, Cancer Council NSW, Carers NSW and a range of local service providers.

Point to Point transport forms an increasingly important proportion of the available transport options for a wide range of vulnerable groups in our community. Indeed, for less mobile older people and people with disability, point to point transport (whether taxis, ride sharing or community transport) is often the only viable option available. Point to point transport forms a vital part of addressing transport disadvantage, and ensuring that all people in our community have access to employment, education, health and support services, community and family. The vital role played by point to point transport is set to grow with the full roll-out of the National Disability Insurance Scheme (NDIS) and My Aged Care (MAC) reforms.

NCOSS is broadly supportive of the current reform process, and the intent to simplify the regulations governing transport to allow space for innovative new transport services that provide greater choice to all people in our community. However, as currently drafted, NCOSS

has concerns with some areas of the proposed regulations, which we believe have the potential to impact negatively upon the availability, affordability and safety of transport, particularly for vulnerable people.

In this submission we have confined our comments to the broad areas of the regulations that present potential issues for older people, people with disability, and other potentially vulnerable members of the community.

### **Potential implications for community transport service providers**

Community Transport Service Providers (CTSPs) have traditionally relied upon block grant funding from the State and Commonwealth Governments in order to provide vital transport linkages for vulnerable people, particularly in rural and regional communities. Estimates suggest that CTSPs currently provide over 3 million trips annually for more than 200,000 vulnerable customers. The NDIS and MAC reforms represent a massive systemic change to the way that transport for vulnerable people will be supported, removing block funding and giving individual older people and people with disability choice and control over the services they are supported to access. These reforms involve significant upheaval for CTSPs and it is in this context that further reforms to point to point and passenger transport regulation must be seen.

While the regulations as currently drafted explicitly exclude community transport services provided under contract to Transport for NSW (regardless of whether they meet the 12 seat or less standard or not), many CTSPs provide services that may be considered as outside those contracts. This will increasingly be the case as the full transition to NDIS and MAC is completed. NCOSS understands that according to the regulations as drafted, CTSPs will need to be authorised as booked services providers in order to undertake these services. This situation introduces both a layer of uncertainty, and complication in the transition to the new regulatory environment.

CTSPs, via their contract arrangements with TfNSW, are already required to meet a range of reporting standards and administrative requirements that are functionally equivalent to those associated with the proposed authorisations to provide booked services. NCOSS are concerned that requiring CTSPs to pay authorisation fees on top of the current requirements associated with their TfNSW contracts represents a significant and unnecessary imposition on CTSPs. Based upon comments from many CTSPs, NCOSS has concerns that in the context of broader changes related to the NDIS and MAC, the compounding impact of these processes may lead many smaller CTSPs to reduce or cease provision of services currently offered, upon which vulnerable people in our community rely. While the regulations as drafted go some way to recognising this with fee exemptions and reductions for regional and smaller operators, there is scope to simplify this process further with a general exemption from fees related to authorisation for CTSPs.

NCOSS is also concerned that CTSPs providing booked services will be liable for payment of the \$1 passenger levy on any booked services that they may provide. Again, there is significant additional administration associated with the levy, and it represents an added cost burden to providers (particularly smaller providers and those in regional areas) that has the potential to further curtail services offered to vulnerable people, and further increase the

cost of those that are provided. This levy is intended to facilitate industry adjustment in recognition of the impact of the introduction of new point to point transport providers. However, CTSPs are largely continuing to undertake services that they already provide legally, and do not represent new entrants to the market. Further, as outlined above, CTSPs face substantial structural changes of their own, with potentially serious implications for their ongoing viability.

Accordingly, NCOSS recommends that CTSPs currently operating services under contract to Transport for NSW be authorised to provide booked services without being subject to authorisation fees, or payment of the passenger levy, in recognition of the fact that these services are largely the continuation of services they are already contracted to provide.

## **Part 2 Safety of Services: Division 6 – Drivers (27 & 28)**

NCOSS support the explicitly stated intent of the regulations to guarantee the safety and security of drivers and passengers, regardless of the format of point to point transport. There is, however, concern that the standards required of taxi and booked service drivers do not sufficiently support them to provide appropriate and safe services. This impacts not only people with disability, but also older people, Aboriginal and Torres Strait Islander people, LGBTIQ individuals and other potentially vulnerable people. As point to point transport is better integrated into the wider transport network, appropriate choice of service for people with disability and other vulnerable people will be vital. In the current draft regulations NCOSS is particularly concerned that:

- The minimum standards of driver training required of Wheelchair Accessible Taxi (WAT) drivers (elements 3 and 4 of the TLIC2040) are focussed very narrowly on the practical skills to load and unload passengers with disability (how to operate mobility supports, and how to practically assist passengers in a wheelchair). Providing safe and appropriate services to people in wheelchairs, and avoiding potentially inappropriate or offensive behaviour (as referred to in Part 6, division 1: 60) requires a level of basic understanding and skills that are not covered by the driver training currently specified. NCOSS is concerned that the current regulations do not require a standard of skill and understanding on the part of WAT drivers that will facilitate their provision of safe and appropriate services to people with disability.
- Minimum standards of driver training are only being required for providers of Wheelchair Accessible Taxi and Hire Car services (WAT). People in wheelchairs do have particular needs, and drivers providing services to them should have the fundamental skills and understanding to do so appropriately and safely. However, older people, people with disability and other potentially vulnerable people are not confined to WATs. Indeed, on TfNSW figures for 2014-15, of the 35,000 people accessing the Taxi Transport Subsidy Scheme, only 11, 000 utilised WATs.
- People with disability, older people, Aboriginal people, LGBTIQ individuals and other potentially vulnerable groups are very often subject to harassment, discrimination, denial of service, as well as unsafe and inappropriate behaviour from taxi and booked service drivers. The regulations as currently drafted focus on the safe provision of services, and make reference to sanctions against unsafe or offensive behaviour on the part of drivers.

However, as it stands there is no minimum standard of training required of driver, to ensure that they have the basic skills and understanding to provide those safe and appropriate services to all members of the community.

Accordingly, NCOSS recommends that as a minimum, the required level of competence for WAT drivers be expanded to include additional elements of TLIC2040, specifically elements 2 and 6 relating to effective communication and the application of ethical behaviour in delivering services to people with disability. In recognition that the vast majority of people with disability who do not utilise WAT services, but who potentially require higher standards of safety in the provision of appropriate services, NCOSS also recommends that the wider application of minimum standards of driver training be considered as part of ensuring that those providing point to point transport services have the skills and understanding they need to provide safe and appropriate services. Implementing broader minimum standards is essential to ensuring that people with disability, older people, Aboriginal people and other potentially vulnerable people are able to safely access a greater range of choice in appropriate transport services.

### **Part 5 Fares: 52 – Fare Estimates**

NCOSS supports the continuation of regulated maximum charges for rank and hail taxi services. Particularly for vulnerable people, regulated maximum fares are easy to understand and offer a degree of consistency, certainty and protection that they rely upon, can predict and can compare. We have concerns regarding the intention to continue to allow unregulated fares for booked services, and the lack of specificity regarding how fare estimates may be provided. In particular NCOSS is concerned that:

- Fare estimates can be provided as per/km, per/hour or set amounts. This lack of consistency has the potential to make comparisons difficult;
- Relying on unregulated estimates puts the onus upon the passenger. This is particularly problematic for older people, people with disability and vulnerable people with lower literacy levels. This will require customers not only to understand that the fare is estimated, but that the estimate may be calculated in different ways by different providers.
- Additionally, comparisons will require knowledge of the means of calculation (distance, time or set) and understanding of how long the journey is, as well as the ability to undertake a rough calculation to determine the estimated fare, and whether it is reasonable.

Accordingly, NCOSS recommends that maximum per/hour and per/km fares be retained for booked services, set relative to those set for rank and hail services, to ensure a safety net for vulnerable customers. Such regulated maximums could still be structured to recognise the peak-period charging utilised by booked services, while still maintaining safeguards for vulnerable people.

If booked fares are not to have regulated maximums, then it is imperative that booking portals have clear and consistent information regarding the system for providing estimated fares, including the method used to estimate fares, why and how fares may vary, and a clear

indication of the comparative regulated maximum fare that would apply for rank and hail services. NCOSS also recommends that the point to point commissioner be required to monitor the implementation and operation of fare estimates, and undertake regular scheduled audits of their operation.

If you would like to discuss anything further in relation to the NCOSS submission, or require any further input, please do not hesitate to contact Douglas McCloskey on [REDACTED] or [REDACTED]

Yours sincerely

A handwritten signature in black ink that reads "Tracy Howe". The signature is written in a cursive style with a large, stylized initial "T".

Tracy Howe  
Chief Executive Officer

