

Point to point transport regulations review submission

By Spinal Cord Injuries Australia - May 2017



Tuesday May 16 2017

Barbara Wise
Commissioner
Point to Point Transport Regulations Review
NSW Transport
pointtopoint@transport.nsw.gov.au

Dear Commissioner,

Thank you for providing the opportunity for Spinal Cord Injuries Australia (SCIA) to make a submission to the Point to Point Regulations Review. This submission is mainly focusing on the areas of the regulations review that relate to and affect people with disability using wheelchairs. SCIA anticipates that the content will be given serious consideration to ensure there is a positive outcome for passengers with disability, particularly those relying on wheelchair accessible vehicles as their only mode of accessible transport.

SCIA is a member driven organisation that represents, supports and advocates on behalf of, and in conjunction with, people with a spinal cord injury or similar physical disability, who are mostly reliant on wheelchairs for their mobility. Hence, the accessibility, availability, reliability and safety of wheelchair accessible taxis and other wheelchair accessible vehicles, and the disability awareness of the drivers and operators is extremely important, particularly when many wheelchair users are reliant on these type of point to point transport services as their only accessible transport option.

Furthermore, please contact SCIA if you require further information or any of the content clarified and SCIA would be very interested in attending any stakeholder meetings or forums relating to the regulations review.

Yours sincerely,

Greg Killeen
Senior Policy and Advocacy Officer

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Submission:

Point to Point Regulations definitions:

In regard to the Regulations definitions, SCIA recommends the following amendments to include compliance details:

wheelchair accessible hire vehicle means a hire vehicle that has wheelchair access “that is compliant with Division 3 Part 11 of these Point two Point regulations 2016”

wheelchair accessible taxi means a taxi that has wheelchair access “that is compliant with Division 3 Part 11 of these Point two Point regulations 2016”

In regard to:

Regulations Explanatory Notes:

(s) to exempt travel agents, assisted school transport providers, patient transport services and car pooling arrangements from the requirements applicable to passenger services and to enable the Point to Point Transport Commissioner (the Commissioner) to exempt persons or vehicles from all or any of the provisions of the proposed Regulation and the Point to Point Transport (Taxis and Hire Vehicles) Act 2016.

SCIA seeks clarification if this Regulation provides the Commissioner with the ability to exempt persons or vehicles from providing wheelchair accessible vehicles? And if so, what circumstances would the Commissioner provide such exemptions?

In regard to:

11 Wheelchair accessible vehicles

(1)A wheelchair accessible taxi or wheelchair accessible hire vehicle used to provide a passenger service must:

(a)contain a space, for each of the number of wheelchairs proposed to be carried by the vehicle, that is not less than the size of a rectangular prism with a length and a height of 1,500mm, and

(b) have no intrusions into that space, other than adjustable restraint devices, and

(c) comply with the following standards:(i)AS/NZS 3856.1:1998, *Hoists and ramps for people with disabilities—Vehicle-mounted, Part 1: Product requirements,*

(ii) AS/NZS 3856.2:1998, *Hoists and ramps for people with disabilities—Vehicle-mounted, Part 2: Installation requirements,*

(iii) AS/NZS 3696.19:2009, *Wheelchairs, Part 19: Wheeled mobility devices for use as seats in motor vehicles,*

(iv) AS/NZS 10542.1:2015, *Technical systems and aids for people with disability—Wheelchair tie down and occupant-restraint systems, Part 1: Requirements and test methods for all systems*, and

(d) comply with the applicable standards of the Disability Standards for Accessible Public Transport issued under the *Disability Discrimination Act 1992* of the Commonwealth, and

(e) carry wheelchair restraints that enable the maximum number of occupied wheelchairs that the taxi or hire vehicle is capable of conveying to be safely and securely attached to the taxi or hire vehicle, and

(f) be supplied with an approved child restraint within the meaning of rule 266 of the *Road Rules 2014*.

(2) A wheelchair accessible taxi or wheelchair accessible hire vehicle in use, and that complied with the requirements applicable to the equipment of that vehicle as enforced, immediately before the commencement of this clause is not required to comply with subclause (1) (a) or (b) until 2 years after the commencement of this clause.

(3) This safety standard is specified for the following: (a) the owner of the wheelchair accessible taxi or wheelchair accessible hire vehicle,

(b) the provider of a taxi service (other than an affiliated service), if the vehicle is a taxi and is used to provide the taxi service,

(c) the facilitator of an affiliated service and the affiliated provider, if the vehicle is a taxi and is used to provide the affiliated service,

(d) the provider of a booking service, if the vehicle is a wheelchair accessible hire vehicle or wheelchair accessible taxi used to provide a related booked service,

(e) the holder of the taxi licence for the taxi, if the vehicle is a wheelchair accessible taxi.

SCIA strongly supports these Regulation requirements for wheelchair accessible taxis and wheelchair accessible vehicles to be compliant with the minimum allocated space of a rectangular prism which is equivalent to the minimum requirements of the Disability Standards for Accessible Public Transport and the NSW Wheelchair Accessible Taxi Measurement Protocol. This will ensure that wheelchair accessible vehicles will be in operation that have a minimum allocated space of which current or future wheelchair passengers can be confident that when the wheelchair accessible vehicle arrives they will be able to access it and fit safely within whilst travelling.

In regard to:

13 Accommodation standard for taxis

(4) A taxi that is required by a condition of its taxi licence to be wheelchair accessible must not have any seat (other than a folding seat) installed in the part of the taxi that is designed or intended for the conveyance of wheelchairs.

SCIA strongly recommends the regulations make it clear that the folding seat that is installed in the designated area to transport wheelchair users must not encroach into the designated area when it is folded away.

In regard to:

28 Driver of wheelchair accessible vehicle to be competent in loading and unloading wheelchair passengers

(1) A person must not drive a wheelchair accessible taxi or wheelchair accessible hire vehicle that is being used to provide a passenger service unless the person can demonstrate a level of competence in the safe loading, restraint and unloading of a person in a wheelchair to a standard equivalent to that required to complete Element 3 (Assist passengers into and out of a taxi in a manner suited to their disability) and Element 4 (Drive a taxi used by passengers with disabilities) of the competency unit *TLIC2040 Provide wheelchair accessible taxi services to passengers with disabilities* (Release 1) issued by the Commonwealth.

(2) This safety standard is specified for the following: (a) the provider of a taxi service (other than an affiliated provider) or facilitator of an affiliated service, if the driver drives taxis for the service,

(b) the facilitator of an affiliated service, if the driver drives taxis for the service,

(c) the provider of a booking service, in the case of the driver of a wheelchair accessible taxi or wheelchair accessible hire vehicle used to provide a related booked service.

SCIA strongly recommends the heading include wheelchair accessible taxis (although it mentions taxis in the subclauses). Also, SCIA seeks clarification as to which person or organisation is the wheelchair accessible taxi driver required to “demonstrate a level of competence in the safe loading, restraint and unloading of a person in a wheelchair to a standard equivalent to that required to complete element 3 and element 4 of the competency unit TLIC2040’ and pass the competency test? Once the wheelchair accessible taxi driver is deemed competent, what process is used to recognise and record the driver as competent? Is this competency certificate required to be displayed in the wheelchair accessible taxi? Is the driver required to be regularly tested to ensure they can demonstrate a minimum level of competency and/or undertake refresher courses in competency?

Furthermore, SCIA strongly recommends that people with direct experience of disability be engaged in the wheelchair accessible vehicle driver training, as this provides a better understanding and awareness of the needs of people with disability, as well as being able to advise and demonstrate what is required for the safe assistance of wheelchair users for entering and exiting the wheelchair accessible vehicles.

In regard to:

83 Wheelchair accessible taxis

(1) Despite any other provision of this Part, a driver of a wheelchair accessible taxi to which a fare calculation device is fitted must not start the device before the taxi is ready to safely transport a passenger in a wheelchair.

SCIA seeks clarification as to whether this regulation requirement means:

- the “vehicle” is set up so the allocated wheelchair space available to assist the wheelchair passenger into the vehicle and to be safely transported, or;
- it means the wheelchair passenger has been already assisted into the allocated space with the wheelchair restraints and seatbelt applied and the passenger is ready to be safely transported.

SCIA believes it is the former as the driver should be required to set up the vehicle (by moving any seat or seats and having the wheelchair restraints in a position ready to be attached to the wheelchair before the meter is engaged.

Safety:

In regard to wheelchair accessible vehicles SCIA strongly recommends that the vehicle contain and prominently display a “Belt Cutter” (which are available from the wheelchair restraints supplier) that could be needed in the event of an emergency which requires the wheelchair passenger to be evacuated quickly.

SCIA strongly recommends that the wheelchair accessible vehicle drivers be trained to apply the wheelchair restraints in accordance to the manufacturers/suppliers to ensure the safe transportation of wheelchair passengers, but especially in regard to an event of breaking suddenly or in an accident.

The Regulations should either make a recommendation that the wheelchair accessible vehicle driver be required to check that the wheelchair restraints and seatbelt are in the vehicle and operational at the beginning and end of a shift. And if any of the wheelchair restraints are not operational then the vehicle should not be driven, or in the event that it is being driven, it should be required for the driver to report the problem to the centralised booking service so it not be offered any work to transport passengers using wheelchairs. And there must be a requirement for the wheelchair restraints to be fixed or replaced within a specific period of time e.g. two or three days during which time the wheelchair accessible vehicle should either not be in service or not be able to transport wheelchair passengers.

Miscellaneous

In regard to the type and placement of the “taxi fare meter”, SCIA strongly recommends that the taxi fare meter be located in a position that the taxi fare display is seen (not can be seen) by the passenger using a wheelchair. NOTE: SCIA is aware that there are wheelchair accessible taxis operating in Sydney that have been using taxi fare meters that enable the driver to start the taxi fare meter but the display screen is black and not displaying the taxi fare meter charges. This practice has occurred when wheelchair accessible taxi drivers have engaged the taxi fare meter prior to loading the wheelchair passenger into the vehicle and then the taxi driver will display the meter charges once the taxi trip has commenced.

In regard to the age of a wheelchair accessible vehicle, although the Point to Point amendments that were implemented in late 2015 removed the requirements that wheelchair accessible vehicles be no older than 10.5 years, SCIA strongly recommends that this age limit be reintroduced to ensure wheelchair accessible vehicles that are non-compliant with the minimum allocated space of the Wheelchair Accessible Taxi Measurement Protocol (Protocol) are eventually phased out with new wheelchair accessible vehicles entering the system being compliant with these new Point to Point Regulations. Without reinstating the maximum age limit it will continue have an ongoing negative impact on current and potential customers using wheelchairs who are unable to access the older vehicles that are non-compliant with the Protocol.

Summary of SCIA recommendations:

- Regulations required to ensure wheelchair accessible hire vehicle means a hire vehicle that has wheelchair access and a wheelchair accessible taxi means a taxi “that is compliant with Division 3 Part 11 of these Point two Point regulations 2016”
- wheelchair restraint cutters to be provided and located where they can be seen if needed in an emergency
- wheelchair accessible vehicles to have a maximum operational life of 10.5 years
- clarification needed on the interpretation of when the driver can engage the taxi fare meter
- if a driver of a wheelchair accessible vehicle is required to demonstrate they are competent in loading and unloading of a wheelchair passenger who is the driver being assessed by, and is there a requirement for drivers to be checked for competency at a later stage or to undergo refresher courses?
- clarify that the folding seat located in the allocated wheelchair space not encroach into the allocated wheelchair space when folded up
- people with lived experience of disability participate in the taxi driver training to improve disability awareness and the safe entering and exiting of wheelchair accessible vehicles
- all point to point wheelchair accessible vehicles must contain the correct wheelchair restraints and seatbelts when being used to transport wheelchair users