
Wheelchair Accessible Taxi Licence Compliance Policy

1. Purpose

The Point to Point Transport Commissioner is responsible for ensuring compliance with requirements of the legislation by taxi licence holders, including holders of wheelchair accessible taxi (WAT) licences.

The requirements relating to licences are outlined in Part 4 of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* and Part 4, Division 2 of the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017*. In addition, the Commissioner has imposed standard conditions which are prescribed in the Regulation on all wheelchair accessible taxi licences, as notified to licence holders in writing in April 2018.

2. Mandatory requirements

2.1 Conditions of wheelchair accessible taxi licences

The Act imposes a condition of licence which requires holders of licences to comply with any relevant safety standards, and this includes specific standards relevant to wheelchair accessible services relating to drivers (competence) and vehicles (allocated space, hoists, ramps etc).

The additional licence standards which apply to WAT licences are set out below. They seek to ensure the safety of people travelling in wheelchairs throughout the journey and when accepting hirings, to give preference to people in wheelchairs.

Clause 10 of the Regulation states that WAT vehicles must:

- contain a space at least 1,300 mm long by 800 mm wide by 1,500 mm high for each wheelchair carried by the taxi
- have no intrusions into that space, other than adjustable restraint devices
- comply with specified safety standards relating to hoists and ramps for people with disabilities, wheelchairs in motor vehicles, and wheelchair tiedown and restraint systems
- comply with Disability Standards for Accessible Public Transport
- carry wheelchair restraints
- be supplied with an approved child restraint

Clause 26 of the Regulation stipulates that the driver of a WAT must be able to demonstrate competence in safely loading, restraining and unloading a person in a wheelchair.

Clause 65(2) specifies that the driver must ensure that the wheelchair is safely secured to

the vehicle throughout the hiring.

Clauses 43 and 51 require a wheelchair accessible taxi to be able to be booked through a wheelchair accessible taxi booking service, as approved by the Commissioner as published in the NSW Government Gazette. This has been put in place for taxis which provide wheelchair accessible services in the Sydney Metropolitan Transport District.

Under Clause 65(1), WATs which are available for hire must accept a hiring for a person in a wheelchair in preference to a hiring for a person not using a wheelchair.

Clause 82 of the Regulation states that a driver must not start the fare calculation device before the taxi is ready to safely transport a passenger in a wheelchair, and must terminate the hiring when the taxi stops at the destination.

2.2 Powers to suspend and cancel a wheelchair accessible taxi licence

A wheelchair accessible taxi licence may be suspended, varied or cancelled if:

- the holder fails to comply with a condition of the licence
- the holder, or owing to the default of the holder or any agent or member of staff of the holder, fails to comply with the Act or Regulation
- the licensed taxi is being used, or has been used, to provide a taxi service in a manner that causes danger to the public
- for any other reason the Commissioner thinks fit.

When determining the appropriate enforcement action, the immediacy and level of risk to safety must be considered. Depending on the circumstances improvement notices, prohibition notices, penalty infringement notices, warnings used in accordance with relevant policies and procedures etc. may be issued.

2.3 Primary consideration of service continuity in managing compliance by holders of wheelchair accessible taxi licences.

Except when safety is seriously compromised, compliance action should not lead to insufficient wheelchair accessible services in a community.

If there is only one wheelchair accessible taxi in a locality, and there is demand for wheelchair accessible taxi services (e.g. there is a Taxi Transport Subsidy Scheme participant in that area), then the licence should only be suspended or cancelled as a last resort, and alternative measures such as an improvement notice, the imposition of conditions on the licence, warnings, infringements etc. should be considered, in the first instance.

Where there is more than one wheelchair accessible taxi in an area, and there is demand for wheelchair accessible taxi services, consideration should be given to whether the other wheelchair

accessible taxis in that area have additional capacity to provide passenger services to people using wheelchairs in the event compliance action is taken against a licence.

Consideration should also be given to periods when a wheelchair accessible taxi may otherwise be unavailable to provide passenger services to people in wheelchairs, for example, for repairs or maintenance.

2.4 Specific guidance on determining whether appropriate preference is given to hirings by a person using a wheelchair

Data provided by Transport for NSW indicates that more than 90 percent of wheelchair accessible taxi services in NSW are provided under the Taxi Transport Subsidy Scheme.

As this is a reliable indicator of service delivery, data on the number of “M50” trips made by each taxi providing services under the authority of a wheelchair accessible taxi licence should be used as the starting point for determining compliance with this licence condition.

Data from the scheme suggests that the Wheelchair Accessible Taxi Driver Incentive Scheme (WATDIS) payment was made more than 480,000 times in 2016, indicating that each wheelchair accessible taxi could have completed, on average, approximately 580 wheelchair jobs each during that year under that scheme, noting that there are likely to be geographic differences in usage patterns.

The approach to compliance for this licence condition should be one of aiming to achieve continuous improvement in services to people using wheelchairs.

Compliance monitoring should therefore be undertaken on a regular basis, to ensure that appropriate priority is given to people in wheelchairs in an ongoing way.

In line with the focus of continuous improvement, prioritisation for compliance action should focus on the bottom 20% of performers in terms of the number of ‘M50’ and/or WATDIS trips paid out for that quarter for the wheelchair accessible taxi licence. As part of this approach, the availability of wheelchair accessible taxis should be considered (paragraph 2.3 above refers).



While there are likely to be seasonal variations over a year in terms of when 'M50'WATDIS trips are remitted and paid out, the volumes are sufficient that regular monitoring will establish whether compliance action may be necessary.

Once a baseline has been determined using TTSS data, reference to other data sources should also be used to establish whether this licence condition has been met. For example, this may include information about the number of bookings, or refused bookings for the taxi through one or more booking service providers.

Further, licence holders should be given the opportunity to demonstrate evidence of other work (including but not limited to community transport, veterans affairs, and the Assisted School Travel Program) which indicates that the taxi is being used in a way that gives sufficient priority to people using a wheelchair.

Licence holders in the 21-40% range (low to middle performers) should be informed that they are being monitored for performance, and that further action may be taken should their performance not improve.

Middle performers should be tracked to ensure that they do not fall into a lower category.

3. Accountabilities

Implementation of this Policy will rest with the Compliance Branch, in consultation with the Operations Branch of the Commission.

4. Breaches of this policy

TfNSW may commence applicable disciplinary action if a person to whom this Policy applies breaches this Policy (or any of its related Procedures), including and up to termination of employment.

5. Document history

Date & Policy No	Approved by	Amendment Notes
02 March 2018 OP18003	Point to Point Transport Commissioner	Approved
26 September 2018 OP18003 2.0	Point to Point Transport Commissioner	Updated to include additional information on WAT licence conditions
12 October 2018 OP18003 2.0	Point to Point Transport Commissioner	Approved for website publication