

WAV Safety: Safety obligations for drivers



Wheelchair Accessible Taxis and Hire Vehicles (WAVs) play an important role in the point to point transport industry by providing safe passenger services for people travelling in wheelchairs.

Everyone involved in the provision of wheelchair accessible services has specific safety obligations which help ensure the safest possible passenger services are being provided. As a person involved in the provision of wheelchair accessible services, it is important that you understand your safety duties and obligations.

To support safety, WAV service providers and drivers must comply with the standards set out in the [Point to Point Transport \(Taxis and Hire Vehicles\) Regulation 2017](#).

This fact sheet will help service providers and WAV drivers understand their safety obligations under the law whilst providing wheelchair accessible passenger services.

This fact sheet also outlines 'good practice' guidelines that service providers and affiliated providers can pass onto their drivers.

Do drivers need to be trained to provide passenger services in a WAV?

Yes.

Taxi and booking service providers must ensure the driver of a WAV is competent in loading, unloading and transporting passengers in a wheelchair.

Drivers must meet elements 3 and 4 of the Commonwealth issued document: [TLIC2040 Provide wheelchair accessible taxi services to passengers with disabilities](#). This competence must apply in different types of wheelchairs, in different locations and in different situations such as accidents, medical incidents, building sites, etc.

For more information see [Point to Point Transport \(Taxis and Hire Vehicles\) Regulation 2017 clause 26](#).

Whether you are a taxi service provider or a booking service provider -if you provide wheelchair accessible services, you are required to ensure your drivers are competent.

What do WAV drivers need to know and do?

Some of the key safety obligations WAV drivers must comply with are:

- Demonstrate competence in the safe loading, restraining and unloading of a passenger in a wheelchair.
- Ensure the secure restraint of:
 - the wheelchair (using four tie-down restraints – two from the front and two from the back), and
 - the passenger (using the vehicle's wheelchair passenger seatbelt).
- Ensure that the wheelchair is safely secured to the vehicle throughout the hiring.
- Be competent in communicating with, and assisting, passengers with differing abilities.
- In the case of a WAT -only start the fare calculation device (meter) when the taxi is ready to safely transport a passenger in a wheelchair (this is once the passenger has been loaded and restrained) and stop the meter when the vehicle arrives at the destination (before the passenger has been unloaded).
- Obey any signage, and park legally and safely when dropping-off and picking-up passengers.
- Give priority to hirings for passengers in wheelchairs, before accepting hirings for passengers without wheelchairs. It is important to remember that the main purpose of a WAV is to carry passengers using wheelchairs.
- Never refuse an assistance animal, or assistance animal-in-training, in the vehicle.

In their pre-shift checks, WAV drivers should:

- Ensure the vehicle is safe to transport a person in a wheelchair.
- Ensure that the vehicle has enough tie-down restraints, that are in good condition, to properly restrain all the wheelchairs that it can legally carry. Note: Restraints should not be damaged, worn, fading or knotted.
- Ensure that the vehicle is carrying an approved child restraint.

Which wheelchairs are safe to sit in while travelling in a WAV?

The safest way to travel in a vehicle is to sit in one of the vehicle's seats and use a seatbelt.

If a passenger cannot transfer to one of the vehicle's seats, they should travel in a wheelchair that has been designed for use as an 'in-vehicle' seat – otherwise it can be dangerous.

An 'in-vehicle' seat is a wheelchair that a passenger can remain safely seated in while being loaded into and out of a vehicle, and while travelling in a vehicle.

Not all wheelchairs are suitable to use as 'in-vehicle' seats.

Suitable wheelchairs must:

- be designed for use as an in-vehicle seat in a WAV
- safely support the size and weight of the passenger.

If a wheelchair complies with Australian Standard AS/NZS 3696.19 it will be safe and suitable to use as an 'in-vehicle' seat during the trip.

Sometimes a suitable wheelchair will have a label showing it complies with AS/NZS 3696.19. A wheelchair manufacturer's product guidelines will also indicate if it is safe for 'in-vehicle' use.

Mobility aids are not safe to use as an 'in-vehicle' seat, meaning the passenger must transfer out of the mobility aid and into a seat in the WAV.

This is for the safety of the passenger, the driver and any other passengers in the vehicle.

Mobility aids include walking frames, scooters, princess chairs, tub chairs and other high-care chairs.

The passenger must have transferred out of the mobility aid and be seated in one of the vehicle's seats, restrained by the seatbelt prior to the driver loading and securing the mobility aid. A mobility aid must only be carried as luggage in the WAV if it can be safely loaded and secured.

For more information about wheelchairs that are suitable for use in WAVs, see our [Quick Reference Guide](#).

What should a driver do if a passenger wants to travel in a wheelchair that is not safe to remain seated in?

Safety is the priority. If a wheelchair is not safe to remain seated in, the driver should ask if the passenger is willing and able to transfer to one of the vehicle's seats.

If the passenger is not willing or able to transfer seats, the driver must not transport the passenger – it is not safe to do so. In this case, the driver should contact their service provider and seek advice. If appropriate, the driver could offer to help the passenger make an alternate plan.

What penalties apply for not complying with WAV safety standards?

All of those involved in providing WAV passenger services can be fined if they fail to comply with the safety standards set out in point to point transport law. Penalties of up to \$27,500 for bodies corporate and \$5,500 for individuals may apply. Penalties are much higher for second or subsequent offences.

What are some examples of 'good practice' for WAV drivers?

When interacting with a passenger in a wheelchair:

- provide accurate estimates of time of arrival at pick-up points
- respect the passenger's privacy and personal space
- treat the passenger with dignity and respect
- speak to the passenger in a plain and clear way
- ensure the passenger can clearly see your face when you are speaking to them
- ask for permission before touching the wheelchair and the passenger's belongings
- only take control of the wheelchair if the passenger agrees/asks
- tell the passenger what you are doing and what you plan to do next, particularly when securing the tie-down restraints and the vehicle's lap/sash belt
- check the destination and exact drop off point before starting the trip.

While driving a passenger in a wheelchair:

- drive to the conditions
- accelerate and brake in a gradual/steady manner
- take corners and roundabouts in a gentle/smooth manner
- regularly check on the passenger's comfort/wellbeing.

In general:

- follow Work Health & Safety procedures
- it is advisable for drivers to arrange their own Public Liability Insurance, in addition to the mandatory insurance, organised by vehicle owners, which all WAVs must have.

Once a WAV driver has been on-boarded and trained, do they need further training?

Yes.

Drivers of WAVs must be assessed as competent in safe loading, restraint and unloading of a person in a wheelchair and continue to remain competent.

- It is not enough to provide one-off training to drivers either internally or externally.
- To fully comply with the law and to ensure safety of passengers, taxi service providers, facilitators and booking service providers must ensure ongoing competency of drivers.
- Training and assessment processes must be effective in maintaining and assessing drivers' skills on an ongoing basis.

Who delivers training to drivers of WAVs?

Training can be delivered in-house, on the job, via third party providers or by a combination of methods. Service providers must continue to provide opportunities and resources for drivers to maintain their skills.

- The Point to Point Transport Commissioner's Auditors will audit service provider's training plans, programs and driver competency assessments.
- Driver competency assessment procedures and training programs form part of the service provider's Safety Management System.

Please refer to our [WAV Driver and Driver Assessor Competency Self Assessment Guide](#).

What is the Taxi Transport Subsidy Scheme?

The Taxi Transport Subsidy Scheme (TTSS) supports NSW residents who are unable to use public transport because of a severe and permanent disability. Eligible passengers receive a subsidy of 50% of a taxi fare, up to a maximum subsidy of \$60, and only pay the remaining fare. This includes travel in WATs.

What rules apply to the TTSS?

Who qualifies for the TTSS?	<ul style="list-style-type: none">• M40 TTSS dockets/Smartcards are issued to people that travel on a seat in the vehicle.• M50 TTSS dockets/Smartcards are issued to people that travel in their wheelchair and cannot transfer to an 'in-vehicle' seat.
TTSS dockets/Smartcards:	<ul style="list-style-type: none">• TTSS dockets/Smartcards can only be used in taxis, and the meter must be used to determine the fare.• Only one docket/subsidy can be used per trip.• Only the person named on the docket, or TTSS Smartcard, can use it.• The TTSS is transitioning away from the use of paper travel dockets to Smartcards.
Can TTSS passengers be charged for waiting time?	<ul style="list-style-type: none">• Taxi drivers are permitted to charge waiting time for a TTSS passenger who is not ready to commence a booked journey.• However, for TTSS passengers travelling in wheelchairs, waiting time must not be charged while the wheelchair is being loaded or unloaded.

How does the subsidy apply to the payment of a taxi fare?	<ul style="list-style-type: none"> • The TTSS subsidy can be used to pay half of the fare up to a maximum TTSS contribution of \$60. • For example: <ul style="list-style-type: none"> • If the metered fare is \$80, a subsidy of \$40 will be deducted and the passenger will pay the remaining \$40. • If the metered fare is \$160, the maximum subsidy of \$60 will be deducted and the passenger will pay the remaining \$100.
What rules apply to the Wheelchair Accessible Taxi Driver Incentive Subsidy (WATDIS)?	<ul style="list-style-type: none"> • The WATDIS is \$16.50 (incl. GST). • Taxi drivers are only allowed to claim the WATDIS when a trip is taken in a WAT and the passenger uses a TTSS M50 docket or Smartcard as part of their payment.

Further education

Related resources are available from the [Learning Centre](#) and the following links:

- [The Act and Regulation](#)
- [WAV Safety: Quick Reference Guide](#)
- [WAV Safety: Driver Safety Checklist](#)
- [WAV Safety: Service Provider Obligations fact sheet](#)
- [WAV Driver and Driver Assessor Competency Self-Assessment Guide](#)
- [WAT Preferential Hiring Compliance Procedure](#)
- [Taxi Subsidy Scheme webpage | TfNSW](#)
- [Transport Disability Incentives and Subsidies webpage | TfNSW](#)

If you have any questions or need further information, please visit the Point to Point Transport Commissioner's website pointtopoint.nsw.gov.au or call the Industry Contact Centre on 131 727.

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