



Our Ref: 04/99/0032
Enquiries: Yvonne Henderson

Mr David Mason
Director Disability Rights Unit
Human Rights & Equal Opportunity Commission
GPO Box 5218
SYDNEY NSW 2001

Dear Mr Mason

I am writing in response to the application from the Taxi Council of WA seeking exemption pursuant to s55 of the *Disability Discrimination Act 1992* from the operation of Part 1.2 of Schedule 1 of the Disability Standards for Accessible Transport 2002 and from the operation of s24 of the DDA.

The Commission apologises for the delay in forwarding this response to you and is hopeful that it will assist in the Commissioner's deliberations.

The requirement that response times for wheelchair accessible taxis be the same as for standard taxis is strongly supported by this Commission.

The Commission has received and continues to receive complaints from wheelchair taxi users about the unacceptably long delays in response to requests for taxis. In many instances these taxis have been booked to transport users to medical appointments, university lectures, and meetings as well as for more general purposes such as shopping and social outings. The Commission has received anecdotal reports of delays in taxis arriving in excess of an hour or in some cases, failing to come at all. Family and friends of wheelchair taxi users have reported their concerns about disabled persons waiting at night or in very hot weather for lengthy periods of time for taxis. They speak of the impact of the unreliability of response to requests for wheelchair accessible taxis leading to reluctance on the part of the wheelchair taxi users to go out at night or to become involved in community and educational activities that require a commitment to attend at regular times for meetings etc. Such restrictions on the activities of persons with disabilities as a result of the unpredictability of taxi response times, is clearly unacceptable and is an example of less favourable treatment.

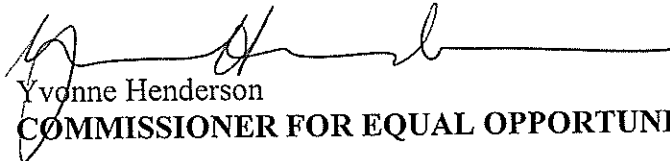
The Commission is cognisant of the difficulties that Taxi Control Boards claim in relation to identifying drivers who fail to respond to calls for wheelchair accessible taxis and to taking action to require timely responses. The Commission however believes that such difficulties are capable of being addressed and is concerned that the granting of an exemption could:

- (1) remove the impetus for Taxi Control Bodies to implement systems to ensure that response times for wheelchair accessible taxis improve and approach those for standard taxis;
- (2) confirm the view that a far less timely taxi service for wheelchair taxi users is considered to be acceptable for disabled people.

The Commission is also cognisant of various measures taken by the State Government to increase the number of wheelchair accessible taxis by the provision of subsidies for vehicle conversions, additional fees payable for each wheelchair accessible taxi job involving the transport of a wheelchair passenger; a subsidised plate leasing system and a requirement of a minimum monthly number of wheelchair pick up jobs for drivers taking advantage of the above schemes. Unfortunately these measures, which may well have increased the number of wheelchair accessible taxis on the road, do not appear to have resolved the issue of unacceptably long and unpredictable wait times for wheelchair bound passengers.

The Commission respectfully submits that the exemption ought not be granted.

Yours sincerely



Yvonne Henderson
COMMISSIONER FOR EQUAL OPPORTUNITY

- 2 APR 2008