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Economy and Infrastructure Committee



Inquiry into the Multi Purpose Taxi Program

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Legislative Council Economy and Infrastructure Committee

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About the Committee

Functions

The functions of the Legislative Council Economy and Infrastructure Committee are to inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances, transport and education.

The Economy and Infrastructure Committee may inquire into, hold public hearings, consider and report on any Bills or draft Bills referred by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to its functions.

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This report is available on the Committee's website.

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Terms of reference

Inquiry into the Multi Purpose Taxi Program

On 18 February 2021 the Legislative Council agreed to the following motion:

That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than Friday, 18 February 2022*, on the safety standards for members of the public that travel on the Multi Purpose Taxi Program (MPTP), including but not limited to—

- (1) a review of the minimum safety requirements for vehicles operating within the MPTP scheme;
- (2) the consideration of a mandatory maximum fare rate across all MPTP work;
- (3) an examination of how of rorting and exploitation of vulnerable users will be prevented;
- (4) an assessment of the financial impacts to services within the broader disability sector and how this will be managed;
- (5) an examination of pathways for the industry to absorb major change post-COVID-19;
- (6) ensuring proper probity and good governance are applied following careful consideration and reporting of all possible ramifications of consultations with both industry and disability stakeholders; and
- (7) an assessment of the impact of the expansion on MPTP clients, taking into account feedback on the expansion from Victorians living with disability and the disability sector.

* The reporting date for this inquiry was extended to 5 April 2022.

Chair's foreword

The Multi Purpose Taxi Program (MPTP) has been providing subsidised travel for Victorians with a disability since 1983. The MPTP helps all Victorians to live a full life, be that by supporting access to vital medical care or helping to maintain social contact with family and friends.

In 2017, the Victorian Government began to expand the MPTP. Originally only for traditional taxi travel, a wider variety of service providers, such as ridesharing services, can now participate in the Program. This has led to greater choice for MPTP members. However, the expansion has also raised some concerns. This Inquiry identifies and responds to those concerns.

One of the main areas of concern identified by this report is wheelchair accessible vehicles (WAVs). The Committee learnt that around 15% of MPTP members rely on WAVs for their transport needs. Unfortunately, the regulator, Commercial Passenger Vehicles Victoria (CPVV), does not know how many WAVs are currently operating on Victoria's roads. This is due to a number of factors—primarily poor data management at CPVV and the impact of the COVID-19 pandemic. The Committee has made recommendations to address this problem immediately, as well as regarding CPVV's ongoing responsibilities.

The Committee has also made recommendations on areas such as:

- safety
- concerns about 'surge' pricing
- the expected impact of the National Disability Insurance Scheme (NDIS).

These issues are integral to ensuring the ongoing success of the MPTP in providing the level of service its members deserve and to ensure trust and confidence in this important program is maintained.

I would like to acknowledge the work of my fellow Committee members throughout this Inquiry. Thank you also to our Secretariat staff, Sylvette Bassy, Justine Donohue, Caitlin Connally, Vivienne Bannan and Patrick O'Brien, for their assistance producing this report.

I commend this report to the Parliament.

Enver Erdogan

Mr Enver Erdogan
Chair

Findings and recommendations

1 The Multi Purpose Taxi Program

FINDING 1: The purpose of the Multi Purpose Taxi Program is to provide greater transport access to people with a disability and people with mobility and accessibility needs through the provision of subsidised commercial passenger vehicle fares.

9

RECOMMENDATION 1: That Commercial Passenger Vehicles Victoria identify and address ongoing issues regarding data management with the Multi Purpose Taxi Program. Commercial Passenger Vehicles Victoria should report to the Minister for Public Transport within six months of this report being tabled to outline:

- where the weaknesses in data management are occurring within the organisation
- what actions have been taken to rectify the problems.

15

RATIONALE: Data is critical to understanding how well the Multi Purpose Taxi Program is performing. Commercial Passenger Vehicles Victoria has been aware of its weaknesses regarding data management for several years and must improve its processes.

15

2 Expansion of the Multi Purpose Taxi Program

FINDING 2: The new 'Invitation to Supply' process for parties wishing to join the Multi Purpose Taxi Program as a Data Collection Provider has improved the accessibility of information for applicants. It provides clear, detailed information about the end-to-end application process and the requirements for successful completion.

25

RECOMMENDATION 2: To ensure that the Data Collection Provider Expansion Project is meeting its aim to be open, transparent and fair to all potential providers, Commercial Passenger Vehicles Victoria should undertake regular consultations with applicants on their view of the process. In particular, Commercial Passenger Vehicles Victoria should:

- consult with applicants on opportunities for improving support during the application process
- establish consistent project timelines, including indicative turnaround times for Commercial Passenger Vehicles Victoria to provide feedback/progress reports. These timelines should be clearly communicated to applicants.

25

RATIONALE: Consulting with potential Data Collection Providers on the application process ensures that Commercial Passenger Vehicles Victoria is providing sufficient support to applicants. This would facilitate the inclusion of more small businesses in the Multi Purpose Taxi Program as providers and increase competition and choice in the industry. 25

FINDING 3: The Multi Purpose Taxi Program’s Uber expansion trial ran from 25 March 2020 to 5 July 2020. The trial involved six participants who undertook a total of 174 trips. 30

FINDING 4: The purpose of the Multi Purpose Taxi Program’s Uber expansion trial was primarily to test the suitability of Uber’s technology for the program. However, the trial also assessed the experiences of trial participants. For a trial assessing user experience, whether wholly or in part, six participants is not suitable. A larger participant pool would be necessary to properly assess members’ experiences, especially given the diverse range of experiences among people with a disability. 31

RECOMMENDATION 3: That Commercial Passenger Vehicles Victoria commission an independent survey of Multi Purpose Taxi Program members’ experiences using Uber. 31

RATIONALE: Independent customer feedback is needed to ensure rideshare services in the Multi Purpose Taxi Program meet the expectations of members. 31

FINDING 5: In relation to the subsidy charge rule applied during Uber’s 2020 Multi Purpose Taxi Program live trial, evidence found by the Committee does not show:

- that the subsidy charge rule was changed solely to benefit Uber’s entry into the program. Rather, that changing the subsidy rule was a broader consideration of the expansion project
- that the charge rule applied during the trial was tested by any providers other than Uber.

33

FINDING 6: Increasing the number of Data Collection Providers available within the Multi Purpose Taxi Program has reduced single supplier risk and expanded market options for vehicles offering Multi Purpose Taxi Program services. 38

FINDING 7: The entry of rideshare operators into the Multi Purpose Taxi Program market has increased consumer choice and service availability for many Multi Purpose Taxi Program members. 39

FINDING 8: The future viability of the Multi Purpose Taxi Program is difficult to assess because:

- due to COVID-19, there is a lack of reliable data on the impact of the expansion of service providers on the industry
- the long-term impact of increased competition on service supply is unknown.

41

RECOMMENDATION 4: That Commercial Passenger Vehicles Victoria undertake an audit to assess whether the expansion of services operating under the Multi Purpose Taxi Program has led to:

- a significant decrease in services due to market dilution reducing profits
- drivers prioritising peak periods where profits are higher, leaving off-peak periods under-serviced.

If the audit shows substantial risks to the ongoing viability of the Multi Purpose Taxi Program, the Government should, in consultation with industry stakeholders, immediately develop and implement a mitigation strategy.

41

RATIONALE: The Multi Purpose Taxi Program has only recently been expanded, meaning there may be some unintended negative consequences as well as benefits. Commercial Passenger Vehicles Victoria must be proactive in identifying any negative consequences and acting immediately to mitigate them.

42

3 Wheelchair accessible vehicles

FINDING 9: Commercial Passenger Vehicles Victoria does not have an accurate picture of the number of wheelchair accessible vehicles operating in Victoria or their distribution across regional and metropolitan areas.

46

RECOMMENDATION 5: That Commercial Passenger Vehicles Victoria:

- undertake an audit of the number and location of wheelchair accessible commercial passenger vehicles currently operating in Victoria and report its findings within three months
- work with booking service providers and owner-drivers to undertake an audit of the number and locations of wheelchair accessible vehicles that were in operation during the six months from October 2021 to March 2022
- implement a process to accurately capture data on the number and location of wheelchair accessible vehicles in operation (at least 1 trip per calendar month) in the market on an ongoing basis.

46

RATIONALE: The number of commercial passenger wheelchair accessible vehicle registrations may not reflect the actual number of vehicles in operation due to the freeze on payment of registration fees. Accurate and ongoing data capture is necessary to understand how many wheelchair accessible vehicles are operating at any given time. 46

FINDING 10: The availability of wheelchair accessible vehicles is a long-standing issue that has seen some improvement in recent years. However, a proper understanding of this issue will only be fully understood once the COVID-19 pandemic has fully passed. 47

RECOMMENDATION 6: That the Victorian Government work with the commercial passenger vehicle industry and other Australian governments to achieve the response times for accessible taxi services requirement in line with the Commonwealth Disability Standards for Accessible Public Transport 2002. 48

RATIONALE: Equal response times for conventional taxis and wheelchair accessible vehicles is a requirement under the Commonwealth Disability Standards for Accessible Public Transport 2002. 48

FINDING 11: Adequate training, including for ongoing skills maintenance, of W-endorsed commercial passenger drivers to correctly operate equipment protects the safety of passengers and ensures trust in the Multi Purpose Taxi Program. 49

FINDING 12: The cost to purchase and maintain a wheelchair accessible vehicle is significantly higher than it is for a standard sedan. However, this difference is lowered by financial support provided by the Victorian Government in some cases. 54

RECOMMENDATION 7: Should a decrease in the number of wheelchair accessible vehicles operating in Victoria become evident, that Commercial Passenger Vehicles Victoria act immediately, in consultation with commercial passenger vehicle industry stakeholders, to ensure numbers are sustainable and sufficient to meet community needs. This action may include requiring a set percentage of a commercial passenger vehicles operator's fleet to be wheelchair accessible vehicles. 54

RATIONALE: Recommendation 5 requires Commercial Passenger Vehicles Victoria to determine the number of wheelchair accessible commercial passenger vehicles currently active. It should also continue to monitor the number of wheelchair accessible vehicles into the future, to ensure a sustainable commercial passenger wheelchair accessible vehicle market that meets community needs for accessible transport options. 54

RECOMMENDATION 8: That the Victorian Government consider raising the lifting fee for wheelchair accessible vehicles to:

- encourage existing operators to remain in the Multi Purpose Taxi Program
- incentivise new wheelchair accessible vehicle operators in the Program.

55

RATIONALE: It is difficult to calculate the precise cost-benefit of an increase to the lifting fee because an accurate number of how many wheelchair accessible vehicles are operating is currently impossible to determine. However, an increased lifting fee would be an obvious and effective way to ensure there are a viable number of wheelchair accessible vehicles available to Multi Purpose Taxi Program members.

55

4 Other issues critical to the Multi Purpose Taxi Program

FINDING 13: The current approach to disability awareness and inclusion training is inconsistent and inadequate. It fails to ensure that services provided to people with a disability across the whole commercial passenger vehicle industry meet required standards.

66

RECOMMENDATION 9: That Commercial Passenger Vehicles Victoria consider options to develop and implement 'preferred supplier' accreditation for service providers that consistently achieve best practice approaches to accessible transport service provision. This accreditation should be subject to ongoing independent quality assessment measures.

67

RATIONALE: The Multi Purpose Taxi Program serves people with a variety of disabilities, some who require a higher level of service than others. Developing a 'preferred supplier' option for booking service providers that consistently provide their drivers with a high level of training in disability awareness will allow Multi Purpose Taxi Program members to make an informed choice about the type of service they wish to use.

67

FINDING 14: Finalisation of the draft driver training framework was delayed as a result of COVID-19 impacts. The current status of a new driver training framework, including an updated timeframe for its release and implementation, is unknown.

69

RECOMMENDATION 10: That Commercial Passenger Vehicles Victoria finalise, release and implement a new Driver Training Framework as soon as possible.

69

RATIONALE: The Driver Training Framework is an important step in improving the standard of service across the Multi Purpose Taxi Program. The Framework has been delayed by the COVID-19 pandemic but must be finalised as soon as possible. 69

FINDING 15: The primary function of security cameras installed in commercial passenger vehicles is to provide an evidentiary record of any incidents that occur. The need for this safeguard applies whether the vehicle is registered for booked or unbooked travel. 74

RECOMMENDATION 11: That the Victorian Government require all commercial passenger vehicles that operate in the Multi Purpose Taxi Program to install a security camera compliant with specified standards. 74

RATIONALE: Security cameras gather evidence that is used in disputes between drivers and passengers. They should be installed in all booked and unbooked commercial passenger vehicles in the Multi Purpose Taxi Program at a minimum with consideration given to requiring cameras in all commercial passenger vehicles in Victoria. 74

RECOMMENDATION 12: That the Victorian Government review and implement a consistent set of minimum vehicle safety and accessibility requirements to apply to all vehicles that operate in the Multi Purpose Taxi Program. 74

RATIONALE: The Victorian Government has committed to ensuring all commercial passenger vehicles operate on a ‘level playing field’. It follows that minimum safety and accessibility requirements should apply to all vehicles operating in the Multi Purpose Taxi Program. 74

RECOMMENDATION 13: That the Victorian Government ensure the best interests of Multi Purpose Taxi Program members are protected to ensure they can access the most suitable options for their personal circumstances, in particular Multi Purpose Taxi Program members who do not have the personal capacity to make decisions about their own travel arrangements. 76

RATIONALE: The vast majority of Multi Purpose Taxi Program members have the capacity to understand surge pricing and choose the best transport option for their needs. However, the Victorian Government has a responsibility to ensure that those members without the capacity to fully understand surge pricing, such as those with a severe intellectual disability, are supported in their choices. 76

RECOMMENDATION 14: That the Victorian Government consider introducing a maximum fare for Multi Purpose Taxi Program trips for all service providers. The maximum should not be greater than the fare set by the Essential Services Commission.

77

RATIONALE: Consideration should be given to introducing a maximum fare to ensure all trips remain affordable for members.

77

RECOMMENDATION 15: That Commercial Passenger Vehicles Victoria undertake a review of complaints handling processes in the Multi Purpose Taxi Program. The review should:

- consider how the processes can best be improved to promote greater accessibility, responsiveness and positive outcomes for people with a disability
- consider whether complaints handling for the Multi Purpose Taxi Program should be centralised and managed by Commercial Passenger Vehicles Victoria
- be undertaken in consultation with the disability community and the commercial passenger vehicle industry
- be finalised with recommendations for improvement within 12 months.

80

RATIONALE: The Multi Purpose Taxi Program must have effective complaints handling processes for members to have trust in the Program and be treated fairly.

80

RECOMMENDATION 16: That Commercial Passenger Vehicles Victoria review and, where necessary, update application processes for the Multi Purpose Taxi Program to:

- ensure proactive communication on application outcomes is built-in
- provide a mechanism for support coordinators/advocates to liaise with Commercial Passenger Vehicles Victoria if required
- simplify requirements to obtain a replacement card
- improve guidance to medical practitioners.

82

RATIONALE: Inquiry stakeholders and Commercial Passenger Vehicles Victoria have identified weaknesses in the application process for the Multi Purpose Taxi Program. This is an ongoing issue that needs to be addressed.

82

RECOMMENDATION 17: That the Victorian Government work with other Australian States and Territories to implement a nationally consistent approach to transport subsidy programs.

84

RATIONALE: Reciprocal arrangements exist across Australia for people with a disability entitled to subsidised travel. However, it is inconsistent and should be simplified for the benefit of people with a disability and drivers in the commercial passenger vehicle industry.

84

5 Key challenges to the future of the Multi Purpose Taxi Program: post-COVID-19 support; and the National Disability Insurance Scheme

FINDING 16: The commercial passenger vehicle industry was significantly negatively impacted by measures put in place in response to the COVID-19 pandemic. The introduction of travel restrictions and lockdowns substantially decreased demand for services during these periods causing ongoing financial strain for many industry participants. However, this was eased for some by Victorian Government financial support.

92

FINDING 17: The ongoing impact of the COVID-19 pandemic makes it difficult to accurately assess the impact of COVID-19 or potential post-COVID-19 pathways for the commercial passenger vehicle industry.

93

FINDING 18: Ensuring the ongoing financial viability and service delivery of the commercial passenger vehicle industry, including the Multi Purpose Taxi Program, should be a key consideration in the Victorian Government’s post-COVID-19 industry recovery strategies.

93

FINDING 19: The roll out of transport funding from the National Disability Insurance Scheme will have an impact on the operation of the Multi Purpose Taxi Program. There may be risks to the viability of the Program due to:

- changes in market demand as clients transition to transport funding under the National Disability Insurance Scheme
- the absence of a lifting fee for wheelchair accessible vehicles when transporting National Disability Insurance Scheme clients, potentially resulting in suppliers leaving the market and demand not being met.

98

RECOMMENDATION 18: That the Victorian Government advocate to the National Disability Insurance Agency for the National Disability Insurance Scheme to provide subsidised transport for all clients that supports social connection and participation in the community.

98

RATIONALE: Currently, transport-related funding under the National Disability Insurance Scheme can only be used for travel which is directly related to a person's disability or where the client requires assistant to travel. Expanding support in this way will ensure that people with a disability remain connected to their community and help prevent social isolation. It is also in line with the United Nations Convention on the Rights of Persons with Disabilities to which Australia is a signatory.

98

RECOMMENDATION 19: That the Victorian Government continue to work with the National Disability Insurance Agency to ensure that the roll out of transport funding under the National Disability Insurance Scheme ensures wheelchair users receive equal services to all other transport users, including the retention of wheelchair lifting fees for commercial passenger vehicles.

98

RATIONALE: Currently, transport funding in the National Disability Insurance Scheme does not provide lifting fees for drivers. This may make it difficult for the commercial passenger vehicle industry to cover the extra expense of purchasing, maintaining and operating wheelchair accessible vehicles, thereby reducing the number of vehicles available for wheelchair users.

99

RECOMMENDATION 20: That the Victorian Government requires commercial passenger vehicle drivers that undertake Multi Purpose Taxi Program work to get a National Disability Insurance Scheme Worker Screen Check. In implementing this requirement, the Government should establish a clear transition plan for the industry in line with the transition plan it established for other industries under the *Victorian Safety Screening Policy: for registered NDIS providers operating in Victoria*.

101

RATIONALE: Requiring all drivers who undertake Multi Purpose Taxi Program work to get a National Disability Insurance Scheme Worker Screen Check will ensure that safety accreditation standards are the same regardless of the service provider.

101

FINDING 20: The Victorian Government has committed to developing an integrated transport strategy under the *Transport Integration Act 2010 (Vic)*. The roll out of transport funding under the National Disability Insurance Scheme presents an opportunity to renew efforts to implementing the strategy to ensure people with a disability can choose the transport option which best suits their needs.

102

Acronyms and terms

| | |
|---------------------|---|
| BSP | Booking Service Provider |
| CCTV | Closed Circuit Television |
| CPV | Commercial Passenger Vehicle |
| CPVI | Commercial Passenger Vehicle Industry |
| CPVV | Commercial Passenger Vehicles Victoria |
| DCP | Data Collection Provider |
| DDA | <i>Disability Discrimination Act 1992 (Cth)</i> |
| DoT | Department of Transport |
| EO Act | Equal Opportunity Act 2010 (Vic) |
| MPTP | Multi Purpose Taxi Program |
| NDIA | National Disability Insurance Agency |
| NDIS | National Disability Insurance Scheme |
| PBBS | Performance Based Booking System |
| TAC | Transport Accident Commission |
| Transport Standards | Disability Standards for Accessible Public Transport 2002 under the DDA |
| VAGO | Victorian Auditor-General's Office |
| WAT | Wheelchair Accessible Taxi |
| WAV | Wheelchair Accessible Vehicle |
| W-endorsement | Driver licence endorsement for wheelchair accessible commercial passenger vehicle |
| WWCC | Working with Children Check |

What happens next?

There are several stages to a Parliamentary Inquiry

The Committee conducts the Inquiry

This report on the Inquiry into the Multi Purpose Taxi Program is the result of extensive research and consultation by the Legislative Council's Economy and Infrastructure Committee at the Parliament of Victoria.

We received written submissions, spoke with people at public hearings, reviewed research evidence and deliberated over a number of meetings. Experts, government representatives and individuals expressed their views directly to us as Members of Parliament.

A Parliamentary Committee is not part of the Government. Our Committee is a group of members of different political parties (including independent members). Parliament has asked us to look closely at an issue and report back. This process helps Parliament do its work by encouraging public debate and involvement in issues. We also examine government policies and the actions of the public service.

You can learn more about the Committee's work, including all of its current and past inquiries, at: <https://www.parliament.vic.gov.au/eic-lc>.

The report is presented to Parliament

This report was presented to Parliament and can be found at: <https://www.parliament.vic.gov.au/eic-lc/inquiries/article/4643>.

A response from the Government

The Government has six months to respond in writing to any recommendations we have made. When it is received, the response is made public and put on the inquiry page of Parliament's website at <https://www.parliament.vic.gov.au/eic-lc/inquiries/article/4645>.

In its response, the Government indicates whether it supports the Committee's recommendations. It can also outline actions it may take.

1.1 Introduction

This Chapter introduces the Multi Purpose Taxi Program (MPTP). It includes:

- a summary of commercial passenger vehicle (CPV) industry reforms and related parliamentary inquiries previously undertaken by the Committee
- an overview of relevant accessible transport legislation and obligations related to the MPTP
- a summary of the purpose and operation of the MPTP.
- The Committee's concerns regarding issues around data encountered during the Inquiry appear at the end of the Chapter.

1.2 The Multi Purpose Taxi Program

The MPTP is a subsidy scheme administered by Commercial Passenger Vehicles Victoria (CPVV) within the Department of Transport (DoT). The MPTP supports the travel needs of people with a disability—or with accessibility and mobility needs—by providing subsidised CPV fares. MPTP members must meet residential, medical and financial criteria to be eligible for subsidised fares under the program.¹

The MPTP commenced operation under the responsibility of VicRoads in 1983. Administration of the program was transferred to the then Victorian Taxi Directorate (now CPVV) in 1994, where it has remained since.²

A condition of registration for all CPVs that provide unbooked services (i.e. taxis) is that they must provide services for the MPTP (although no booking service provider (BSP)³ participating in the program is required to have wheelchair accessible vehicles in their fleet—see Chapter 3). Pre-booked CPV services that utilise an authorised payments system may also provide travel under the MPTP.

Originally a program only for taxi travel, in 2017 the Victorian Government began the process of expanding the MPTP to enable other BSPs and data collection providers (DCPs)⁴ to participate in the program. This expansion occurred against the backdrop of significant reforms to the CPV industry since 2017, summarised in the following sections.

1 Commercial Passenger Vehicles Victoria, *Passengers: Multipurpose Taxi Program: Eligibility*, 9 November 2021, <<https://cpv.vic.gov.au/passengers/mptp/eligibility>> accessed 23 February 2022.

2 Victorian Auditor-General's Office, *Management of the Multi-Purpose Taxi Program*, December 2008, p.5.

3 Booking service providers or BSPs are companies that facilitate booking services for commercial passenger vehicles.

4 Data collection providers or DCPs provide payment services that are authorised by CPVV to process MPTP fare payments and subsidies.

1.2.1 2017 commercial passenger vehicle industry reforms

Reform of the CPV industry was legislated in two stages, under the *Commercial Passenger Vehicle Industry Act 2017* (Vic) (the CPVI Act) and the *Commercial Passenger Vehicle Industry Act (Further Reforms) Act 2017* (Vic), and their associated Regulations. The primary purposes of the reforms were the legalisation of rideshare services and the uniform regulation of the CPV industry.

Legislated reforms included:

- replacing the pre-existing licensing framework with single licence categories each for taxis and hire cars
- reducing annual licence and registration fees
- broadening regulatory coverage to a single definition of ‘booking service provider’, which covers taxi network service providers and rideshare providers
- introducing a trip levy to fund transition and hardship payments to assist former licence holders who experienced financial difficulty as a result of the reforms
- replacing taxi and hire car registrations with a single registration category of ‘commercial passenger vehicle’, incorporating all booked and unbooked taxi, hire car and rideshare services
- abolishing taxi and hire car operating zones
- introducing flexible fares, enabling booked service providers to set their own fares
- imposing safety obligations on industry participants (e.g. driver training, vehicle maintenance etc.)
- renaming the Taxi Services Commission as the Commercial Passenger Vehicle Commission (trading as CPVV).

1.2.2 Previous parliamentary inquiries

Prior to this Inquiry, the Legislative Council Economy and Infrastructure Committee conducted three inquiries into the CPV industry and the impacts of the 2017 and subsequent reforms.

Inquiry into Ride Sourcing Services (tabled 23 March 2017)

The Inquiry considered issues arising from the entry of unregulated rideshare services, such as Uber, to the CPV industry. Key findings from the Inquiry were that:

- rideshare services operating without taxi licences and not subject to regulation had an unfair advantage over traditional CPV services
- taxi and hire car operators should be compensated for the loss in value of perpetual licence assets

- a ‘level playing field’ should be established for all CPV operations in Victoria.⁵

Inquiry into the Commercial Passenger Vehicle Industry Bill 2017 (tabled 8 June 2017)

The Inquiry examined the provisions of the Commercial Passenger Vehicle Industry Bill 2017 and made recommendations to amend the Bill and other aspects of the industry transition scheme.

Pertinent to this Inquiry, it recommended that MPTP passenger concessions be extended to all CPV trips.⁶

Inquiry into the *Commercial Passenger Vehicle Industry Act 2017* reforms (tabled 26 November 2019)

The Inquiry considered the impacts of reforms implemented under the CPVI Act on the industry. It covered issues including:

- the performance of CPVV as the regulator
- public safety
- driver remuneration
- competition.

Of particular note, the Inquiry recommended that the Victorian Government consider requiring CCTV cameras to be installed in all commercial passenger vehicles.⁷ This issue is discussed in Chapter 4 of this Report.

1.2.3 Expansion of the Multi Purpose Taxi Program

As noted above, the 2017 Inquiry into the CPV Industry Bill recommended the MPTP be extended to all CPV trips. This recommendation was accepted by the Victorian Government, and work commenced to extend the MPTP to all CPVs—consistent with expectations of disability groups and peak bodies.⁸

In accepting the Report’s recommendation, the Victorian Government said:

The Government’s reforms involve moving to one type of CPV licence. Subject to meeting the current conditions of the Multi-Purpose Taxi Program (MPTP), service providers registered under the new legislation would be eligible for MPTP payments. It should be noted that the Multi-Purpose Taxi Program is currently being examined

⁵ Parliament of Victoria, Economy and Infrastructure Committee (LC), *Inquiry into ride sourcing services*, March 2017, p. xi.

⁶ Parliament of Victoria, Economy and Infrastructure Committee (LC), *Inquiry into the Commercial Passenger Vehicle Industry Bill 2017*, June 2017, p. 19.

⁷ Parliament of Victoria, Economy and Infrastructure Committee (LC), *Inquiry into the Commercial Passenger Vehicle Industry Act 2017 reforms*, November 2019, p. 53.

⁸ Victorian Government, *Submission 22*, p. 4 (with sources).

as part of a broader review of accessible point-to-point transport, and the National Disability Insurance Scheme (NDIS) is still being rolled out.⁹

At a public hearing, Joe Monforte, Executive Director of Commercial and Economic Policy at DoT, explained to the Committee that the Victorian Government expanded the MPTP so that members had more ‘service provider choices’ and could use transport which best suits their needs. The expansion of the Program is consistent with the Government’s expansion of the CPV industry in 2017–18 as well as its obligations to provide ‘equitable and dignified access to services’.¹⁰

Since commencing the MPTP expansion, Oiii (operated by NetCabs) and Uber have both entered the MPTP as CPV operators, in 2018 and 2021 respectively. Upon the incorporation of Uber into the MPTP, Victoria became the only jurisdiction in Australia to include rideshare in its accessible transport subsidy program.

The MPTP Expansion Project is covered in detail in Chapter 2.

1.3 Providing accessible transport

The right of people with a disability or mobility impairment to accessible transport is recognised under both state and federal legislation. In 2008, Australia became a signatory to the United Nations Convention on the Rights of Persons with Disabilities, committing to take appropriate measures to ensure equal access to transport to support people with disabilities to live independently and participate fully in all aspects of life.

The provision of CPV services is subject to a range of regulation, accreditation and licensing requirements imposed by CPVV under the CPVI Act and related regulations. As a public authority, CPVV has an obligation under the *Victorian Charter of Human Rights and Responsibilities Act 2006* (Vic) to act in a manner that is compatible with the Charter when making decisions and delivering services.¹¹

CPVV and industry participants are subject to obligations under the *Equal Opportunity Act 2010* (Vic) (the EO Act), the *Disability Discrimination Act 1992* (Cth) (the DDA) and the Disability Standards for Accessible Public Transport 2002 (Cth) (the Transport Standards). An overview of these statutes appears in Box 1.1.

⁹ Victorian Government, *Response to the Parliament of Victoria, Economy and Infrastructure Committee (LC), Inquiry into the Commercial Passenger Vehicle Industry Bill 2017*, 21 June 2017, p. 6.

¹⁰ Mr Joe Monforte, Executive Director, Policy and Reform, Department of Transport, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 37.

¹¹ *Charter of Human Rights and Responsibilities Act 2006* (Vic), s 38.

BOX 1.1: Overview of the Victorian Equal Opportunity Act and the Commonwealth Disability Discrimination Act in respect of CPV services

Equal Opportunity Act 2010 (Vic)

Under the EO Act it is unlawful to discriminate, sexually harass or victimise a person on the basis of an attribute, including disability. This includes discrimination in the provision of services, which is broadly defined and includes services connected with transportation and travel.

Service providers must make reasonable adjustments in order for people with a disability to participate in or access a service and are obligated to take reasonable and proportionate steps to eliminate discrimination as far as possible (what is 'reasonable' and 'proportionate' is dependent on a number of factors including financial circumstances).

Disability Discrimination Act 1992 (Cth) and Disability Standards for Accessible Public Transport 2002

The DDA seeks to eliminate discrimination 'as far as possible' against people on the ground of disability. The Act prohibits both direct and indirect discrimination on the grounds of disability, both to people with a disability as well as family members, carers and friends.

The DDA makes it unlawful for service providers to discriminate against someone on the ground of disability. This includes in relation to the provision of transport and travel and access to public places. Under the DDA, detailed disability standards can be set in a range of areas, including public transport (which currently includes taxis, but not rideshare services).

Consideration for including rideshare in standards relating to transport was recommended as one of six key areas for specific consideration by the National Accessible Transport Taskforce (the body charged with undertaking Transport Standards reform on behalf of all state and territorial jurisdictions). This is discussed further below.

The Disability Standards for Accessible Public Transport 2002 (the Transport Standards) are made under the DDA and administered by the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications. The Transport Standards support public transport operators and providers, including taxi services, to remove discrimination from public transport services by providing specific details about the standards they need to meet.

The purpose of the Transport Standards is to remove discrimination on the basis of disability from public transport services over a 30-year period. The Transport Standards set out minimum accessibility requirements that public transport providers and operators must meet in order to comply with the DDA and detail mandatory performance outcomes covering a range of accessibility issues.

(Continued)

BOX 1.1: Continued

The Transport Standards include specific requirements intended to enable taxi operators and providers to remove discrimination from taxi services and infrastructure. These requirements apply to both the taxi vehicle and the infrastructure that supports taxi services such as booking services and taxi ranks.

For the provision of taxi services and associated infrastructure the Transport Standards require:

- In relation to infrastructure:
 - access paths, manoeuvring areas, ramps, passing areas, resting points, waiting areas and the use of tactile ground surface indicators at designated areas where taxis are being accessed (such as taxi ranks)
 - safety aspects around taxi infrastructure, including surface areas, lighting, handrails and grabrails
 - signage designating taxi areas, as well as the use of symbols and the provision of information on services.
- In relation to standard taxis and wheelchair accessible taxis (WATs):
 - minimum size of the spatial footprint on the vehicle floor and the minimum head room in the allocated space
 - minimum height of the doorway used to accommodate a wheelchair
 - the use of boarding ramps, including the width of ramps, gradient of ramps and situations in which direct assistance should be provided, and payment of fares
 - tactile taxi registration numbers
 - response times for WATs are to be the same as for other taxis (it should be noted that there is no requirement in the Transport Standards that WAT services comprise a percentage of the overall fleet for a region)

With the exception of response times for WATs (discussed in Chapter 3), the Australian Taxi Industry Association has reported 100% compliance with all requirements under the Transport Standards as noted in the third periodic review of the Standards.

Sources: *Equal Opportunity Act 2010* (Vic); *Disability Discrimination Act 1992* (Cth); Disability Standards for Accessible Public Transport 2002 (Cth); Australian Government, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, p. 62; Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3) (Cth), pt 1 div 1.1.

The Transport Standards are subject to a review of their efficiency and effectiveness every 5 years. The reviews must consider whether discrimination has been removed as far as possible, and any necessary amendments to the Transport Standards.

Since the release of the Transport Standards in 2002 there have been three reviews, in 2007 (published in June 2011), in 2012 (published in July 2015), and most recently in 2017 (published in November 2021).

In addition to periodic reviews, the Transport Standards have been subject to a further reform process, which commenced in 2015 in response to a recommendation in the 2012 Review to modernise the Standards. This process is ongoing.

The reform process is split into two stages. Stage 1 identified 16 areas of reform, based on consultation with the disability community, State and Territory governments and the public transport industry. A regulatory impact statement covering the first tranche of 16 reform areas was confirmed by Australian Infrastructure and Transport Ministers on 11 February 2022.

A further 54 areas of reform were identified under Stage 2 of the process and are due to open for public comment in early 2022. One key reform area recommended for specific consideration was the inclusion of rideshare in the Transport Standards as follows:

It is recommended that the Australian Government specifically consider the case for rideshare's inclusion into the Transport Standards. The Transport Standards state that the standards apply to the widest possible range of people and disabilities as defined by the DDA, and all operators and the conveyances they use to provide public transport services. The standards define a public transport service as an enterprise that conveys members of the public by, land, water and air. However, it is noted that the regulation surrounding rideshare and point-to-point transport in some jurisdictions has not viewed rideshare as a traditional form of public transport. Investigation into the case for rideshare's inclusion into the Transport Standards should consider the opportunity for improving accessibility of the service.¹²

The Stage 2 Areas of Reform summary document notes the need to address uncertainty around the requirements for rideshare services. This is because the Transport Standards are not explicit about whether rideshare services are covered and lack clarity for some operators and providers as to their obligations and legal requirements under the DDA.¹³ Similar issues around a lack of clarity regarding the status and obligations of rideshare were also noted by this Committee, in its 2017 Inquiry into ride sourcing services. It found that:

- the obligations of rideshare services in regard to disability access was a 'grey area'
- the extent to which rideshare booking platforms could be considered a transportation service, or if individual drivers have obligations as transportation service providers, was undetermined.¹⁴

¹² Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, November 2021, p. 137.

¹³ Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, *Infrastructure, transport & vehicles: Transport strategy & policy: Have your say*, (n.d.), <<https://www.infrastructure.gov.au/infrastructure-transport-vehicles/transport-strategy-policy/disabilities/have-your-say>> accessed 16 February 2022.

¹⁴ Parliament of Victoria, *Inquiry into ride sourcing services*, pp. 9, 11.

Disability Action Plans

Further to these statutes, the *Disability Act 2006* (Vic) requires Victorian public sector bodies to develop a 'Disability Action Plan'. Action Plans provide a framework to promote better outcomes for people with disability. Under the Act, a public sector body's Disability Action Plan must be prepared for the purpose of:

- reducing barriers to accessing goods, services and facilities
- reducing barriers to obtaining and maintaining employment
- promoting inclusion and participation in the community
- achieving tangible changes in discriminatory attitudes and practices.¹⁵

The MPTP operates in the context of two Disability Action Plans:

1. The Department of Transport's *Accessible Public Transport in Victoria Action Plan 2020–2024*

The DoT Action Plan takes a whole-of-journey approach to accessibility for public transport and CPV transport options. In particular, it facilitates affordable CPV travel to provide greater flexibility for people with a disability or limited mobility who encounter difficulties accessing the public transport system safely and independently. The Action Plan is guided by Victoria's obligations under the EO Act, DDA and the Transport Standards.¹⁶

2. CPVV's *Accessibility Action Plan 2021–2025*

The CPVV Accessibility Action Plan is guided by statutory compliance requirements and a range of plans and strategies, including the Victorian State Disability Plan, DoT's Accessible Public Transport in Victoria Action Plan, National Disability Strategy and the United Nations Convention on the Rights of Persons with Disabilities.

The CPVV Plan identifies opportunities to improve how people with a disability can stay connected, have access to reliable and accessible services and information, and have dignified and equitable experiences while staying safe across five priority areas:

- Priority One: Customer, community and engagement
- Priority Two: Safety and awareness
- Priority Three: Accessible processes and systems
- Priority Four: Access to employment
- Priority Five: Governance.¹⁷

¹⁵ *Disability Act 2006* (Vic), s 38.

¹⁶ Victorian Government, *Submission 22*, pp. 3, 15.

¹⁷ Commercial Passenger Vehicles Victoria, *CPVV Accessibility Action Plan 2021–2025*, November 2020, pp. 5. 8.

The Victorian Government told the Committee that the expansion of MPTP services to a broader range of providers was:

- in line with equity of access to services obligations under the EO Act and DDA (under which both the regulator and CPV industry service providers hold various responsibilities and obligations)
- consistent with the direction and intent of the National Disability Insurance Scheme (NDIS) in seeking to give individuals power, choice and control over the services which best suit their needs.¹⁸

The impact of the NDIS on the MPTP is covered in Chapter 5.

FINDING 1: The purpose of the Multi Purpose Taxi Program is to provide greater transport access to people with a disability and people with mobility and accessibility needs through the provision of subsidised commercial passenger vehicle fares.

1.4 The Multi Purpose Taxi Program

As noted at the beginning of this Chapter, the MPTP recognises that some people with a disability or mobility limitations cannot safely and independently use the public transport network. It supports affordable CPV travel to enable trips for social, economic, and medical reasons that may otherwise not have been possible.¹⁹

This Section provides an overview of how the MPTP operates both for passengers and service providers. It is intended as background information only. Specific issues raised by stakeholders about the operation of the MPTP are covered in Chapters 3 and 4.

1.4.1 Using the Multi Purpose Taxi Program

To access the MPTP, individuals must meet the following criteria:

- Residential: applicants must be a permanent resident of Australia and live in Victoria.
- Medical: applicants must have—
 - a severe disability that prevents safe and independent use of public transport
 - a permanent disability
 - a disability that is not likely to improve with treatment.
- Financial: applicants must either—
 - be able to demonstrate financial hardship by supplying a notice of assessment from the Australian Taxation Office for the last financial year; or

¹⁸ Victorian Government, *Submission 22*, p. 4.

¹⁹ *Ibid.*, p. 3.

- hold a Centrelink issued concession card; or
- hold a Department of Veterans' Affairs (DVA) card, an Extreme Disablement Adjustment (EDA) card, or a Totally and Permanently Incapacitated (TPI) notation.²⁰

People who require the use of a wheelchair are permanently exempt from the financial hardship test.²¹

Once a member is accepted into the Program, the MPTP pays half the cost of a CPV trip up to \$60. There is also an annual cap of \$2,180 unless an exemption is granted on medical grounds for severe or permanent conditions listed in one of six general categories:

1. Blindness and visual impairment
2. Brain damage
3. Dementia
4. Intellectual impairment
5. Major organ disorder (requiring ongoing and regular treatment) with functional disability
6. Paralysis (expressive dysphasia).²²

A detailed list of exempted conditions appears in Appendix B.

MPTP members can receive a subsidised fare either by presenting their MPTP card to the driver or, where available, by including their MPTP membership details in certain authorised booking service apps. The fare subsidy is calculated at the time of payment and paid by CPVV. The balance is paid by the passenger.

MPTP memberships cannot be used in conjunction with other transport concessions or subsidies, such as trips covered fully or partially by insurance or paid for by any State or Commonwealth agency.²³

In addition to the fare subsidy, CPVV pays a 'lifting fee' to drivers who transport MPTP passengers who travel in a wheelchair²⁴ in a wheelchair accessible vehicle (WAV). A partial lifting fee is paid for loading a wheelchair into a non-WAV (for example, loading a folding wheelchair into the boot of a standard CPV sedan).

²⁰ Commercial Passenger Vehicles Victoria, *Passengers: Multi Purpose Taxi Program: Eligibility*, 9 November 2021, <<https://cpv.vic.gov.au/passengers/mptp/eligibility>> accessed 31 January 2022.

²¹ Ibid.

²² Commercial Passenger Vehicles Victoria, *Passengers: Multi Purpose Taxi Program: Exemptions*, 8 November 2021, <<https://cpv.vic.gov.au/passengers/mptp/exemptions>> accessed 31 January 2022.

²³ Commercial Passenger Vehicles Victoria, *Passengers: Multi Purpose Taxi Program: Terms and conditions*, 8 November 2021, <<https://cpv.vic.gov.au/passengers/mptp/terms-and-conditions>> accessed 31 January 2022.

²⁴ Lifting fees apply for the transport of wheelchairs and mobility scooters. Where the term 'wheelchair' appears in this context throughout the Report it should be read to include mobility scooters.

Lifting fees are paid in recognition of the higher business cost of supplying WAV services, the additional time required to safely load and secure a wheelchair, and to incentivise WAV drivers to prioritise passengers in a wheelchair.²⁵ Current lifting fees are:

- \$21.80 for WAVs (full fee)
- \$10.90 for applicable CPV trips (partial fee).²⁶
- WAVs are covered in detail in Chapter 3.

1.4.2 Providing services under the Multi Purpose Taxi Program

To provide transport under the MPTP, a CPV must either:

- have an authorised MPTP electronic transaction terminal installed; or
- process booked travel through a CPVV-approved user interface (a smart phone app).

As previously stated, CPVV requires all vehicles that provide unbooked services (i.e. taxis) to provide MPTP services as a standard condition of their registration. Vehicles that only provide booked services (i.e. hire cars and rideshare) may also offer MPTP travel if they use an MPTP electronic transaction terminal or CPVV-approved user interface.

Authorised electronic transaction terminals and user interfaces are supplied by DCPs.²⁷ A DCP's role is to provide data from an authorised terminal or interface to CPVV on behalf of the driver or BSP²⁸ that processes the MPTP transaction. Upon receiving the transaction data, CPVV pays the MPTP subsidy to the BSP or vehicle owner and, where applicable, this is passed-on to the driver.²⁹ It is possible for an MPTP service provider to be both a BSP and DCP.

There are three service models under which DCPs can facilitate data transfer between an MPTP service provider and CPVV. These are set out in Table 1.1.

²⁵ Victorian Government, *Submission 22*, p. 6.

²⁶ Commercial Passenger Vehicles Victoria, *Passengers: Multi Purpose Taxi Program: Lifting fees for MPTP members of passenger with a wheelchair or mobility scooter*, 8 November 2021, <<https://cpv.vic.gov.au/passengers/mptp/lifting-fees-for-mptp-passengers-with-a-wheelchair-or-mobility-scooter>> accessed 31 January 2022.

²⁷ Data collection providers or DCPs provide payment services that are authorised by CPVV to process MPTP fare payments and subsidies.

²⁸ Booking service providers or BSPs are companies that facilitate booking services for commercial passenger vehicles.

²⁹ Victorian Government, *Submission 22*, p. 8.

Table 1.1 DCP service models for MPTP payment processing

| Model | How does it work? | Who can develop and offer this model to the CPV market? | Who might adopt this model to offer MPTP services? |
|--|--|--|--|
| Equipment or service supplier model | This model is 'agnostic' to BSPs. It can be used by any driver or vehicle owner either: <ul style="list-style-type: none"> via their in-vehicle equipment, for example fare calculation device; or via another device, for example mobile phone. | Service/equipment supplier who wishes to offer services as a DCP. | Vehicle owners and drivers who choose not to associate with a registered BSP. ^a |
| Partnership model | This model is a business partnership between a DCP and BSP. The solution they partner to offer can be used by all drivers associated with the BSP. | BSPs and DCPs. The DCP may already hold approval from CPVV, or the partnership may propose a new solution for approval. | <ul style="list-style-type: none"> BSPs that do not have the capacity to undertake DCP functions in-house. Drivers and vehicle owners associated with the BSP. |
| BSP model | This model is offered by a BSP that also becomes a DCP in its own right. Its solution can be used by all drivers associated with that BSP. | A BSP that wants to offer services as a DCP. | <ul style="list-style-type: none"> BSPs that have the capacity to undertake DCP requirements in-house. Drivers and vehicle owners associated with that BSP. |

a. Vehicle owners who accept bookings for up to two of their own vehicles are exempt from registering as a BSP.

Source: Adapted from Commercial Passenger Vehicles Victoria, *Guideline: How to Provide Multi Purpose Taxi Program (MPTP) Services*, Version 4.0, March 2021, pp. 8-9.

Until recently, Cabcharge (part of the A2B group, including 13cabs) was the only DCP approved for MPTP payment processing. Its payment solution was available via a partnership model for BSP vehicle fleets in the A2B group and via an equipment/service supplier model for independent BSPs and vehicles.³⁰

NetCabs (trading as Oiii) in 2018, and Uber in 2020, were subsequently approved to provide MPTP payment solutions. Both the Oiii and Uber platforms operate as BSP models and are only available for use by those companies' respective associated drivers.³¹

As part of the MPTP Expansion Project, CPVV updated its procurement process to extend MPTP payment processing to a wider range of DCPs. This is covered in detail in Chapter 2.

³⁰ Ibid., p. 8.

³¹ Ibid., pp. 9-10.

1.4.3 Membership and usage statistics

In 2020–21, there were 83,576 active³² MPTP members. Of these:

- 15% use a wheelchair
- 27% use a walking stick or frame
- 55% do not use a mobility aid
- 83% primarily have a physical disability
- 17% of members primarily have a cognitive disability.³³

A total of 3,770,240 subsidised trips were undertaken in 2020–21, with members aged 60 years or older accounting for 62% of all trips, although the average number of trips taken during the year was highest among members aged 20 to 39 years.³⁴ A full breakdown of MPTP membership and travel for 2020–21 appears in Table 1.2 and Table 1.3.

The Committee notes there is some discrepancy in the figures set out in Table 1.2 and Table 1.3. This issue is further discussed in Section 1.5.

Table 1.2 Active MPTP members in 2020–21

| Age group | Members | Trips | Percentage of total members | Percentage of total trips | Average number of trips |
|--------------|---------------|------------------|-----------------------------|---------------------------|-------------------------|
| 00–09 | 107 | 9,080 | 0 | 0 | 85 |
| 10–19 | 577 | 35,274 | 1 | 1 | 61 |
| 20–29 | 2,394 | 220,082 | 3 | 6 | 92 |
| 30–39 | 3,022 | 272,253 | 4 | 7 | 90 |
| 40–49 | 4,375 | 356,905 | 5 | 9 | 82 |
| 50–59 | 7,479 | 525,707 | 9 | 14 | 70 |
| 60–69 | 10,667 | 610,564 | 13 | 16 | 57 |
| 70–79 | 18,767 | 744,500 | 22 | 20 | 40 |
| 80–89 | 26,134 | 761,520 | 31 | 20 | 29 |
| 90–99 | 9,862 | 230,437 | 12 | 6 | 23 |
| 100+ | 210 | 3,918 | 0 | 0 | 19 |
| Total | 83,576 | 3,770,240 | 100 | 100 | 45 |

Source: Commercial Passenger Vehicles Victoria, correspondence, 18 October 2021.

³² Active members are those who took at least one MPTP subsidised trip in 2020–21.

³³ Victorian Government, *Submission 22*, p. 7; CPVV public hearing presentation p. 2.

³⁴ Director Legal and Governance, General Counsel, Commercial Passenger Vehicles Victoria, correspondence, 18 October 2021.

Table 1.3 MPTP travel in 2020–21 in Regional and Metropolitan areas

| MPTP travel | Regional | Metropolitan | Total |
|--------------------|----------------|------------------|------------------|
| Conventional trips | 525,102 | 2,334,588 | 2,859,690 |
| WAV trips | 135,462 | 771,686 | 907,148 |
| Total | 660,564 | 3,106,274 | 3,776,838 |

Source: Tammy O'Connor, Interim Chief Executive Officer, Commercial Passenger Vehicles Victoria, *CPVV presentation*, supplementary evidence received 21 October 2021, p. 3.

The MPTP fare subsidy and lifting fees are funded through Victorian Government appropriations. In its submission, the Government noted the cost of the Program varies year-to-year due to its demand driven nature. In 2020–21, the MPTP supported approximately 3.8 million trips at a cost of \$52 million and paid a total of \$21 million in lifting fees. This represents a significant decrease from previous years (by comparison, 4.8 million trips were taken in 2019–20 and 5.4 million in 2018–19), due to the COVID-19 pandemic.³⁵

In response to impacts on the CPV industry due to the COVID-19 pandemic, the Government provided a \$22 million industry support package. Impacts of the COVID-19 pandemic on the MPTP in particular and CPV industry more broadly are covered in Chapter 5.

1.5 The Committee's concerns about Commercial Passenger Vehicles Victoria data

The Committee has great concerns about CPVV's ability to manage data. Noticeable examples the Committee encountered throughout this Inquiry include:

- Discrepancies in the total number of MPTP trips undertaken in 2020–21, including:
 - 3,770,240 according to figures provided in correspondence to the Committee³⁶
 - 3,776,838 according to figures quoted at the public hearing on 21 October 2021³⁷
 - 3,782,807³⁸ according to figures quoted in response to a question on notice.³⁹
- Discrepancies in the number of vehicle inspections and associated pass rate quoted on different pages of CPVV's 2020–21 annual report, and a lack of clarity as to whether this is a discrepancy in reporting of the same information or if the figures quoted are unrelated:

³⁵ Victorian Government, *Submission 22*, pp. 6–7.

³⁶ Commercial Passenger Vehicles Victoria, correspondence, 18 October 2021.

³⁷ Tammy O'Connor, *CPVV presentation*, p. 3.

³⁸ Figure obtained by adding the total MPTP trips for 2020–21 provided by taxi services and Uber. These totals were supplied by CPVV in answer to a question on notice asked at a public hearing and may not include trips provided by other booked-only services (i.e. hire cars). Despite this, the Committee notes this figure is significantly higher than other claimed totals for MPTP trips in 2020–21.

³⁹ Commercial Passenger Vehicles Victoria, Inquiry into the Multi Purpose Taxi Program, response to question on notice received 11 November 2021, p. 2.

- on page 6: 7,000 vehicle inspections were conducted with a pass rate of 87.6%
- on page 18: 42,000+ vehicle inspections were conducted with a pass rate of 87%.

Further, the Committee sent CPVV a request for data and program details regarding the MPTP on 15 December 2021. The Committee received a response on 1 March 2022, which was immediately retracted by CPVV due to errors being identified. At time of the Committee beginning its deliberations, the Committee had yet to receive the updated document.

The Committee acknowledges that it requested a sizeable amount of data. However, this data, being integral to how the MPTP is performing, should have been readily accessible to CPVV. The time taken to respond to the Committee suggests that CPVV may not be aware of how critical aspects of the MPTP are functioning.

CPVV's *State of the Industry Report 2019: Accessibility* identified data management as a problem. The report found: 'CPVV data is an essential source for understanding accessibility within the commercial passenger vehicle industry but there are opportunities to expand its utility through improved data collection and transparency.' It then identified the following two 'Actions' as being necessary:

- 'Review and improve data collection to better inform the work of CPVV to improve accessibility within the commercial passenger vehicle industry.
- Publish data collected by CPVV regarding MPTP membership and usage and other accessibility indicators so it can inform decision making by passengers and the work of industry and disability service organisations.'⁴⁰

The Committee's experience with CPVV's data management throughout this Inquiry, including the examples listed above, indicates that this remains a glaring weakness for CPVV three years after the organisation resolved to address the problem. The Committee recommends urgent action to fix this problem and trusts the problem will not be exacerbated by the recently announced merger of CPVV and Transport Safety Victoria due to come into effect in July 2022.

RECOMMENDATION 1: That Commercial Passenger Vehicles Victoria identify and address ongoing issues regarding data management with the Multi Purpose Taxi Program. Commercial Passenger Vehicles Victoria should report to the Minister for Public Transport within six months of this report being tabled to outline:

- where the weaknesses in data management are occurring within the organisation
- what actions have been taken to rectify the problems.

RATIONALE: Data is critical to understanding how well the Multi Purpose Taxi Program is performing. Commercial Passenger Vehicles Victoria has been aware of its weaknesses regarding data management for several years and must improve its processes.

⁴⁰ Commercial Passenger Vehicles Victoria, *State of the Industry Report 2019: Accessibility*, September 2019, p. 31.

1.6 The Committee’s concerns about Commercial Passenger Vehicles Victoria’s response to requests for information

The Committee wishes to address several occasions when CPVV responded to questions about the MPTP with the statement: ‘CPVV considers this question outside the terms of reference of the Inquiry, which do not include CPVV’s monitoring, compliance and enforcement activity.’

The Committee is concerned by this response for several reasons. Firstly, it is not up to CPVV to consider what is and is not within the Terms of Reference of a parliamentary inquiry.

Secondly, the Inquiry’s Terms of Reference are clearly worded to ensure the Inquiry covers any issues related to the safe operation of the MPTP. The Committee is greatly concerned that CPVV’s attempts to dissect this Inquiry’s Terms of Reference demonstrate a disdain for accountability, which, it would seem, takes priority over its obligations to the safety of vulnerable Victorians.

The Committee reminds CPVV that this type of approach to a Parliamentary Inquiry by an agency for which the Parliament has powers of oversight should not occur again.

2 Expansion of the Multi Purpose Taxi Program

2.1 Introduction

This Chapter examines the expansion of the Multi Purpose Taxi Program (MPTP), including:

- an overview of Commercial Passenger Vehicles Victoria's (CPVV's) MPTP Expansion Project, which commenced in 2018
- the conduct and outcome of the 2020 trial which Uber undertook in the Greater Geelong area to assess its suitability to join the MPTP
- the impacts of rideshare entering the MPTP market, such as:
 - the reduction of single supplier risk previously facing the Program
 - increased consumer choice
 - potential ramifications for the ongoing viability of the program.

2.2 Multi Purpose Taxi Program Expansion Project

In November 2017, the Victorian Government endorsed the expansion of the MPTP user subsidy to all commercial passenger vehicles (CPVs) regulated under the *Commercial Passenger Vehicle Industry Act 2017* (Vic).¹ As a result, CPVV launched the MPTP Expansion Project. The aim of the project was to:

facilitate the government's expectation, and fulfil the public commitment, that the Multi Purpose Taxi Program (MPTP) will be expanded beyond 'taxis' to all commercial passenger vehicles and to facilitate better customer outcomes, by way of increased choice and competition, for MPTP members.²

On 15 October 2018, CPVV and the Department of Transport (DoT) signed a Memorandum of Understanding (MoU) which outlined the program funding allocation for the MPTP Expansion Project. As part of the MoU, DoT agreed to provide \$800,000 in funding for the project, which was available until 30 June 2019. Documents provided

¹ Commercial Passenger Vehicles Victoria, *MPTP Expansion Project: Steering Committee Terms of Reference*, unknown date, p. 3. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_1_to_65_-_Provided_in_Full_kqtG3pg6.zip (Document Number 63).

² Ibid.

to the Legislative Council suggest that beyond 30 June 2019 the finances for the project were budgeted from CPVV's business-as-usual activities.³

Table 2.1 below provides a timeline of events related to the MPTP Expansion Project. The timeline is focused on events related to Uber's trial and entry into the program, however, some broader events have also been included.

Table 2.1 Multi Purpose Taxi Program Timeline of Events

| | |
|--|---|
| November 2017 | MPTP Expansion Project launched. |
| June 2018 | Potential Data Collection Providers (DCPs) are invited to provide a submission outlining proposals to join program. |
| 30 June 2018 | Proof of Concept phase with Net-Cabs concludes. |
| 3 July 2018 | Uber provides submission to Expansion Project outlining its proposal to become a DCP and booking service provider. |
| 31 July 2018 to 30 September 2018 | Proof of Concept Deed with Net-Cabs executed. |
| 11 September 2018 | MPTP DCP Package developed, provides information and resources for potential DCPs. |
| 15 October 2018 | MoU outlining the program funding allocation for the MPTP Expansion Project is signed by CPVV and DoT. |
| 29 November 2018 | Expansion project risk is raised that DCPs may need to make significant technological changes to their models if policy decisions impact the MPTP. As part of mitigation planning, CPVV determined that providers considered under the expansion are aware that the business rules are under review. |
| 30 January 2019 | CPVV and Uber workshop on registration process, end-to-end rider experience and fraud mitigation. |
| 7 February 2019 | CPVV and Uber workshop on communication and engagement, and data requirements. |
| 12 February 2019 | MPTP Expansion Project Steering Committee agrees that during the live Proof of Concept (trial), Uber will follow a 50% of gross fare subsidy charge rule. Existing whole-of-program subsidy charge rule (excluding Uber trial) was 50% of metered fare, excluding tolls, airport fees, etc. Minutes from the Steering Committee noted that if Uber joined MPTP they would have to align their service to existing charge rules. |
| 20 February 2019 | Draft Proof of Concept Deed is provided to Uber. |
| 25 February 2019 | Uber Proof of Concept IT System Impact Assessment, including estimates, is conducted. |
| March to April 2019 | CPVV commences drafting Uber Trial Communication Plan, prior to Uber signing the Proof of Concept Deed. |
| 21 May 2019 | MPTP Expansion Project's Steering Committee agrees to allocate \$200,000 of \$800,000 project budget to support Back Office System (BOS) enhancement and replacement work at CPVV. |

³ Commercial Passenger Vehicles Victoria, *Multi Purpose Taxi Program Expansion: future strategy*, Confidential Commission Paper, 31 May 2019, p. 1. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_66_to_76_-_Provided_in_Part_MR3kRv2H.zip (Document Number 74).

| | |
|-------------------------------------|--|
| 30 June 2019 | MPTP Expansion Project MoU between CPVV and DoT ceases. Project extension sought until 31 December 2019. DoT indicate that they would be unable to provide additional funding for the expansion project after 2018–19. A paper drafted on 31 May 2019 outlined the future strategy of the MPTP expansion; the paper indicated that the continued expansion of MPTP could be absorbed into CPVV's business-as-usual activities. |
| 5 September 2019 | Proof of Concept Deed between CPVV and Uber is executed. |
| 25 March 2020 to 5 July 2020 | Uber commences MPTP trial in Greater Geelong area. Six unique riders participate in the trial, taking 174 trips. |
| 22 May 2020 | Active Proof of Concept (trial) between CPVV and Uber extended from 5 June to 5 July 2020. |
| August 2020 | CPVV introduces 50% of gross fare subsidy charge rule to entire MPTP. CPVV increases program subsidy limit from 50% to 70% in response to COVID-19 impacts. |
| September 2020 | Negotiations between CPVV and Uber regarding terms of agreement for Uber to be a DCP under MPTP scheme commence. |
| December 2020 | Terms of agreement for Uber to a Data Collection Provider are signed by Uber and CPVV. 50% subsidy limit reinstated. |
| January 2021 | CPVV reissued its rules on the correct charging of fares under the MPTP. A subsidy limit of 50% of total fare (up to \$60 and may be subject to yearly subsidy of \$2,180) ^a is applied to the entire MPTP. |
| 15 January 2021 | Uber's entry into the MPTP commences. |
| 18 January 2021 | Uber launches marketing campaigning announcing its entry into the MPTP. |

a. Some MPTP members are exempt from the yearly subsidy cap.

Note: Information has been sourced from documents supplied to the Legislative Council in response to a resolution on 3 February 2021 requiring the production of documents related to the MPTP Expansion Project: Uber Trial. Documents can be accessed via the Legislative Council's Tabled Documents Database: <https://parliament.vic.gov.au/council/taled-documents/search-tabled-documents>.

Source: Legislative Council Economy and Infrastructure Committee.

2.2.1 Data Collection Provider application and approval process

Chapter 1 provides an overview of the MPTP, including the role of Data Collection Providers (DCPs) and Booking Service Providers (BSPs). In 2018, potential DCPs were invited to provide a submission to CPVV outlining their proposal to join the MPTP. The Committee notes that in 2021, CPVV revised its DCP application process, launching an 'Invitation to Supply' process as part of the DCP Expansion Project (which is part of the broader MPTP Expansion Project).

In its submission, the Victorian Government explained that the DCP application is available to any potential provider and outlined the requirements potential DCPs must meet to participate in the MPTP:

Organisations offering potential data collection systems must demonstrate an ability to meet strict functional and technical specifications required by the MPTP, as well as CPVV systems and technology architecture.

CPVV is focused on ensuring that any alternative systems are secure and that all data collection processes support CPVV's efforts to ensure business capability, data integrity, efficiency, and overall security of the MPTP. The assessment criteria also allow CPVV to consider fixed and/or variable pricing models where there is a community benefit e.g. small niche providers servicing small regional areas.⁴

Industry stakeholders that spoke to the Committee discussed their experience under the previous application and approval process for potential DCPs.

Moti Mimeran, Chief Executive Officer of GRABiD Technologies, an Australian technology company which is in the process of seeking approval to becoming a DCP under the MPTP, discussed the company's experience during the initial DCP application process. He told the Committee that the application process has taken over 18 months and that GRABiD had spent approximately \$150,000 on application-related activities. At the time of the hearing on 21 October 2021, GRABiD had been waiting 7 months for the trial (proof of concept) phase to commence. On the company's experience through the DCP application process, Moti Mimeran stated:

We have experienced a number of challenges with this DCP application, which has been quite frustrating. Particularly as a Victorian and an Australian company, the intention is to create a solution that would benefit our community, and we found a number of issues along the way.

...

We received pretty much a communication out of the blue from [CPVV] ... and the communication was quite laconic in the sense that it was to say [GRABiD] will not be participating in the program because the MPTP has decided that they do not have any resources to certify any more DCPs, and therefore 13CABS, I believe, Ola and Uber will be the only functioning DCPs and therefore we should be aiming to contact them to be our DCP processor for MPTP rights.⁵

Moti Mimeran outlined what he considered to be flaws in the DCP application process, namely that he believed CPVV prioritised DCPs which were also BSPs:

there is a fundamental flaw in how the project has been looked at from an MPTP perspective, where the assumption is that on the one hand we are calling on DCPs to come and participate but on the other hand we are coming to the assumption that a DCP is also a BSP. That is correct for 13CABS, that is correct for Ola and that is correct for Uber. That is not correct for the likes of others. I know some of the other participants that wish to participate in the process, and that is not the case. So for us, for example, we have both DCP and BSP software. We purposefully separated them because we felt that it is really important that as a DCP we should be able to provide services to any BSP, whether the BSP wants to use my BSP software or not. We should not be discriminating

⁴ Victorian Government, *Submission 22*, p. 9.

⁵ Moti Mimeran, Chief Executive Officer, GRABiD Technologies, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, pp. 1-2.

against any BSPs. So to that effect I took a decision that would actually hurt my company, my best financial interests, and I have separated the two modules.⁶

The Committee also spoke to Gary Schmidt, Chief Executive Officer of Schmidt Electronic Laboratories, which manufactures taximeters and other technology for commercial passenger vehicles. He discussed Schmidt Electronic Laboratories' experiences applying to be a DCP for the MPTP.

Gary Schmidt told the Committee that his company had engaged CPVV (then the Taxi Services Commission) as early as May 2016 on becoming a DCP under the MPTP. This engagement continued until the MPTP Expansion Project was launched in 2018 and at the time of writing this report remained ongoing.⁷ Gary Schmidt provided an overview of the company's experiences throughout the DCP application process:

On 9 May 2019 we provided the CPVV with a very detailed formal written submission. Two weeks later I was invited to provide a demonstration to the working group and discuss the proof of concept. The demo was set for 6 June, and the following day I was advised that a proof of concept deed—in other words, a signed document—would need to be signed before the proof of concept, meaning the demonstration, could proceed, could be conducted. On 9 August I was advised again that the POCD, the proof of concept deed, was still being prepared. After months of further delay, on 18 December 2019 a meeting was held at the CPVV, and I believe that it was at that meeting when I was advised that a final commercial agreement, in addition to the proof of concept deed, would be needed to conduct the proof of concept before that could be started. In February 2020 I received an email to state that the POCD—the proof of concept deed—was still being drafted and would be available in a few weeks time. However, I never did receive that proof of concept deed; it never arrived. It still has not arrived.

On a number of occasions throughout the entire year 2020, last year, I attempted to negotiate the transaction fees with the CPVV. However, the CPVV would provide no guidance whatsoever on what it would be prepared to accept in terms of transaction fees for providing the service. I repeatedly made the point that I could not negotiate with myself and that negotiation involves two parties communicating with each other. However, no progress was made and there was no attempt by the CPVV to finalise the agreement with my company. However, I did learn that the CPVV had reached an agreement with Uber during that period when it was refusing to deal with my company.⁸

Gary Schmidt also told the Committee that in June 2021 CPVV contacted Schmidt Electronic Laboratories to discuss the progress of the proposal. He noted that while engagement from CPVV from June 2021 was more positive, the company was presented with additional requirements. Gary Schmidt stated that the new requirements will:

increase the up-front engineering costs and place a very significant regulatory compliance burden upon our company. These new requirements did not exist when I

⁶ Ibid., p. 3.

⁷ Gary Schmidt, Chief Executive Officer, Schmidt Electronic Laboratories, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, pp. 38–39.

⁸ Ibid., p. 39.

made the submission in May 2019, more than two years ago. My concern is now that these additional costs will substantially increase the project risk and overhead to the point where we currently cannot see a way to make this project commercially viable. If my submission of May 2019 had been dealt with in a professional and timely manner at that time, my company would not currently be facing the burden of substantial additional costs.⁹

[We] are still left with compliance burdens, hurdles, which are still too high for us to make a commercially realistic, viable project out of becoming a data collection provider, as things currently stand.

On the DCP application process, Gary Schmidt, Chief Executive Officer, Schmidt Electronic Laboratories, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 44.

In response to Committee questions on this issue, Tammy O'Connor from CPVV explained that delays may have occurred because of incomplete applications or because of the COVID-19 outbreak. She said:

[CPVV] have engaged with lots of potential data collection providers, and certainly we have received proposals from some providers, but most of those proposals actually have been incomplete. There are a number of providers who have experienced delays in developing their technical solutions, and during the period that we were in negotiations with Uber in relation to their proof of concept and they were conducting their trials, there was no other potential provider that completed the required procurement process.

I acknowledge that at the outset of the pandemic in early 2020 we did pause any further data collection provider proposal considerations, and that really was for two reasons. One is that the commercial passenger vehicle industry was deemed as high risk for transmission of COVID-19, and that meant the diversion of our internal resources to assist the industry to deal with this new risk. It also meant the diversion of the resources of industry providers, and we certainly heard from many potential data collection providers at that time that they needed to pause work on their technical solutions.¹⁰

As indicated at the outset of this Section, in early 2021 CPVV revised the DCP application process, developing a new 'Invitation to Supply' process that updated the previous DCP Provider Package released in 2018. Tammy O'Connor explained that the Invitation to Supply process was developed to 'assist future data collection providers in applying and going through a procurement process with CPVV'.¹¹

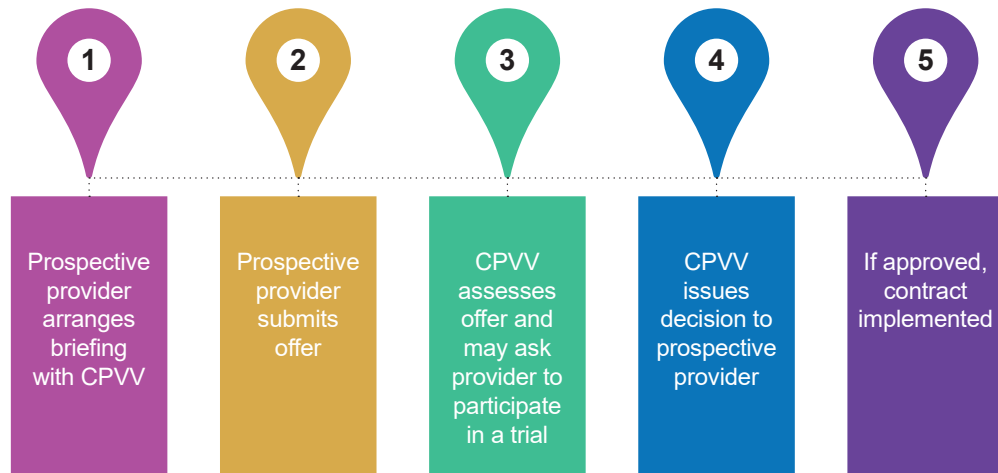
Figure 2.1 below outlines the invitation to supply process for potential DCPs to participate in the MPTP.

⁹ Ibid., p. 40.

¹⁰ Tammy O'Connor, Interim Chief Executive Officer, Commercial Passenger Vehicles Victoria, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 41.

¹¹ Ibid.

Figure 2.1 The Invitation to Supply process, Data Collection Provider Expansion Project (Multi Purpose Taxi Program Expansion Project)



Source: Commercial Passenger Vehicles Victoria, *Becoming a Data Collection Provider*, 2021, <<https://cpv.vic.gov.au/booking-service-providers/becoming-a-dcp>> accessed 27 January 2022.

In its submission, the Victorian Government explained that the ‘Invitation to Supply’ has improved the DCP application process by providing applicants more detailed and accessible information on the commercial, financial and technological requirements of the procurement process. It stated the new process:

allows booking service providers, current data collection providers, or other service providers wishing to enter the CPV industry, to make a more informed decision from a commercial as well as a technical perspective about becoming a data collection provider to provide MPTP services.¹²

The submission outlined the evaluation criteria for DCPs, noting that all applicants are ‘assessed against the same criteria as party of the procurement process’.¹³ In evaluating potential DCPs’ proposals, CPVV considers:

- financial capability
- insurance cover
- any potential conflicts of interest
- business capability – for example resources, risk management, customer service
- the user experience for MPTP members and industry (drivers, booking service providers, vehicle owners)
- innovation and value-adding
- social benefit
- past performance and current work

¹² Victorian Government, *Submission 22*, p. 16.

¹³ *Ibid.*

- systems to measure and monitor performance
- pricing
- value for money.¹⁴

The Victorian Government's submission also addressed the technical requirements DCPs must meet:

Organisations offering potential data collection systems must demonstrate an ability to meet strict functional and technical specifications required by the MPTP, as well as CPVV back-of-house systems and technology architecture. The expansion of data collection providers is focused on ensuring that any alternative systems are secure and that all data collection processes support CPVV's efforts to ensure business capability, data integrity, efficiency, and overall security of the MPTP.¹⁵

Research undertaken by the Committee into the information available for potential DCPs wishing to join the MPTP shows improvements in the level and accessibility of information provided by CPVV. A review of CPVV's webpage on *Becoming a Data Collection Provider* indicates that, along with the Invitation to Supply document, it has consolidated information on:

- providing MPTP services—which has updated the previous DCP Package
- procurement workflows—including indicative timelines for each stage of the application process
- DCP requirements and evaluation criteria—including what stages of the procurement process requirements must be met, the priority of the requirement (e.g., is it mandatory or desirable) and the type of requirement (e.g., certification requirements, conditions of participation or insurance)
- drafting documentation—such as templates for a DCP contract, offer or commitment letter.¹⁶

In the Committee's view, the DCP Invitation to Supply has improved the applications process for DCPs wishing to join the MPTP. However, concerns raised by industry stakeholders with current DCP applications in progress demonstrate the need to ensure that organisations are properly supported throughout the process. To ensure that the DCP procurement process is open, transparent and fair to all interested parties, the Committee recommends that CPVV undertake consultations with applicants during the procurement process to assess the amount of support it provides.

¹⁴ Ibid. Excerpt from Commercial Passenger Vehicles Victoria, *Becoming a Data Collection Provider*, 2021, <<https://cpv.vic.gov.au/booking-service-providers/becoming-a-dcp>> accessed 27 January 2022.

¹⁵ Victorian Government, *Submission 22*, p. 16.

¹⁶ Commercial Passenger Vehicles Victoria, *Becoming a Data Collection Provider*.

FINDING 2: The new 'Invitation to Supply' process for parties wishing to join the Multi Purpose Taxi Program as a Data Collection Provider has improved the accessibility of information for applicants. It provides clear, detailed information about the end-to-end application process and the requirements for successful completion.

RECOMMENDATION 2: To ensure that the Data Collection Provider Expansion Project is meeting its aim to be open, transparent and fair to all potential providers, Commercial Passenger Vehicles Victoria should undertake regular consultations with applicants on their view of the process. In particular, Commercial Passenger Vehicles Victoria should:

- consult with applicants on opportunities for improving support during the application process
- establish consistent project timelines, including indicative turnaround times for Commercial Passenger Vehicles Victoria to provide feedback/progress reports. These timelines should be clearly communicated to applicants.

RATIONALE: Consulting with potential Data Collection Providers on the application process ensures that Commercial Passenger Vehicles Victoria is providing sufficient support to applicants. This would facilitate the inclusion of more small businesses in the Multi Purpose Taxi Program as providers and increase competition and choice in the industry.

2.3 Multi Purpose Taxi Program Expansion Project: Uber Trial 2020

Uber was the first rideshare company to enter the MPTP.¹⁷ In March 2020, following a Proof of Concept phase, CPVV and Uber undertook a 14-week live trial in the Greater Geelong area to assess Uber's suitability as a DCP under the program (and ultimately a BSP).

A Communications Plan, which was developed by CPVV to prepare for the Uber trial, outlined the project's key messages. These messages provide some insight into the aims and scope of the trial. Table 2.2 below summarises the key messages outlined in CPVV's Communications Plan.

¹⁷ Not to be confused with the addition of Net-Cabs/Oiii to the MPTP as a DCP and BSP operating a traditional taxi company that provides a rideshare-style booking experience.

Table 2.2 Key messages, Commercial Passenger Vehicles Victoria's Communications Plan for Multi Purpose Taxi Program Expansion Project: Uber Trial

| Key Messages | |
|--------------|--|
| General | <ul style="list-style-type: none"> • Trial is part of Victorian Government's commitment to expand the MPTP to include rideshare, giving members more choice. • Trial aligns with Government's commitment to ensure the commercial passenger vehicle industry is accessible, safe and competitive. • MPTP expansion provides more competition in the point-to-point accessibility market. |
| Industry | <ul style="list-style-type: none"> • Objective of the expansion project is to make commercial passenger vehicles more accessible, allowing more choice for members as well as increased competition in the accessibility point-to-point market. • Uber trial will not involve wheelchair accessible vehicles, as Uber does not have these vehicles. • Trips during the trial will not count towards a member's annual subsidy limit; however, if Uber is successful and enters the program as a booking service provider, trips taken will be deducted from annual subsidy limit. |
| MPTP members | <ul style="list-style-type: none"> • A random selection of program members in the Greater Geelong area will be invited to join the trial. • First 100 to respond can take part in the trial. • Trial participants can book a trip through the Uber app. • Trial will use the standard subsidy rate of 50%, which will be covered by Uber and not the member. • Greater Geelong was chosen because it could allow for the expansion of services into large urban and regional areas. |

Source: Commercial Passenger Vehicles Victoria, *Communications Plan: Multi Purpose Taxi Program Expansion Project – Uber Trial*, April 2021, p. 2. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_1_to_65_-_Provided_in_Full_kqtG3pg6.zip (Document Number 1).

2.3.1 Conduct of the trial

The trial commenced in the Greater Geelong area on 25 March 2020. The trial ran for 14 weeks, concluding on 5 July 2020.¹⁸ The trial was originally due to end on 31 May 2020,¹⁹ but was extended by 35 days.²⁰ In response to a question on notice, CPVV explained that the Greater Geelong area was selected as the trial site because of 'MPTP member size and service demand and the size of Uber's service offering'.²¹

The Deed for Proof of Concept signed by CPVV and Uber, which was dated 5 September 2019, explained the agreed technical and functional requirements between

18 Commercial Passenger Vehicles Victoria, *Deed for the Proof of Concept between Commercial Passenger Vehicles Victoria and Uber Australia Pty Ltd*, Letter to Uber Australia Pty Ltd, 22 May 2020, p. 1. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_1_to_65_-_Provided_in_Full_kqtG3pg6.zip (Document Number 55). Uber, *Uber MPTP Scheme: Full Roll-out Plan*, presentation to Commercial Passenger Vehicles Victoria, July 2020, p. 5. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_66_to_76_-_Provided_in_Part_MR3kRv2H.zip (Document Number 70).

19 Commercial Passenger Vehicles Victoria, *MPTP Expansion Program trial with Uber in Greater Geelong*, media release, 5 March 2020, <https://cpv.vic.gov.au/about-us/news/taxis/mptp-expansion-program-trial-with-uber-underway-in-greater-geelong>.

20 Uber, *Uber MPTP Scheme: Full Roll-out Plan*, p. 5.

21 Commercial Passenger Vehicles Victoria, *Inquiry into the Multi Purpose Taxi Program hearing*, response to questions on notice received 11 November 2021, p. 1.

both parties necessary for the live trial to commence and Uber's participation in the program. The Proof of Concept conditions required that Uber demonstrate to the satisfaction of CPVV that:

- its system could collect Trip Personal Information which could be provided to CPVV
- the Uber App allowed participants to request and complete MPTP trips.²²

Following the trial, CPVV drafted A *Proof of Concept Evaluation Report* which evaluated Uber's performance against the Proof of Concept conditions and criteria. The report noted that the purpose of the trial was to:

- test the effectiveness of Uber technology in providing MPTP services
- assess Uber's sustainability in delivering a subsidy program for the Victorian Government
- assess any system upgrades that were required in CPVV's system to enable integration of CPVV and Uber systems
- explore opportunities to reduce risk around fraudulent activities within the program.²³

Five hundred MPTP members in the Greater Geelong area were invited to participate in the trial. Participation in the trial was capped at 100 people, with the first 100 respondents to participate. However, only six MPTP members participated in the trial, undertaking a total of 174 trips.²⁴ A February 2021 briefing paper for the Minister for Transport noted that:

Uber demonstrated that in a live environment, the system worked correctly and that MPTP members were able to successfully book and pay for subsidised trips.

The trial did not test market demand for Uber's MPTP offering. Like all Victorians, MPTP members will have the opportunity to make choices based on the quality of service, cost and safety features of Uber's service offering.²⁵

The Ministerial brief also summarised the conduct and scope of the trial, stating that:

- participation was impacted by the COVID-19 pandemic
- the State of Victoria did not incur the cost of subsidy payments during the trial, the 50% subsidy (which covered cost of remunerating drivers for the full ride fare) was incurred by Uber

²² Commercial Passenger Vehicles Commission (Commercial Passenger Vehicles Victoria) and Uber Australia Pty Ltd, *Deed for the Proof of Concept*, signed 5 September 2019, p. 9. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_66_to_76_-_Provided_in_Part_MR3kRv2H.zip (Document Number 75).

²³ Commercial Passenger Vehicles Victoria, *Proof of Concept Evaluation Report: Uber & Multi Purpose Taxi Program Expansion*, undated, pp. 4-5. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_66_to_76_-_Provided_in_Part_MR3kRv2H.zip (Document Number 71).

²⁴ Department of Transport, *Briefing for Minister for Public Transport (2021)*, Ministerial briefing, February 2021, p. 4. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_66_to_76_-_Provided_in_Part_MR3kRv2H.zip (Document Number 72).

²⁵ *Ibid.*, pp. 4-5.

- CPVV also tested fraud detection and prevention measures, both generic measures for all data collection providers as well as Uber-specific measures.²⁶

Both CPVV and Uber told the Committee that the small number of participants—well below the cap of 100 people—did not impact the efficacy of the trial’s results because it was a technical trial.²⁷ Tammy O’Connor (CPVV) said, ‘Because it was of a technical nature rather than a service outcome it was not necessary to have large numbers of participants in the trial.’²⁸

At a public hearing, Dominic Taylor (Uber) reiterated the primary focus of the trial was on whether Uber’s technology was fit for purpose and that is why it proceeded despite only having a very small number of participants. He stated:

We were funding the program during the trial, and we only received six responses. The information that we had was on six riders who were really excited to trial the program, and so that is the trial that we ran. It is important to remember, though, that Uber has been operating in Victoria since 2012, and we have millions and millions of trips worth of information that allows us to understand how our platform works in Victoria, how we pick up users from A to B, how we are continually improving it and how we have increased the role of safety in rideshare. Really, the crux, or what the focus of the trial was, was the technology that we had built to make sure that it was fit for purpose and that it worked.²⁹

The Committee notes that documents provided to the Parliament of Victoria, including a 2021 ministerial briefing³⁰ and results from participant surveys, stated there were four participants in the 2020 Geelong trial. However, at a public hearing, Uber representatives indicated there were six participants. The Committee sought an explanation from Uber for the discrepancy in the total number of participants for the trial. In response to a question on notice, Uber explained that across the entire trial period there were six unique participants. However, in the last week of the trial only four participants undertook journeys.³¹ To support this, Uber provided an excerpt from its MPTP Launch Plan, which it presented to CPVV in July 2020 (Figure 2.2 below).

²⁶ Ibid., pp. 8–9.

²⁷ Tammy O’Connor, *Transcript of evidence*, p. 27; Dam Ogundeji, General Manager of Transit, Australia and New Zealand, Uber, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 28; Dominic Taylor, General Manager, Australia and New Zealand, Uber, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 32.

²⁸ Tammy O’Connor, *Transcript of evidence*, p. 47.

²⁹ Dominic Taylor, *Transcript of evidence*, p. 32.

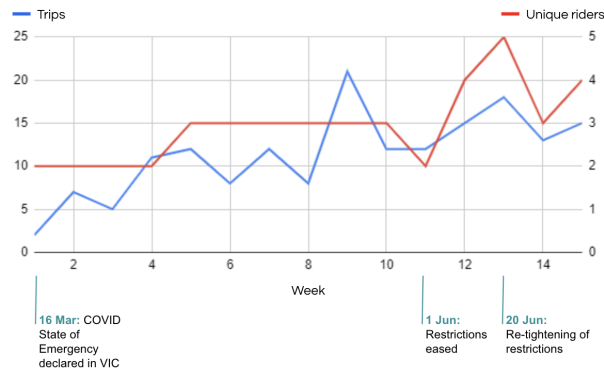
³⁰ Department of Transport, *Briefing for Minister for Public Transport (2021)*; Commercial Passenger Vehicles Victoria, *Uber & Multi Purpose Taxi Program Trial: Satisfaction Survey Results*, Presentation, June 2021. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_1_to_65_-_Provided_in_Full_kqtG3pg6.zip (Document Number 8).

³¹ Uber, Inquiry into the Multi Purpose Taxi Program hearing, response to questions on notice received 19 November 2021, p. 2.

Figure 2.2 Data on Uber trial ridership, Uber MPTP Launch Plan, July 2020

Despite the impacts of COVID-19, we successfully delivered 174 trips to 6 riders

MPTP Trial Ridership (25 Mar 2020 - 5 Jul 2020)



174

Trips

6

Unique riders

5.3

Avg. trip ETA
(mins)

Source: Uber, Inquiry into the Multi Purpose Taxi Program hearing, response to questions on notice received 19 November 2021, p. 2.

As stated earlier, Tammy O'Connor (CPVV) told the Committee that the purpose of the trial was to test the suitability of Uber's technology rather than 'service outcome'.³² However, Dam Ogundeji (Uber) explained that Uber did also seek to test members' experiences and ensure that trial participants had a positive experience and felt safe during the journey.³³

A DoT brief for the Minister for Public Transport, signed on 25 February 2020, also noted that the trial was two-pronged, to assess Uber's technology and member experience.³⁴ The Ministerial briefing stated that, 'Member experience will be a key aspect of the trial'.³⁵ To achieve this, the Ministerial briefing explained that:

- Uber drivers would complete disability awareness education before receiving trip requests.
- Uber provides a range of vehicle services, including Uber Assist which is targeted at passengers with accessibility or mobility needs.
- Uber Assist drivers can help passengers load and unload assistive devices provided they can fit in the trunk of a standard sedan when folded or disassembled.
- Uber Assist drivers were also required to:
 - complete additional disability training

³² Tammy O'Connor, *Transcript of evidence*, p. 47.

³³ Dam Ogundeji, *Transcript of evidence*, p. 28.

³⁴ Department of Transport, *Briefing for Minister for Public Transport (2020)*, Ministerial briefing, 25 February 2020, p. 2. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_1_to_65_-_Provided_in_Full_kqtG3pg6.zip (Document Number 24).

³⁵ Ibid.

- complete a minimum of 100 trips and have a minimum 4.7 rating (out of five) from riders
- have a vehicle which supports the transportation needs of riders with a disability.
- Trial participants were not restricted to using Uber Assist vehicles but could access any Uber service (except Uber Pool).
- During the trial, participants were asked to provide feedback to Uber which was shared with CPVV.³⁶

Some Inquiry stakeholders expressed concerns with the conduct of the 2020 Uber trial, in particular that the assessment metrics and number of participants were insufficient. The following are excerpts taken from evidence to the Inquiry:

- ‘The trial saw the multi purpose card number attached to the app in the user’s phone. Where are the checks and balances of this vulnerable and easily manipulated information? This is not an ethical nor safe service for our Multipurpose taxi users’.³⁷
- ‘The decision to enable Uber to enter the market with no service amendments threatens taxpayers because of increased government costs, and I am just very, very curious as to why this seemingly unchecked decision-making was allowed and why the Mickey Mouse trial was allowed with such limitation of numbers’.³⁸
- ‘Why is the accreditation process different for Uber drivers?’³⁹

The Committee holds serious concerns about the small number of participants involved in the 2020 Uber trial. Whilst a technological trial with only a few participants could be considered sufficient to determine if Uber should join the MPTP, evidence clearly shows that the trial was also assessing participants’ experiences. In the Committee’s view, a trial involving only six people is not sufficient to properly assess the usability and experience of a service from the user’s perspective; in particular, whether Uber’s services could cater to Victoria’s disability community more broadly.

A larger number of trial participants would have ensured that the results from participants’ feedback was more considered and sourced from a wider variety of people with more diverse experiences. The outcomes of the trial are discussed further in Section 2.3.2.

FINDING 3: The Multi Purpose Taxi Program’s Uber expansion trial ran from 25 March 2020 to 5 July 2020. The trial involved six participants who undertook a total of 174 trips.

³⁶ Ibid., pp. 2–3.

³⁷ Ride with us, *Submission 9*, p. 1.

³⁸ Eleanor Fitz, Director, Wodonga Taxis, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 27.

³⁹ Wodonga Taxis, *Submission 6*, p. 4.

FINDING 4: The purpose of the Multi Purpose Taxi Program’s Uber expansion trial was primarily to test the suitability of Uber’s technology for the program. However, the trial also assessed the experiences of trial participants. For a trial assessing user experience, whether wholly or in part, six participants is not suitable. A larger participant pool would be necessary to properly assess members’ experiences, especially given the diverse range of experiences among people with a disability.

RECOMMENDATION 3: That Commercial Passenger Vehicles Victoria commission an independent survey of Multi Purpose Taxi Program members’ experiences using Uber.

RATIONALE: Independent customer feedback is needed to ensure rideshare services in the Multi Purpose Taxi Program meet the expectations of members.

Subsidy charge rule applied during trial

At the time of the 2020 trial, CPVV applied the following subsidy charge rule:

- the program subsidy paid for 50% of the metered fare, up to a maximum of \$60 per trip and subject to total allowance limit under the program
- members were responsible for covering 50% of the metered fare plus the full cost of any road tolls, airport fees or other additional costs.⁴⁰

During the trial, Uber implemented a different MPTP subsidy charge rule than the whole-of-program rule which existed at the time. Uber implemented a 50% of gross fare subsidy charge rule (i.e. metered fare plus other additional costs, such as tolls and airport fees).

The different subsidy charge rule used in the trial was incorporated into the executed Proof of Concept Deed between CPVV and Uber, which outlined the conditions of the trial and its scope. Clause 6.4 of the Deed stated:

During the Active POC Term [trial], Uber must:

- 6.4.1 apply an entitlement to the fares for POC Trips such that the amount paid by the Participants is reduced by 50 percent of the total fare up to a maximum of \$60.00 per POC Trip.⁴¹

⁴⁰ Commercial Passenger Vehicles Victoria, *Multi Purpose Taxi Program (Archived web page)*, 2018, <<https://web.archive.org/web/20181108115359/http://taxi.vic.gov.au/passengers/mptp>> accessed 24 November 2021.

⁴¹ Commercial Passenger Vehicles Commission (Commercial Passenger Vehicles Victoria) and Uber Australia Pty Ltd, *Deed for the Proof of Concept*, p. 11.

Minutes from a 12 February 2019 meeting of the MPTP Expansion Project's Steering Committee showed that the decision to alter the subsidy charge rule for the trial was so DoT could 'monitor impacts of the change in policy'.⁴²

On 21 May 2019, the Steering Committee considered a policy paper on lifting fee rules in relation to the MPTP Expansion project. This paper also noted the altered subsidy charge rules for the trial and further stated that:

The POC is an opportunity to test a different business model with a 'dynamic' fee across different times and locations. This trial would be clearly communicated to MPTP members and industry, with a message that CPVV is reviewing the MPTP subsidy and lifting fee rules with data from the POC a key input.⁴³

The trial's subsidy charge rule of 50% of the gross fare was subsequently implemented across the whole program. A briefing provided to the Minister for Public Transport from the Executive Management Team at CPVV, which recommended approving Uber as a new DCP (subject to successful contract negotiations), stated:

The current MPTP business rules were also reviewed as part of the Expansion program as they are inconsistent with the government's reforms and complex for industry and members to understand and as an outcome, CPVV plans to implement new rules which are simpler, more equitable and consistent with the reforms.

For trial trips, it was agreed that Uber will process the MPTP trips as flat 50% rule. If the new business rules are not implemented before Uber going live, either:

- a. Uber will have to update their system to process MPTP trips as per current rules; or
- b. Uber will need to delay full roll out until the rules change.

This risk is low as Uber can modify their systems to process MPTP trips according to the current rules. However this will add complexity as changes would need to be communicated to members.⁴⁴

In August 2020, the Victorian Government announced that the MPTP subsidy would increase from 50% to 70% until 3 November 2020.⁴⁵ The subsidy was increased in response to the COVID-19 pandemic to ensure that all program members could travel, particularly to access essential services.⁴⁶ The impact of COVID-19 on the MPTP is discussed further in Chapter 5.

⁴² Commercial Passenger Vehicles Victoria, *Minutes of the meeting of the Multi Purpose Taxi Program (MPTP) Expansion Program Steering Committee*, 12 February 2019, p. 2. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_1_to_65_-_Provided_in_Full_katG3pg6.zip (Document Number 39).

⁴³ Commercial Passenger Vehicles Victoria, *MPTP Expansion Program: Steering Committee Meeting Pack*, 21 May 2019, p. 17. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_66_to_76_-_Provided_in_Part_MR3kRv2H.zip (Document Number 73).

⁴⁴ Commercial Passenger Vehicles Victoria, *Successful Multi Purpose Taxi Program (MPTP) trial with Uber*, Executive Management Team paper, pp. 4-5. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_66_to_76_-_Provided_in_Part_MR3kRv2H.zip (Document Number 69).

⁴⁵ The 70% per trip subsidy was extended until 16 December 2020.

⁴⁶ Commercial Passenger Vehicles Victoria, 'Stay at Home' restrictions, <<https://enews.cpv.vic.gov.au/pub/pubType/EO/pubID/zzz5f2a1ef9c897a471/print/1>> accessed 25 November 2021.

Alongside the increase in the subsidy limit, CPVV also announced the subsidy charge rule would change to 70% of the gross fare up to a \$60 per trip limit. It further indicated that the new subsidy rule would remain in place even when the subsidy returned to 50% per trip (i.e. 50% of the gross fare).⁴⁷

The Committee did not find any evidence that the subsidy charge rule for the MPTP was changed because it benefited Uber's entry into the Program. Rather, documents in relation to the MPTP Expansion Project indicated that changing the subsidy rules was a broader consideration of the project, aiming to make the rules simpler and easier to implement for all service providers. However, the Committee also notes that it did not receive any evidence which showed that the charge rule applied in the Uber trial was tested by other DCPs.

FINDING 5: In relation to the subsidy charge rule applied during Uber's 2020 Multi Purpose Taxi Program live trial, evidence found by the Committee does not show:

- that the subsidy charge rule was changed solely to benefit Uber's entry into the program. Rather, that changing the subsidy rule was a broader consideration of the expansion project
- that the charge rule applied during the trial was tested by any providers other than Uber.

2.3.2 Outcome of the trial

A Proof of Concept Evaluation Report on the Uber trial assessed Uber's performance against the performance measures outlined in the executed Proof of Concept Deed. Table 2.2, taken from the evaluation report, shows the results.

Table 2.3 Evaluation of Uber against Proof of Concept performance measures

| Criteria | Uber Performance |
|---|--|
| Professional competence and performance track record, such as demonstrated industry experience. | Uber is a multinational ridesharing company offering various transport services and is an accredited BSP in Victoria. It covers a vast market share in rideshare and if it is enabled to provide MPTP services, this will be of significant benefit to Victorians. Uber commercial passenger vehicles are available in 900 cities around the world. Uber have an ongoing commitment to safety which includes setting new safety standards and developing technology with the goal of reducing incidents. |
| Ability to meet the unique requirements of the MPTP system, demonstrated through development and testing processes. | Uber have shown great enthusiasm, willingness and perseverance to meet the requirements and support CPVV throughout the testing experience. |

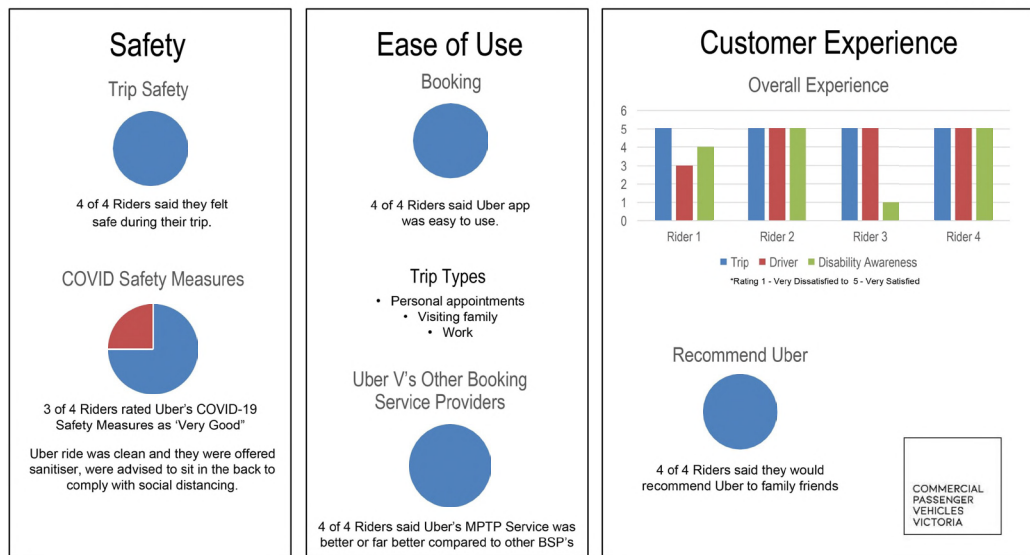
⁴⁷ Commercial Passenger Vehicles Victoria, *Multi Purpose Taxi Program (Archived web page)*, August 2020, <<https://web.archive.org/web/20200805200511/http://web2.economicdevelopment.vic.gov.au/taxi/passengers/mptp>> accessed 25 November 2021.

| Criteria | Uber Performance |
|---|---|
| Demonstrated value for money such as the financial cost of service delivery and the quality of products and services delivered. | There is no cost to Government in Uber providing DCP services. |
| Demonstrated ability to provide ongoing support and maintenance. Uber was to demonstrate responsiveness to requests for system changes and systems defect resolution. | CPVV have little history to go by and this would normally be sought in a tender application. However, CPVV are aware that Uber have invested a significant amount of money and time to provide MPTP services and it is understood it is for the long term and the first in Australia. |
| Suitability with the system to meet core business requirements of the MPTP Back Office System (BOS). All system functions must support efficient work practices. | Uber have clearly demonstrated that they meet the requirements (as per the functional and technical specifications). Modifications have been made as part of the testing process. |

Source: Commercial Passenger Vehicles Victoria, *Proof of Concept Evaluation Report: Uber & Multi Purpose Taxi Program Expansion*, date unknown, pp. 8–9.

As part of the trial, participants were invited to fill out a survey on their experiences using Uber for MPTP trips. Figure 2.3 shows the results of the survey. The Committee notes the results include responses from 4 participants (riders), but that the trial involved 6 unique participants. It further notes that the results are taken from a document dated June 2020, but according to Uber the trial concluded on 5 July 2020.⁴⁸

Figure 2.3 Results of satisfaction survey, Uber and Multi Purpose Taxi Program Trial, June 2020



Source: Commercial Passenger Vehicles Victoria, *Uber & Multi Purpose Taxi Program Trial: Satisfaction Survey*, June 2020, p. 2. Document can be found here: https://parliament.vic.gov.au/file_uploads/Documents_1_to_65_-_Provided_in_Full_kqtG3pg6.zip (Document Number 8).

⁴⁸ Uber, response to questions on notice.

The results of the satisfaction survey showed that trial participants were overall satisfied with the service provided by Uber and the conduct of rides during the trial, including on factors such as:

- trip safety—4 out of 4 participants felt safe
- COVID-19 safety measures—3 out of 4 participants rated measures as ‘very good’
- ease of use in regard to Uber app—4 out of 4 participants found the app easy to use
- disability awareness—1 out of 4 participants were ‘very dissatisfied’ with disability awareness of the driver.⁴⁹

According to the results from the survey, all four participants included in the data indicated they would recommend the use of Uber to their social networks.⁵⁰

The Committee acknowledges that from those who completed the survey, Uber received positive feedback. However, only four participants were included in satisfaction survey data, but six unique participants took part in the trial overall. Therefore, the results of the satisfaction survey have only limited applicability.

Delayed entry of Uber into the Multi Purpose Taxi Program

On 15 January 2021, Uber commenced as an MPTP DCP and BSP. However, the Committee notes that the entry of Uber into the MPTP had been delayed. In July 2020, Uber presented a proposed roll-out plan to CPVV, which indicated that the proposed date of entry for Uber into the program was 3 August 2020, beginning with a regional roll-out.

According to the proposed launch plan, Uber’s entry into the MPTP was to be conducted over two phases. Figure 2.4 below shows the phases of Uber’s suggested full roll-out plan. The Committee is unsure if the roll-out still occurred in phases at a later date, following the delayed starting date.

⁴⁹ Commercial Passenger Vehicles Victoria, *Uber & Multi Purpose Taxi Program Trial: Satisfaction Survey Results*, p. 2.

⁵⁰ Ibid.

Figure 2.4 Phases of Uber’s entry into the Multi Purpose Taxi Program scheme, July 2020

The scheme will be rolled out in two phases across cities in Victoria



Phase 1
Regional Victoria

All cities outside the Melbourne metropolitan area (including Geelong, Mornington Peninsula, Ballarat, Bendigo, Latrobe)

Phase 2
Metro Victoria

The Greater Melbourne metropolitan area

Source: Uber, Uber MPTP Scheme: Full Roll-out Plan, presentation to Commercial Passenger Vehicles Victoria, July 2020, p. 9.

The Committee did not receive any evidence explaining why Uber’s entry into the MPTP was delayed. However, documents provided to the Legislative Council showed that it may have been because Uber was required to use a different subsidy charge rule than the one used during the trial.⁵¹ As previously stated, at the time of the trial, the subsidy charge rule for the program was 50% of metered fare, excluding tolls, airport fees, etc. However, this risk was nullified because CPVV implemented the same charge rule used during the trial to the entire MPTP. The new charge rule—which was 50% of gross fare—was introduced in August 2020, along with an increase of the subsidy limit from 70% due to the impacts of COVID-19 (see Chapter 5).

Both these issues are discussed further in Section 2.3.1.

2.4 Industry impacts of the Multi Purpose Taxi Program expansion

This Section addresses three key issues regarding the expansion of the MPTP that were raised by stakeholders:

- reducing the DCP ‘single supplier’ risk to the MPTP
- increased choice for MPTP members
- the potential for supply to exceed demand and the impact on service providers (this issue is discussed in greater detail in the context of wheelchair accessible vehicles in Chapter 3).

⁵¹ Commercial Passenger Vehicles Victoria, *Successful Multi Purpose Taxi Program (MPTP) trial with Uber*, pp. 4–5.

2.4.1 Reducing single supplier risk for data collection providers

Prior to the expansion of the MPTP, Cabcharge (whose parent company is A2B Australia which also owns 13cabs) was the only DCP operating in the MPTP market. All vehicles offering MPTP services—whether that was the 13cabs fleet or vehicles associated with other BSPs—were required to use Cabcharge as the DCP.⁵² As noted earlier, Oiii became the second DCP in 2018. However, prior to Uber joining the MPTP, A2B Australia provided payment terminal and data collection services to over 97% of vehicles offering MPTP services in Victoria. The MPTP Expansion Project recognised that this posed ‘a significant “single supplier” risk to the MPTP’.⁵³

In its submission, the Victorian Government explained that:

In implementing the Government’s policy to expand the number of data collection providers that service the MPTP, CPVV is playing a key role in enabling increased equity of access (providing those with disability greater choice as to which CPV to use) and will ensure continuity of service to members in the event one provider fails or withdraws its services.

Single supplier risk was also noted by some stakeholders, including industry stakeholders applying to join the MPTP. In discussing their proposals to join the MPTP, Schmidt Electronic Laboratories and GRABiD Technologies stressed to the Committee the importance of a diverse DCP market for BSPs. By widening the DCP market, the expanded MPTP is ensuring there is greater competition to offer innovative and cost-effective solutions, and increases the agency of vehicles providing MPTP services to make decisions which suit their commercial and service needs. This is not possible in a market where there is a sole supplier.

At a public hearing, Gary Schmidt from Schmidt Electronic Laboratories discussed the existing costs to independent operators using Cabcharge as a DCP:

[independent operators] typically have to spend something like \$99 a month to have an EFTPOS terminal in the car that will process the MPTP transactions. And many of them in Melbourne, for example, do very few MPTP transactions—the sedans I am talking about—but they are still required to have a facility for processing the transaction. The only option that an independent taxi operator has got is a Cabcharge EFTPOS terminal. There are no options for the independents, and there are thousands of those independents. So they are forced to pay \$99 a month; right? And it is a lot of money to pay if you are only going to do a small handful of transactions a month. Basically they are paying that simply to meet the regulation that is required for a taxi. A lot of them have told me that if it was not for the regulation that they have to actually have a device for processing the MPTP transaction, they would not bother getting the terminals.⁵⁴

⁵² Victorian Government, *Submission 22*, p. 8.

⁵³ Commercial Passenger Vehicles Victoria, *Successful Multi Purpose Taxi Program (MPTP) trial with Uber*.

⁵⁴ Gary Schmidt, *Transcript of evidence*, p. 41.

In discussing the company's proposal to become a DCP, Moti Mimeran from GRABiD Technologies touched on the impact more diverse options could have on the operating costs for vehicles providing MPTP services. He explained how GRABiD's DCP solution could potentially reduce operating costs for drivers.⁵⁵

In its submission, A2B Australia told the Committee it 'welcomes competition and the introduction of new businesses that serve Victorians'.⁵⁶

FINDING 6: Increasing the number of Data Collection Providers available within the Multi Purpose Taxi Program has reduced single supplier risk and expanded market options for vehicles offering Multi Purpose Taxi Program services.

2.4.2 Consumer choice and availability of services

It provides us greater flexibility, greater options—similar to our sighted peers. And we felt that it was unjust that, you know, if you had vision you were allowed to use it, to have these options, but where you were blind and wanted to use the taxi subsidy it was not available.

On the entry rideshare into the MPTP, Chris Edwards, Manager, Government Relations, NDIS and Aged Care, Vision Australia, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 14.

Overall, the entry of rideshare into the MPTP was seen favourably by stakeholders in relation to improving consumer choice and availability of services for MPTP participants. In particular, stakeholders from the disability sector generally believed that the inclusion of rideshare into the program has increased service equity and given MPTP members more control over their transport options.⁵⁷

In its submission, National Disability Services supported the expansion of the MPTP believing it would reduce wait times and increase consumer choice. It noted that feedback so far from National Disability Services' clients has not indicated that 'Uber passengers receive lower quality service compared to taxi passengers'.⁵⁸ However, the submission argued that further work is required to grow trust in the rideshare industry:

MPTP users, their families, carers, and the disability sector are aware of the program's expansion to Uber and have the skills and confidence to access the MPTP subsidised Uber 'rides.' NDS [National Disability Services] has received mixed feedback about the level of confidence in Uber, with a number of organisations noting a lack of trust in the rideshare platform when compared to traditional taxis. NDS supports efforts to improve safety and build user confidence in all MPTP vehicles, including rideshare vehicles.⁵⁹

⁵⁵ Moti Mimeran, *Transcript of evidence*, p. 2.

⁵⁶ A2B Australia, *Submission 15*, p. 3.

⁵⁷ For example, see: National Disability Services, *Submission 13*; Commissioner for Senior Victorians, *Submission 21*.

⁵⁸ National Disability Services, *Submission 13*, p. 2.

⁵⁹ *Ibid.*

The Commissioner for Senior Victorians also supported the inclusion of rideshare in the MPTP stating, ‘the desire for choice does not disappear because you are ageing’.⁶⁰ In the submission, the Commissioner discussed the benefits of increasing consumer choices:

Many older people are drawn to traditional ‘taxi style’ commercial passenger vehicles as their preferred and familiar mode of transport. However, access to options such as rideshare are important for expanding choices for consumers. Concerns have previously been raised with the Commissioner about taxi drivers’ reluctance to transport older people on short trips, e.g. to the local medical practice or shopping centre. Inclusion of rideshare vehicles appears to have addressed this issue. MPTP members can choose which service they book based on various factors such as local availability, pricing, sex of the driver etc.⁶¹

Uber agreed that increasing consumer choice was the ‘most important’ factor in the expansion. It acknowledged that some MPTP members will still prefer to use other operators, but that:

It is important that people with a disability or accessibility needs are able to choose a service offering which best suits their needs, and the provider-neutral approach that the MPTP has adopted supports this.⁶²

In its submission, the Victorian Government believed that greater consumer choice allowed MPTP members to make more informed choices about their safety during CPV trips. For example, expanded service models and technology meant MPTP members could choose:

- female-only services
- services for children
- to share live progress of a journey with a trusted contact
- to use a mobile app to contact emergency services if needed.⁶³

In the Committee’s view, the expansion of the MPTP to include rideshare operators as DCPs and BSPs has increased consumer choice. Giving MPTP members more choices about which operators they can use promotes agency and more informed decision-making. The Committee heard that greater consumer choice has meant that MPTP members are able to make travel decisions which best suit their personal needs.

FINDING 7: The entry of rideshare operators into the Multi Purpose Taxi Program market has increased consumer choice and service availability for many Multi Purpose Taxi Program members.

⁶⁰ Commissioner for Senior Victorians, *Submission 21*, p. 6.

⁶¹ Ibid.

⁶² Dominic Taylor, *Transcript of evidence*, p. 27.

⁶³ Victorian Government, *Submission 22*, p. 11.

2.4.3 Increased choice and the future viability of the Multi Purpose Taxi Program

Stakeholders largely discussed the future viability of the MPTP being threatened by a combination of two main concerns:

- An increase in competition has the potential to ‘dilute’ the MPTP market (i.e. more vehicles means less profit for each driver/BSP), ultimately seeing a decrease in services.
- Service providers may prioritise peak periods where commercial viability is highest, leaving off-peak periods under-served.

Stephen Armstrong, Managing Director of Ballarat Taxis, discussed these points in relation to rural and regional Victoria. At a public hearing, he told the Committee:

in regional areas you must understand the Multi Purpose Taxi Program is the bread and butter. That is what has kept these businesses running in these small towns. Bringing other players in will dilute that market, which will mean their ability to make a profit and to keep the business afloat will be unsustainable. New entrants into the market will come in and they will service from 8 to 5 or 9 to 5 and then they are gone, and then you are going to expect to rely on the old participants in the taxi industry to continue working to cover the rest of the day and the weekends. Well, that is not going to happen if they have not got that bread and butter and the basis of their ability to make a living from Monday to Friday. So what you will find—you to be very careful about this, and I have considered it for a long time—is that you will lose country taxi services in small country towns and rural areas. Regional towns like Ballarat, Shepparton and Geelong will probably survive, but there is a real prospect of losing a 24/7 taxi service.⁶⁴

Colin Wells, Director of the Victorian Taxi Association, also discussed this issue, stating:

The program is being expanded, touting ‘choice’. I think the committee really needs to be aware that the choice is not always there. Fine, between 9 and 5 o’clock there are lots of choices for sedan users, but because everyone is fighting for the same slice of the pie during the busy time there are actually times of the day now where there is not a CPV on the road in Bendigo—and Bendigo is not a small place. So the people at 3 o’clock in the morning trying to get home on Wednesday or to get to work—whatever the case may be—suddenly have got no choices. So, you know, we are giving different people a choice, but their choice is coming at the expense of someone else’s choice, because they cannot use it. I mean, these new choices for the latest expansion only work for someone who has a smartphone and the ability to use it and a credit card and the ability to use it.⁶⁵

Wodonga Taxis argued that the ‘excessive number of registered taxi and rideshare service vehicles should be reduced’. It noted that the ‘ratio of passengers to point to point service vehicles is a significant indicator of economic imbalance for the industry’.

⁶⁴ Stephen Armstrong, Managing Director, Ballarat Taxis, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 31.

⁶⁵ Colin Wells, Director, Victorian Taxi Association, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 13.

Assessing the future viability of the MPTP is difficult. The MPTP expansion has occurred recently, with Uber only entering the market in early 2021, meaning the available data is still in its infancy. Some stakeholders also acknowledged the importance of sound feedback and data to assess the viability of the MPTP. The Victorian Government explained that the reduction of MPTP trips because of COVID-19 makes analysis difficult.⁶⁶

When assessing the impact of expansion, the Victorian Taxi Association emphasised the importance of not only speaking to MPTP members accessing new services but also those choosing not to use, or who are unable to use, new services.⁶⁷ It contended that assessments should engage members not using new services to know, 'have their services suffered because of the expansions, are they seeing different operators fighting over the same lucrative passengers and leaving the less lucrative to fend for themselves.'⁶⁸

An additional challenge to assessing the future viability of the MPTP is the ongoing roll out of the National Disability Insurance Scheme (NDIS) in Victoria. At the time of writing, the implementation of transport funding under the NDIS was still being considered by the National Disability Insurance Agency.⁶⁹ Chapter 5 examines the impact the NDIS may have on the future operation of the MPTP.

FINDING 8: The future viability of the Multi Purpose Taxi Program is difficult to assess because:

- due to COVID-19, there is a lack of reliable data on the impact of the expansion of service providers on the industry
- the long-term impact of increased competition on service supply is unknown.

RECOMMENDATION 4: That Commercial Passenger Vehicles Victoria undertake an audit to assess whether the expansion of services operating under the Multi Purpose Taxi Program has led to:

- a significant decrease in services due to market dilution reducing profits
- drivers prioritising peak periods where profits are higher, leaving off-peak periods under-serviced.

If the audit shows substantial risks to the ongoing viability of the Multi Purpose Taxi Program, the Government should, in consultation with industry stakeholders, immediately develop and implement a mitigation strategy.

⁶⁶ Victorian Government, *Submission 22*, p. 18.

⁶⁷ Victorian Taxi Association, *Submission 7*, p. 4.

⁶⁸ Ibid.

⁶⁹ Victorian Government, *Submission 22*, p. 10.

RATIONALE: The Multi Purpose Taxi Program has only recently been expanded, meaning there may be some unintended negative consequences as well as benefits. Commercial Passenger Vehicles Victoria must be proactive in identifying any negative consequences and acting immediately to mitigate them.

3 Wheelchair accessible vehicles

3.1 Introduction

This Chapter examines the provision of commercial passenger wheelchair accessible vehicles (WAVs)¹ and considers how these services have been affected by the entry of new providers to the Multi Purpose Taxi Program (MPTP).

The Chapter concludes with a summary of current measures that support the purchase of WAVs and delivery of WAV services. It then makes some suggestions as to how these could be bolstered if required.

3.2 Wheelchair accessible vehicles

Approximately 15% of MPTP members use a wheelchair and rely on WAVs for their transport needs. WAVs are vehicles that have been specially modified to safely transport a person while they remain seated in their wheelchair.

Specifications to ensure WAVs that operate in the commercial passenger vehicle (CPV) industry are fit for purpose are set by Commercial Passenger Vehicles Victoria (CPVV) under the *CPV Industry Regulations 2018* (Vic). Commercial passenger WAVs must comply with specifications relating to accommodation space, hoist and ramp requirements, and restraint systems. These rules align with the requirements in the Commonwealth Disability Standards for Accessible Public Transport 2002 (the Transport Standards). The Transport Standards are covered in detail in Chapter 1.²

While CPVV's WAV specifications apply to both booked and unbooked CPVs to ensure consistency of standards across the industry,³ commercial passenger WAVs in Victoria are almost exclusively operated by services registered for unbooked travel (taxi).

In its submission, the Victorian Government informed the Committee that the expansion of conventional CPV services since the 2017 reforms has increased the number and responsiveness of affordable transport options for MPTP members. This includes an increase in the number of WAV registrations (up from 636 in 2017 to 975 as at June 2021) and a decrease in waiting times.⁴ A snapshot of statistics relating to the operation of WAVs in Victoria in 2020–21 appears in Box 3.1.

1 In the context of commercial passenger vehicle services, WAVs are also commonly referred to as wheelchair accessible taxis, or WATs.

2 Victorian Government, *Submission 22*, p. 22; Commercial Passenger Vehicles Victoria, *Vehicle owners: Register a vehicle to carry commercial passengers*, 9 November 2021, <<https://cpv.vic.gov.au/vehicle-owners/register-a-vehicle>> accessed 21 February 2022.

3 Victorian Government, *Submission 22*, p. 22.

4 *Ibid.*, p. 6.

Notwithstanding this, long-standing frustrations for passengers relating to the reliability of WAV services remain. These predominantly relate to:

- an overall shortage of WAVs, particularly in outer metropolitan and regional areas
- lengthy response times compared to non-WAV services.

BOX 3.1: Statistics on operation of WAVs in 2020–21

- Approximately 1 million MPTP trips were ‘wheelchair trips’ (WAV trips were down 18% since 2019–20)^a
- Average wait time of 6.4 minutes (COVID-19 affected), compared to 10.1 minutes in 2019–20 (pre-COVID-19 impacts) and 26.9 minutes in 2017–18
- WAV endorsed drivers = 4600+
- 975 ‘active’ WAV registrations as at June 2021 (an increase from 636 registrations as at October 2017)^b
- 24% of MPTP travel was for WAV trips
- 135,462 WAV trips in 2020–21 taken in regional areas
- 771,686 WAV trips in 2020–21 taken in metropolitan areas

a. It is not clear if this figure includes folding wheelchairs transported in a conventional CPV where a partial lifting fee was paid.

b. What is meant by ‘active registrations’ is not defined—see Section 3.2.1 for further discussion.

Sources: Victorian Government, *Submission 22*, pp. 6, 7, 22; Commercial Passenger Vehicles Victoria, *Annual Report 2020–21*, pp. 7, 49; Tammy O’Connor, *CPVV presentation*, pp. 2, 3; Ms Tammy O’Connor, *Transcript of evidence*, pp. 38–39.

3.2.1 Number of wheelchair accessible vehicles currently operating

A common issue around WAVs raised by people in the disability community is that there is an overall shortage of WAVs on the road. This is particularly the case outside of major metropolitan areas and large regional centres.⁵

As noted above, the Victorian Government told the Committee that WAV registrations had risen by around 50% since the 2017 CPV reforms.⁶ However, the Committee heard other evidence that the number of WAVs is actually in decline. David Samuel, Head of Public Affairs at A2B Australia⁷ (parent company of 13cabs, the largest taxi network in Australia and largest provider of WAVs in Victoria) told the Committee:

⁵ Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, November 2021, pp. 60–61.

⁶ Victorian Government, *Submission 22*, p. 6.

⁷ A2B Australia (formerly Cabcharge Australia) businesses include Cabcharge, 13cabs, Maxi Taxi, Silver Service Taxis, Spotto (mobile payments), EFT Solutions, Mobile Technologies International (MTI), and Giraffe Payments.

Initially when the government opened up licensing in 2017 we saw a slight increase in the number of WATs. Since then we have seen a decline, and that was occurring prior to COVID coming along. COVID has made the numbers much more turbulent, but we know year on year we are down about 35 to 40 vehicles on where we were last year in terms of wheelchair-accessible taxis in our fleet. As far as we know, we are probably the biggest fleet of wheelchair-accessible taxis. I do not know how many others are out there operating independently, but as a network we had over 800 at one point. We are now down well below that and are concerned about that downward trend. We are down 10 per cent year on year effectively.⁸

A2B (and other industry stakeholders) considered the identified decline of WAV numbers to have been exacerbated by the inclusion of rideshare in the MPTP. It argued that this will result in a drop in the number of WAV services in the next decade, which will threaten the viability of the MPTP.⁹ This is discussed in Section 3.4.

The difficulty in knowing how many WAVs are operating—as opposed to being registered—is that CPVV has not charged driver accreditation fees since the COVID-19 outbreak (as part of the financial support package for the industry) and has not charged WAV registration fees since the 2017 industry reforms. Because vehicles and drivers do not have to be active in order to remain registered or accredited, the fee waiver may be exaggerating the actual number of WAVs on the road. Tammy O'Connor, interim CEO of CPVV told the Committee:

I acknowledge that fees have been paused in relation to driver accreditation and vehicle registration to support the industry during COVID-19, and ... vehicle registration fees have not commenced since the reforms prior to that. So I do recognise that. I acknowledge that that may mean that people who intend to exit the industry have not done so because they have not been required to pay a fee. Certainly we believe that the reintroduction of fees, when that decision is made, will allow us a much better indication of who has permanently left the industry, rather than people who may just be inactive for a period of time.¹⁰

The Committee adds that not knowing the actual number of WAVs in operation also prevents having a clear understanding of services across Victoria. This is of particular concern in rural and regional areas where WAV coverage is more limited.

The Committee notes that CPVV will resume collecting annual registration and accreditation fees from April 2022.¹¹ This is an important first step in developing a clear understanding of WAV services across Victoria and how to best support the delivery of WAV services. The Committee believes that CPVV should audit both the number and location of active WAVs in Victoria and report its findings.

⁸ Mr David Samuel, Head of Public Affairs, A2B Australia, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 2.

⁹ A2B Australia Limited, *Submission 15*, p. 3.

¹⁰ Ms Tammy O'Connor, Interim Chief Executive Officer, Commercial Passenger Vehicles Victoria, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 53.

¹¹ Commercial Passenger Vehicles Victoria, *Vehicle owners: Fees and charges*, 9 November 2021, <<https://cpvvic.gov.au/vehicle-owners/fees-and-charges>> accessed 21 February 2022.

FINDING 9: Commercial Passenger Vehicles Victoria does not have an accurate picture of the number of wheelchair accessible vehicles operating in Victoria or their distribution across regional and metropolitan areas.

RECOMMENDATION 5: That Commercial Passenger Vehicles Victoria:

- undertake an audit of the number and location of wheelchair accessible commercial passenger vehicles currently operating in Victoria and report its findings within three months
- work with booking service providers and owner-drivers to undertake an audit of the number and locations of wheelchair accessible vehicles that were in operation during the six months from October 2021 to March 2022
- implement a process to accurately capture data on the number and location of wheelchair accessible vehicles in operation (at least 1 trip per calendar month) in the market on an ongoing basis.

RATIONALE: The number of commercial passenger wheelchair accessible vehicle registrations may not reflect the actual number of vehicles in operation due to the freeze on payment of registration fees. Accurate and ongoing data capture is necessary to understand how many wheelchair accessible vehicles are operating at any given time.

3.2.2 Waiting times

Lengthy waiting times for WAVs is an issue that causes immense frustration and affects the quality of life for many people. Barb Watts, Community Representative, Save Our Sons Duchenne Foundation,¹² related how waiting times affect her family:

If we really need to be somewhere at a particular time, we usually have to book it half an hour or an hour earlier than we need to just to ensure that we get there, because if it does not turn up, you know, we are in a lot of trouble because we cannot just hop on a tram. We really rely on this service, so that is essential.¹³

The Transport Standards require response times for WAVs to be the same as for conventional taxis. However, the recently released Third Review of the Transport Standards (conducted in 2017) reported that unreliability of accessible taxis continues to be a key issue for members of the disability community. The review highlighted:

- a common experience of vehicles arriving very late or not turning up at all

¹² Save Our Sons Duchenne Foundation is the peak body for the Duchenne and Becker muscular dystrophy communities. The majority of people on the Duchenne spectrum have limited mobility and are confined to wheelchairs.

¹³ Ms Barb Watts, Community Representative, Save Our Sons Duchenne Foundation, public hearing, Melbourne, 9 December 2021, *Transcript of evidence*, p. 13.

- concerns that there had been no increase in WAV numbers in regional areas.¹⁴

Meeting this requirement has been an ongoing challenge for governments and industry across Australia. The Second Review of the Transport Standards (conducted in 2012) recommended:

That the Australian Government, jointly with industry, state and territory governments, develop consistent national compliance milestones and response times for wheelchair accessible taxis by 31 December 2016.¹⁵

The Australian Government noted but did not support this recommendation. It highlighted the challenges to achieving national harmonisation in an industry where local factors and business arrangements play a major role in determining outcomes. It was also wary of increasing regulatory and financial burdens on the industry. Instead, the Australian Government called on industry and governments to collaborate and achieve outcomes without regulatory intervention.¹⁶

As noted above, the Victorian Government informed the Committee that response times had improved since the most recent review of the Transport Standards (the Third Review), with waiting times for WAVs down from an average of 26.9 minutes in 2017–18 to 10.1 minutes in 2019–20 (prior to COVID-19 impacts).¹⁷

Most recently, WAV waiting times for 2020–21 had dropped to an average of 6.4 minutes, albeit, as CPVV notes, a figure that is skewed due to COVID-19 impacts.¹⁸ The Committee notes it will take some time to gain a better understanding of WAV waiting times as CPV services settle into a post-COVID-19 operating environment.

The Committee acknowledges the recent improvements to average State-wide waiting times for WAVs but cautions that this information does not give any insight into how waiting times differ between metropolitan and regional areas. Further, despite recent gains, the Committee notes there is still significant work to be done in this area: the average WAV waiting time in 2019–20 was still more than double that of the response time of conventional taxi services (<5 minutes on average).¹⁹

FINDING 10: The availability of wheelchair accessible vehicles is a long-standing issue that has seen some improvement in recent years. However, a proper understanding of this issue will only be fully understood once the COVID-19 pandemic has fully passed.

¹⁴ Australian Government, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, pp. 60–61.

¹⁵ Australian Government, Department of Infrastructure and Regional Development, *Review of the Disability Standards for Accessible Public Transport 2002: Final Report*, July 2015, p. 12.

¹⁶ Australian Government, *Response to Review of the Disability Standards for Accessible Public Transport 2002*, July 2015, p. 4.

¹⁷ Victorian Government, *Submission 22*, p. 17.

¹⁸ Commercial Passenger Vehicles Victoria, *Annual Report 2020–21*, p. 49.

¹⁹ Victorian Government, *Submission 22*, p. 17.

RECOMMENDATION 6: That the Victorian Government work with the commercial passenger vehicle industry and other Australian governments to achieve the response times for accessible taxi services requirement in line with the Commonwealth Disability Standards for Accessible Public Transport 2002.

RATIONALE: Equal response times for conventional taxis and wheelchair accessible vehicles is a requirement under the Commonwealth Disability Standards for Accessible Public Transport 2002.

3.3 Wheelchair accessible vehicle driver endorsement

In Victoria, drivers must have a wheelchair accessible commercial passenger vehicle endorsement (W-endorsement) to provide commercial passenger WAV services to passengers who use wheelchairs. To receive a W-endorsement and drive a WAV, drivers must undertake an assessment to prove they understand all the requirements of driving a WAV in Victoria. The assessment comprises theory and practical components during which drivers must demonstrate:

- conduct of pre-operational checks on a WAV
- effective communication with a wide variety of passengers using a WAV service
- ability to assist passengers into and out of a WAV, suitable to their disability needs
- operation of a WAV
- ability to plan scheduled activities
- their understanding of ethical and responsible behaviours.

The W-endorsement assessment is in line with the National Training Framework competency standards.²⁰

Some stakeholders raised concerns about the quality of driver training relating to the safe transport of passengers in WAVs. Sandy Kervin, General Manager of the Save Our Sons Duchenne Foundation, told the Committee the Foundation often receives reports of passengers not being clipped-in properly and dangerous wear and tear on vehicle fittings and fixtures.²¹ Barb Watts related her personal experience:

I have been in situations where my son has been hoisted up and put into the van and then they are really fiddling around with the tie downs, they are not quite sure how to do it. And, you know, it worries me because obviously this is essential. I mean, this

²⁰ Commercial Passenger Vehicles Victoria, *Drivers: Applying for driver accreditation: Wheelchair accessible vehicle driver endorsement*, 2 February 2022, <<https://cpv.vic.gov.au/drivers/commercial-passenger-vehicle-and-bus-driver-accreditation/wheelchair-accessible-vehicle-driver-endorsement>> accessed 10 February 2022.

²¹ Ms Sandy Kervin, General Manager, Save Our Sons Duchenne Foundation, public hearing, Melbourne, 9 December 2021, *Transcript of evidence*, p. 14.

is like a seatbelt to these kids and everyone else in the van. So that has to be a prime consideration: training by the companies of their drivers not only in how they deal with disabled people but also that safety and the equipment is maintained.²²

The Commissioner for Senior Victorians also highlighted the importance of trust when it comes to the MPTP, saying:

Safe transport options play a key role in enabling older people to meet and take advantage of the MPTP. It is important that MPTP members perceive the service as safe and secure. This includes secure tethering of wheelchairs in wheelchair accessible vehicles and appropriate support for people using walker frames when entering and leaving the vehicle.²³

The Committee agrees that adequate training, including the need for ongoing skills maintenance, of W-endorsed drivers to correctly and safely operate the equipment that secures a wheelchair-bound passenger in a WAV is essential. Currently, once a driver receives their W-endorsement there is no requirement for it—or the driver’s skills—to be reviewed.

The Committee notes this issue was identified by CPVV in its July 2020 paper: *A proposed framework for training and assessing drivers of Wheelchair Accessible Vehicles*. Under the proposed framework, CPVV considered the lack of ongoing training to be a contributing factor to driver complacency and a lack of knowledge about current practices and equipment.²⁴

The proposed framework includes a recommendation that W-endorsed drivers should be required to refresh their training regularly (i.e. a practical training and assessment every three years, and an annual online theoretical training module specific to WAVs).²⁵

Discussion about driver training, including the proposed training framework, is covered in detail in Chapter 4.

FINDING 11: Adequate training, including for ongoing skills maintenance, of W-endorsed commercial passenger drivers to correctly operate equipment protects the safety of passengers and ensures trust in the Multi Purpose Taxi Program.

²² Ms Barb Watts, *Transcript of evidence*, p. 13.

²³ Commissioner for Senior Victorians, *Submission 21*, p. 6.

²⁴ Commercial Passenger Vehicles Victoria, *A proposed framework for training and assessing drivers of Wheelchair Accessible Vehicles*, July 2020, p. 10.

²⁵ *Ibid.*, p. 10.

3.4 The impact of the Multi Purpose Taxi Program expansion on future wheelchair accessible vehicle numbers

Some industry stakeholders (generally booking service providers (BSPs) that provide ‘traditional’ taxi services) argued that longstanding issues with WAV services have been compounded by the expansion of the MPTP to include rideshare services (specifically, Uber).

There is no requirement for a service provider to provide WAVs to be part of the MPTP.²⁶ While many taxi BSPs have some WAVs in their fleet, Uber does not and has stated that it has no plan to add WAVs to its platform.²⁷ This has generated criticism from other industry stakeholders.

These stakeholders argue that Uber’s entry to the MPTP has:

- increased the number of drivers chasing work traditionally used to cross-subsidise the higher cost of operating a WAV (as non-WAV trips are generally more profitable)
- allowed Uber to ‘cherry pick’ the more lucrative conventional sedan work from the MPTP, prioritising it ahead of WAV trips
- disproportionately impacted the financial viability of WAVs in rural and regional areas where MPTP work as a percentage of CPV travel is higher.

The Committee was told that the cost of ensuring that WAV services remain affordable for passengers is unfairly borne by the ‘traditional’ CPV industry. Ultimately, this will act as a deterrent to purchasing or replacing WAVs, causing a drop in the number of WAVs on the road.

This is because the costs of purchasing and maintaining WAVs are significantly higher than regular taxis. Stakeholders consistently put the cost of WAVs at \$80,000 to \$100,000, compared with around \$30,000 for a ‘regular’ sedan. However, WAV-related travel comprises only a small portion of all commercial passenger travel (noting that WAVs also do non-WAV trips).

Put another way, a \$30,000 sedan and \$100,000 WAV roughly earn the same amount of income. However, a large purchase difference plus higher maintenance costs mean the WAV is left with a significant gap to make up before it can compete financially with the sedan.²⁸ The Committee notes a purchase subsidy scheme is available for some providers, which reduces the upfront purchase cost of a WAV. This is discussed in Section 3.5.

²⁶ Mr Joe Monforte, Executive Director, Policy and Reform, Department of Transport, public hearing, 21 October 2021, Melbourne, *Transcript of evidence*, p. 46.

²⁷ Mr Dominic Taylor, General Manager, Rides, Australia and New Zealand, Uber, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 29.

²⁸ Mr David Samuel, *Transcript of evidence*, p. 2.

Transport Alliance Australia (TAA) submitted that taxi companies cross-subsidise their higher WAV costs with income from other vehicles in their fleet. It argued that allowing providers that do not operate WAVs into the MPTP meant there was less sedan work available to provide this cross-subsidisation.²⁹ Jacqui Shephard, National Executive Board Member at TAA explained:

many MPTP users ride in sedans that are not wheelchair-accessible vehicles. Having a wheelchair-accessible vehicle on the road is a costly exercise. A typical taxi company operating a WAT uses income from other vehicles in their fleet to subsidise the cost of the wheelchair-accessible vehicle. Allowing the MPTP service providers to operate without WAT vehicles is taking sedan work from these participants who have the wheelchair-accessible vehicles in their fleet. Subsequently it will cripple the already-struggling BSPs with the wheelchair-accessible vehicles and reduce the number of vehicles available to the MPTP users. If a BSP would like to be an MPTP service provider within the disability sector, they should be required to be a full participant and not permitted to discriminate for their own financial gain.³⁰

The Committee heard that the impact of this was particularly debilitating in regional areas where MPTP work formed a significant portion of all CPV work (up to 60% in some cases).³¹

Stephen Armstrong, Managing Director of Ballarat Taxis, told the Committee that BSPs in rural and regional areas believe their businesses to have a social responsibility to their communities:

coming back to my operation in Ballarat and in particular the provision of wheelchair services, the only way we are able to offer those services and why we continue to offer those services is we cross-subsidise from other areas of our business. You ask me how I do that; we ask our single-vehicle sedan operators to pay extra base fees so that we can do coordination of wheelchair-accessible taxi runs. You know, really that is not our job. If you were in this business to make money, you would not be looking at running wheelchair taxi services. But we do it because we feel we have a responsibility to our community and we know we would be letting down a hell of a lot of people if we did not offer that service.

To incentivise drivers to come out we offer them over and above the current bailment agreement. The implied conditions as they stand at this point in time mean the driver gets 55 per cent and the operator will get 45 per cent. We offer ours 65 per cent just to get drivers to come out and cover work at night. We put our drivers out when we do not have drivers for a wheelchair at night. We have to ring up drivers and get them out of bed to come out and do it. Now, who else is going to do that? What we do is we have to pay those drivers to come out and do it, and that is just to continue offering that service.

²⁹ Transport Alliance Australia, *Submission 11*, p. 6.

³⁰ Ms Jacqui Shephard, Director, Transport Alliance Australia, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 19.

³¹ Mr Colin Wells, Director, Victorian Taxi Association, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 13.

Other players are not going to do that. They do not have the will to do it. They are just a couple of things, but I do not see any new players wanting to go to that extent to service the vulnerable in our community the way we would.³²

The Victorian Taxi Association (VTA) also cautioned that the financial pressure of operating a WAV could see some providers prioritise higher paying high occupancy work in favour of wheelchair transport, noting ‘why earn \$1 when you can earn \$1.50 for every kilometre’?³³

Collin Wells, Director of the VTA, argued that the Victorian Government needed to do more to meet its obligation to provide accessible (and affordable) transport options. He argued, the expansion of the MPTP means the Government is expecting the industry to run a ‘higher level of service for less money’.³⁴ Several other stakeholders recommended that all MPTP service providers should be required to operate a minimum percentage of their fleet as WAVs.³⁵

A2B argued that without interventions, for example priority access to the MPTP and direct government assistance, there would be a significant drop in the number of WAV services over the next decade.³⁶ As David Samuel noted:

No-one is going to invest \$100 000 in a wheelchair-accessible taxi when you can effectively get the same thing for \$30 000 and get more work. It just does not make sense commercially.³⁷

This is consistent with evidence from Mr Wells that a lack of confidence in the future is acting as a deterrent for service providers to keep WAVs on the road. He considered that an investment of \$100,000 requires ‘some surety for four to five years at a minimum’.³⁸

In essence, Mr Samuel argued that the MPTP caters to a very ‘static market’ that cannot be considered the same as the rest of the CPV market. Rather, Mr Samuel contended the MPTP required a ‘completely different level of investment that requires a higher rate of return to pay for that investment, like any business’.³⁹

Joe Monforte, Executive Director, Commercial and Economic Policy at the Department of Transport (DoT), noted that, given the importance of the MPTP, DoT was constantly monitoring it for emerging trends that suggest gaps in the market. He advised it was the role of DoT to monitor the market and provide advice to the Victorian Government to ensure the viability of the Program:

³² Mr Stephen Armstrong, Managing Director, Ballarat Taxis, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 31.

³³ Mr André Baruch, National Executive Board Member, Transport Alliance Australia, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 25.

³⁴ Mr Colin Wells, *Transcript of evidence*, p. 12.

³⁵ For example, Transport Alliance Australia, *Submission 11*, p. 7; Save Our Sons Duchenne Foundation, *Submission 17*, p. 14.

³⁶ A2B Australia Limited, *Submission 15*, p. 3.

³⁷ Mr David Samuel, *Transcript of evidence*, p. 1.

³⁸ Mr Colin Wells, *Transcript of evidence*, p. 15.

³⁹ Mr David Samuel, *Transcript of evidence*, p. 2.

If there was to be a mass exodus of wheelchair-accessible vehicles, obviously that would be of great concern and we would provide advice to government with the support of CPVV in terms of providing information on options to address that ... and if there are changes that will affect the quality of services—and obviously wheelchair-accessible vehicles are a particular concern—we will advise ministers accordingly in terms of options to address that, because wheelchair-accessible vehicles in particular are absolutely critical for those who rely on those services to ensure their social and economic inclusion in the community.⁴⁰

However, Mr Monforte argued that gaps in the market had yet to be seen:

It might not even be a market failure. It might just be that the market is working but that a particular service is not commercial and therefore is being undersupplied and we need to take action to make it more commercial. That is why we have got things like the lifting fee in place and why in the past we have actually provided support particularly to regional operators to purchase wheelchair-accessible vehicles. We will continue to monitor that market.⁴¹

Mr Monforte said beyond ensuring the MPTP was available for rank and hail travel, it was not the role of government to mandate that businesses must provide particular services. Rather, Mr Monforte argued ‘that is the nature of the market: businesses will come and go’ and the state of the industry can only be accurately assessed once COVID-19 impacts had passed. He said:

if we find that the supply of wheelchair-accessible vehicles diminishes, and in regional Victoria it is a fact that there is some cross-subsidisation and if that inability to cross-subsidise diminishes, we will look at options to ensure the supply of wheelchair-accessible vehicle services. But that has not happened to date.⁴²

The Committee accepts that the concern of some industry stakeholders for the ongoing supply of WAVs are genuine. It also notes it is fundamentally unfair to expect the private sector to pick-up a disproportionate share of the costs of operating an essential community service.

However, the Committee adds that the relatively recent addition of rideshare services to the MPTP, along with the COVID-19-affected conditions of recent years, makes it difficult to quantify the impact of the MPTP expansion on WAV services.

Notwithstanding this, the Committee is concerned that DoT’s approach of monitoring the market to ‘wait and see’ if trends emerge is passive. The provision of an essential service such as WAVs is too important for such a sanguine approach to be taken. Further, this ignores pre-existing difficulties and costs associated with the provision of WAV services, especially in rural and regional Victoria. Potential proactive support measures are discussed in Section 3.5.

⁴⁰ Mr Joe Monforte, *Transcript of evidence* pp. 44–45, 49.

⁴¹ *Ibid.*, p. 50.

⁴² *Ibid.*, p. 48.

FINDING 12: The cost to purchase and maintain a wheelchair accessible vehicle is significantly higher than it is for a standard sedan. However, this difference is lowered by financial support provided by the Victorian Government in some cases.

RECOMMENDATION 7: Should a decrease in the number of wheelchair accessible vehicles operating in Victoria become evident, that Commercial Passenger Vehicles Victoria act immediately, in consultation with commercial passenger vehicle industry stakeholders, to ensure numbers are sustainable and sufficient to meet community needs. This action may include requiring a set percentage of a commercial passenger vehicles operator's fleet to be wheelchair accessible vehicles.

RATIONALE: Recommendation 5 requires Commercial Passenger Vehicles Victoria to determine the number of wheelchair accessible commercial passenger vehicles currently active. It should also continue to monitor the number of wheelchair accessible vehicles into the future, to ensure a sustainable commercial passenger wheelchair accessible vehicle market that meets community needs for accessible transport options.

3.5 Support for provision of wheelchair accessible vehicle services

The Victorian Government provides several support measures to help offset the cost of purchasing and operating WAVs. These are detailed below.

The Committee has made one recommendation in relation to the lifting fee as a simple mechanism that might provide a measure of immediate support. However, as stated, while an accurate number of how many WAVs are operating is currently impossible to determine, should it become apparent that further support is needed, the Committee suggests the following options be considered:

- changes to eligibility criteria to broaden access to the WAV subsidy scheme
- investigate the feasibility of establishing an annual motor vehicle duty concession program linked to the amount of wheelchair transport provided.

3.5.1 Lifting fees

As detailed in Chapter 1, lifting fees are paid in recognition of the higher cost of supplying WAV services, the additional time required to safely load and secure a wheelchair, and to incentivise WAV drivers to prioritise passengers who use a wheelchair. Current lifting fees are:

- \$21.80 for WAVs (full fee)

- \$10.90 for applicable CPV trips (partial fee).⁴³
- The Committee suggests that, should intervention be required to support WAV services, a permanent increase in the lifting fee is a simple change that could be implemented to provide immediate financial support to BSPs struggling to cover the cost of operating WAVs.
- The temporary doubling of lifting fees as part of the COVID-19 support package demonstrates a precedent for targeted industry assistance measures of this nature.

RECOMMENDATION 8: That the Victorian Government consider raising the lifting fee for wheelchair accessible vehicles to:

- encourage existing operators to remain in the Multi Purpose Taxi Program
- incentivise new wheelchair accessible vehicle operators in the Program.

RATIONALE: It is difficult to calculate the precise cost-benefit of an increase to the lifting fee because an accurate number of how many wheelchair accessible vehicles are operating is currently impossible to determine. However, an increased lifting fee would be an obvious and effective way to ensure there are a viable number of wheelchair accessible vehicles available to Multi Purpose Taxi Program members.

3.5.2 Wheelchair Accessible Vehicle Subsidy Scheme

The Wheelchair Accessible Vehicle Subsidy Scheme subsidises the purchase or upgrade of WAVs in urban, regional and country areas up to a maximum amount of \$44,000. This is in recognition of the additional costs associated with the purchase and maintenance of WAVs.

The purpose of the subsidy is to reduce the capital cost of purchasing a WAV to make it a similar cost to purchasing a conventional taxi with the aims of:

- maintaining and improving the availability of WAVs
- making the operation of WAVs more cost effective.⁴⁴

To be eligible for a subsidy under the Scheme, applicants must meet the following criteria:

- have owned and operated an urban, regional or country WAV taxi licence prior to 9 October 2017, and continued to provide WAV services in these areas with a current CPV registration

⁴³ Commercial Passenger Vehicles Victoria, *Drivers: Multi Purpose Taxi Program*, 1 December 2021, <<https://cpvic.gov.au/drivers/multi-purpose-taxi-program2>> accessed 10 February 2022.

⁴⁴ Australian Government, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, p. 65.

- be replacing a WAV that is older than 5 years
- be able to accept and process MPTP payments
- do not owe a previous unexpired subsidy to CPVV.

Recipients of the subsidy must then enter into an agreement with CPVV that they will operate the vehicle in the geographic area nominated in the application and provide priority to wheelchair passengers. WAVs that conduct trips starting and ending in the Melbourne Metropolitan area are not eligible for the subsidy.⁴⁵

In its *State of the Industry Report 2019: Accessibility*, CPVV reported over \$3 million had been paid to support the introduction of 84 new or upgraded WAVs under the Scheme.⁴⁶

The Committee notes the Scheme operates under a relatively narrow eligibility criteria. For example, it can only assist the replacement/modification of existing WAVs and does not apply to WAVs in the Melbourne metro area. The Committee believes the Scheme may have the potential to act as a greater incentive mechanism by broadening its eligibility criteria.

3.5.3 Motor vehicle registration

All vehicles driven on public roads, including CPVs, are subject to annual motor vehicle registration, administered through VicRoads. This is separate to annual CPV registration, which is an additional fee paid to CPVV for a vehicle to be registered for commercial passenger work.

CPVs are subject to the same motor vehicle duty for annual registration with VicRoads as private vehicles (prior to July 2018, registration was different for CPVs as the Transport Accident Commission (TAC) component was calculated differently).⁴⁷

Some private-use and not-for-profit/community-use WAVs are eligible for an exemption from motor vehicle duty. To qualify for this the vehicle must be registered to either:

- a body established for a public purpose and not for private gain and used only for carrying people with a disability to training, education or employment
- a person with a disability, designed solely to carry that person and not be used to carry any other person
- a person with a disability (not a CPV), modified to carry a wheelchair, and is used by that person (or a parent/guardian in the case of a minor, or a relative or carer)

⁴⁵ Commercial Passenger Vehicles Victoria, *Vehicle owners: Wheelchair Accessible Vehicle Subsidy Scheme*, 8 November 2021, <<https://cpv.vic.gov.au/vehicle-owners/wheelchair-accessible-vehicle-subsidy-scheme>> accessed 21 February 2022; Commercial Passenger Vehicles Victoria, *Wheelchair Accessible Vehicle Subsidy Scheme Guidelines*, October 2020, pp. 1–3.

⁴⁶ Commercial Passenger Vehicles Victoria, *State of the Industry Report 2019: Accessibility*, September 2019, p. 13.

⁴⁷ VicRoads, *Registration fees: Taxi Transport Accident Charge (TAC) refund*, (n.d.), <<https://www.vicroads.vic.gov.au/registration/registration-fees/tac-charge-for-taxi-operators-change>> accessed 22 February 2022.

- a government or charitable, benevolent or religious institution vehicle (not a CPV) modified to carry a wheelchair and used to convey a person with a disability
- an incapacitated war veteran who has been assessed as suffering a particular level of impairment because of an injury or disease while serving in the defence forces and who does not operate another vehicle without a fee
- in the name of St John Ambulance Australia (Victoria) and used for the transport of people with a disability or people who are injured.⁴⁸

The Committee suggests that extending some form of motor vehicle duty exemption or concession for commercial passenger WAVs to incentivise the use of WAVs in the CPV industry may warrant consideration.

Such a scheme would be designed to encourage WAV operators to prioritise wheelchair transport over other CPV travel, for example a minimum percentage of annual CPV work undertaken must have been wheelchair transport to be eligible. The level of concession could be determined on a sliding scale such that the amount of wheelchair work undertaken determines the level of concession, i.e. a higher percentage of wheelchair work would attract a larger concession.

3.5.4 Performance Based Booking System

The Performance Based Booking System (PBBS) was a program designed to reduce waiting times for WAVs by rewarding BSPs for undertaking WAV jobs within set time limits (dependent on the type of booking). The System aimed to incentivise BSPs to be more accountable for the management of WAV fleets and ensure passengers received comparable and quality services.⁴⁹

According to the Third Review of the Transport Standards, the Victorian Government reported incentives under the PBBS continued to be provided (as at 2017).⁵⁰ However, more recently, CPVV's *State of the Industry Report 2019: Accessibility* stated:

Changes in participants and reporting requirements over the period of the scheme to strengthen accountability mean that it is difficult to draw any conclusions regarding the long-term impact of the scheme on wait times for wheelchair accessible vehicles. However, recent data suggests that the scheme has generally had no positive impact on reducing wait times. CPVV is currently undertaking a review of the PBBS to determine whether it is effective in improving accessibility and reliability of wheelchair accessible services and considering whether alternate models could provide greater benefit. CPVV will be meeting with industry participants to seek their ideas and input regarding the effectiveness of the program and possible alternate models. Since 2014, over \$5 million has been paid to BSPs to reduce wait times for WAV services.⁵¹

48 State Revenue Office Victoria, *Motor vehicle duty exemptions and concessions*, (n.d.), <<https://www.sro.vic.gov.au/motor-vehicle-duty-exemptions-and-concessions#ambulance>> accessed 22 February 2022.

49 Commercial Passenger Vehicles Victoria, *State of the Industry Report 2019: Accessibility*, p. 13.

50 Australian Government, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, p. 65.

51 Commercial Passenger Vehicles Victoria, *State of the Industry Report 2019: Accessibility*, p. 13.

The Committee acknowledges this issue. However, as it received limited evidence it provides no further comment at this point in time.

4 Other issues critical to the Multi Purpose Taxi Program

4.1 Introduction

This Chapter looks at other issues canvassed by stakeholders in relation to the operation of the Multi Purpose Taxi Program (MPTP). The Committee has made recommendations in response to some issues identified. Topics covered are:

- driver training
- vehicle and other safety concerns
- fares and surge pricing
- MPTP fraud and exploitation of vulnerable passengers
- complaints handling
- barriers to access
- Working With Children Checks
- harmonisation of reciprocal interstate travel arrangements.

4.2 Driver training

The *Commercial Passenger Vehicle Industry Act 2017* (Vic) (the CPVI Act) sets out a safety duty framework, where all parties involved in providing commercial passenger vehicle (CPV) services have a responsibility to ensure the services they provide are safe. Under this framework (which replaced a requirement for drivers to be tested on disability awareness that was in place prior to the 2017 reforms¹) vehicle owners and booking service providers (BSPs) are responsible for driver training and education (see Table 4.1).

¹ Ms Tammy O'Connor, Interim Chief Executive Officer, Commercial Passenger Vehicles Victoria, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, pp. 42-43.

Table 4.1 Safety duties relating to CPV driver training and education under the CPVI Act

| Duties of vehicle owners (s 23) | Duties of BSPs (s 24) |
|--|---|
| So far as is reasonably practicable, provide sufficient information or instruction to the driver of the vehicle who is using it to provide commercial passenger vehicle services to enable that driver to provide those services safely. | So far as is reasonably practicable, provide information, instruction, training or supervision to associated drivers to enable those drivers to provide commercial passenger vehicle services safely, including implementing systems or processes for: <ul style="list-style-type: none"> • the management of driver fatigue • drug and alcohol testing of drivers • maintenance of commercial passenger vehicles • emergency management • driver behaviour, competency and medical fitness. |

Source: Legislative Council Economy and Infrastructure Committee.

The capacity of BSPs and vehicle owners to meet their obligations will vary due to factors including the size, location and financial resources of individual businesses. Commercial Passenger Vehicles Victoria (CPVV) noted that some BSPs might choose to develop training specific to their organisation, while others might rely on training provided by an external organisation.² An example of BSP-developed training is the Geelong Taxi Network’s approach to disability awareness and inclusion training, which was highlighted in CPVV’s *State of the Industry Report 2019: Accessibility* as a positive example of a BSP’s approach to driver training (see Box 4.1).

BOX 4.1: Case study: Geelong Taxi Network’s ‘Gold Care Standard’

Geelong Taxi Network (GTN) is a booking service provider that provides CPV services in the City of Geelong and surrounding Bellarine and Surf Coast regions. It operates a fleet of more than 150 CPVs, including approximately 30 WAVs. In 2018, GTN won the ‘Accessible Business’ category at the Geelong Business Excellence Awards.

Gold Care Standard

GTN requires all of its drivers to undertake three training courses as a minimum mandatory requirement. These courses cover fundamentals, operation and delivery of service, and geographical knowledge.

An additional training program—Gold Care Standard—is in place to enhance the level of service provided to people with a disability or mobility impairment.

(Continued)

² Commercial Passenger Vehicles Victoria, *Issues Paper: Assessing the framework for training drivers of Wheelchair Accessible Vehicles*, October 2019, p. 10.

BOX 4.1: Continued

To attain Gold Care status drivers must, in addition to the basic training requirements:

- have completed a minimum amount of work for GTN comprising a minimum number of shifts and/or specific period of time
- complete further training on disability awareness and customer service, including an understanding of how to deal with different types of disability, and must pass a comprehension test.

Gold Care status drivers must sign a contract of terms and conditions, including that a prohibition on rejecting any MPTP job dispatched to them. Strict disciplinary measures are in place for all drivers and penalties for breaching the rules can range from a requirement for further training to a suspension or cancellation of their status.

Only drivers endorsed with Gold Care status are given MPTP work. This applies to drivers even if they do not have a W-endorsement for WAV-related work.

Source: Geelong Taxi Network, (n.d.), <<https://www.geelongtaxis.com.au>> accessed 16 February 2022; Commercial Passenger Vehicles Victoria, *State of the Industry Report 2019: Accessibility*, p. 28; Mr Peter Valentine, Chief Executive Officer, Geelong Taxi Network, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 33; Geelong Business Excellence Awards, *Past Winners: 2018 Award Winners*, (n.d.), <<https://www.gbea.com.au/winners/past-award-winners/2018-awards/winners-2018>> accessed 16 February 2022.

Uber also requires its drivers to review and complete ‘robust disability awareness and support materials’. Since July 2019, all new drivers have had to complete an online mandatory disability awareness and support module as part of a wider rideshare safety course. In addition, drivers who want to provide services via Uber Assist (which allows riders to request a vehicle that can accommodate folding wheelchairs, walkers and collapsible scooters) must:

- have completed more than 100 trips
- hold an average rating of at least 4.72 (out of five)
- review additional disability awareness materials.³

The learning module requires drivers to watch videos, review recaps and answer questions correctly to achieve a required 100% pass rate (evidence of successful completion is measured via an automated interface provided by a mandatory education third party provider). Uber advised that course content was developed in consultation with the Australian Network on Disability with feedback sought from Blind Citizens Australia, Guide Dogs Australia and Vision Australia.⁴

³ Uber, *Submission 16*, pp. 5–7; Ms Pia Brunner, Public Policy Manager, Australia and New Zealand, Uber, correspondence, 24 January 2022.

⁴ Uber, *Submission 16*, pp. 5–7; Ms Pia Brunner, correspondence.

4.2.1 Issues identified with driver training in the commercial passenger vehicle industry

As discussed in Chapter 1, the Commonwealth Disability Standards for Accessible Public Transport 2002 (the Transport Standards) set out requirements that apply to provision of accessible transport services, including taxis. The Third Review of the Transport Standards—released in 2021—reported that driver training, including specific issues for the blind and vision impaired, were key issues for the disability sector and community.⁵ According to the Review, common themes were:

- many drivers lacked communication and interpersonal skills
- complications caused by drivers' insufficient understanding of obligations to assist passengers with impaired vision
- a need for ongoing education to ensure compliance with the Transport Standards
- drivers' inadequate knowledge of how to safely tie down mobility aids to prevent injury
- not all taxi registration numbers are provided in both braille and raised print on the exterior and interior of the vehicle for ease of identification⁶ (this issue further discussed in relation to vehicle safety, see Section 4.3)
- there continues to be many instances where passengers accompanied by a guide dog are refused service
- drivers' lack of knowledge of how the EFTOPS system works
- issues with drivers' geographical knowledge, such as—
 - not having a basic understanding of the local area
 - not knowing the best routes for destinations or issues navigating to a specified address
- which carried added concerns for blind and vision impaired passengers who cannot ascertain their whereabouts by looking out the window.⁷

Similar issues were raised in submissions to this Inquiry from disability sector and community stakeholders. Recurring themes involved problems with driver conduct and/or knowledge, accompanied by a call for minimum training standards to be implemented across the CPV industry.

⁵ Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, November 2021, p. 60.

⁶ CPVV requires unbooked service vehicles to have a tactile registration number sign fitted in line with the Transport Standards as a condition of registration, however the Standards do not specify whether braille or raised print should be used (Transport Standards 2002, s 17.7).

⁷ Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, pp. 61, 62.

A number of disability sector organisations included personal accounts from their clients highlighting some of the issues they encountered when utilising CPV travel. A selection of these appear below.

Jack, who is vision impaired, asked his MPTP driver to drop him off on the street out the front of his house, close to the curb so that his guide dog could get out of the car. The well meaning driver decided that he would instead drop off his client in the driveway, closer to the front door so that Jack didn't have to walk as far. Jack got out of the car confused and struggled to find his front door. When Jack eventually got to the front door, he found that his driver, who had now left, had dropped him at the wrong house.

Source: National Disability Services, *Submission 13*, p. 2.

Susan was in a MPTP subsidized vehicle with a client, Lisa, who has an intellectual disability and is non-verbal. Lisa was making grunting noises on the journey home. The driver became agitated and asked Susan to 'get her to be quiet.' This was upsetting for Lisa and created unnecessary stress for both Lisa and Susan.

Source: National Disability Services, *Submission 13*, p. 3.

In the early days it was getting to know the different drivers. You make contact with the drivers and then you get better service. Its very difficult if you don't have contacts.

—Mother of a young man with Duchenne.

Source: Save Our Sons Duchenne Foundation, *Submission 17*, p. 9.

We had issues in the past. We now know the driver but it took a while to find him. It depends on who you deal with. It's trial and error.

—Father of a young man with Duchenne.

Source: Save Our Sons Duchenne Foundation, *Submission 17*, p. 9.

I often experience indirect discrimination when catching taxis, I will order a taxi and state that I require assistance as I live on a busy road and I cannot identify the taxi, the driver then usually drives off. Usually when I'm trying to go to work I have to call at least 1-3 taxis to get a ride and then I am late ... These experiences give me severe anxiety, lower my confidence and put me at risk of losing my employment due to being constantly late ...

Source: Vision Australia, *Submission 12*, p. 8.

I have sometimes had drivers refuse to take me because I have a Guide Dog. I have also had one operator refuse to note that I have a Guide Dog in the booking notes despite me requesting that she did. I have also several times had drivers claim to have not been able to find me when I enquire with the operator, despite waiting out the front of the premise and I believe this could be related to them seeing either physically or through the booking notes that I have a Guide dog which they do not want to collect.

Source: Vision Australia, *Submission 12*, p. 8.

National Disability Services (NDS) submitted that its members had expressed concern that drivers often:

- displayed inadequate knowledge and understanding of disability
- adopted an inappropriate manner when addressing passengers that was 'reminiscent of outdated understandings of disability'
- ignored clear instructions provided by people with a disability and/or their carers.

NDS called for driver training to be strengthened. It believed training should include regular specialised disability training to ensure drivers adopted a positive, contemporary approach and attitude to people with a disability and had a strong understanding of the unique needs of passengers with disabilities.⁸

Vision Australia called for a system of regular mandatory disability and inclusion training to improve the confidence of people who are blind or have low vision when they travel with their guide dogs.⁹

Chris Edwards, Manager, Government Relations, NDIS and Aged Care at Vision Australia, told the Committee that the expansion of the MPTP to include Uber had seen 'some teething issues', particularly in relation to dog refusals. However, he noted this situation seemed to be improving with fewer reports being made to Vision Australia. Mr Edwards

⁸ National Disability Services, *Submission 13*, pp. 2-3.

⁹ Vision Australia, *Submission 12*, pp. 6-9.

was positive about Uber’s approach to the issue through the use of technology to remind drivers of their obligations and reduce instances of guide dog refusals.¹⁰

More broadly, Transport Alliance Australia (TAA) considered that training in disability awareness should be a mandatory requirement for all CPV drivers before they were permitted to transport passengers with a disability. At a minimum, drivers should know:

- what a disability is
- different types of disability
- how to communicate with a person with a disability
- most common disability aides
- what not to say to a person with a disability
- how to offer assistance
- special considerations that need to be made for a passenger with a disability.¹¹

Sons Our Sons Duchenne Foundation called for greater education and understanding of rare diseases and conditions. It noted that a common approach many families in its community take is to establish relationships with individual drivers to compensate for a lack of driver training and awareness.

The Foundation reported that while the quality of service frequently improves as relationships develop and drivers better understand the needs of passengers, this process took time and was often ‘hit and miss’. It considered this situation where service quality depended on the ability of families to develop good relationships with a particular driver to be ‘unacceptable’.¹²

Regarding the MPTP, the Foundation’s Lance Dale told the Committee:

We think all drivers, irrespective of which company, should have these skills and this sensitivity to people with disabilities. It is a multipurpose taxi provision scheme after all, and they need to be up with all of that.¹³

The Committee notes that many training modules are a one-off. Once drivers have met the training requirements, there is no requirement for ongoing or periodic refresher training. Addressing this point with specific reference to the experience of older MPTP members, the Commissioner for Senior Victorians noted:

Training needs to be more than a minimalist approach. Ongoing and refresher training is important to maintain knowledge and skills including key attributes such as diversity.

¹⁰ Mr Chris Edwards, Manager, Government Relations and Advocacy, NDIS and Aged Care, Vision Australia, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 13.

¹¹ Transport Alliance Australia, *Submission 11*, pp. 3, 5.

¹² Save Our Sons Duchenne Foundation, *Submission 17*, pp. 8–9, 13.

¹³ Mr Lance Dale, Advocacy Officer, Save Our Sons Duchenne Foundation, public hearing, Melbourne, 9 December 2021, *Transcript of evidence*, p. 11.

Older people who are uncertain about their personal safety and security, or who feel discriminated against and devalued will not avail themselves of available supports.¹⁴

Former CPVV Disability Commissioner, Colleen Furlanetto, explained that the varying approaches taken by providers to meet the driver training safety duty under the CPVI Act underlined the need for consistent and quality-driver driver training across the industry:

When I was speaking with booking service providers and drivers et cetera, it was very, very, very minimal and varied. I have some colleagues who occasionally, as people with disability, were asked to go into organisations and provide that training, and those organisations said that they felt there was so much more value in having someone with a disability present on accessibility, so I think that is an opportunity ... there are some who do this very well and there are some who do not, and I could not agree more that we need consistency. We do not need to reinvent the wheel around accessibility and what that looks like ... disability awareness training—there are packages that are online that are from credible organisations, disability organisations available, now that people could be taking on ... there were some drivers who told me that they went over and above and sought out these courses because they wanted to be the best service provider. So they are the ones that are the champions that went over and above. I think a minimum standard needs to be reviewed, and now is the time for a review and for it to be consistent and fair.¹⁵

Ms Furlanetto also argued that providers who deliver high-quality service should be recognised. She said:

We also need to celebrate those that do well and celebrate those that give quality service—some way of making the community aware that this is a five star. They have done real training. They have got a certificate in front, or whatever that standard is.¹⁶

The Committee agrees that all CPV drivers working with the disability sector should undertake training to provide services to people with a disability. Further, the Committee considers Ms Furlanetto's suggestion of recognising high-quality service provision has merit. It urges CPVV to consider options for developing a 'preferred supplier' designation that would incentivise and reward CPV providers that strive to consistently implement a best practice approach to accessible transport service provision.

FINDING 13: The current approach to disability awareness and inclusion training is inconsistent and inadequate. It fails to ensure that services provided to people with a disability across the whole commercial passenger vehicle industry meet required standards.

¹⁴ Commissioner for Senior Victorians, *Submission 21*, p. 6.

¹⁵ Ms Colleen Furlanetto, OAM, Former Commercial Passenger Vehicles Victoria Disability Commissioner, public hearing, Melbourne, 9 December 2021, *Transcript of evidence*, p. 4.

¹⁶ *Ibid.*, p. 7.

RECOMMENDATION 9: That Commercial Passenger Vehicles Victoria consider options to develop and implement ‘preferred supplier’ accreditation for service providers that consistently achieve best practice approaches to accessible transport service provision. This accreditation should be subject to ongoing independent quality assessment measures.

RATIONALE: The Multi Purpose Taxi Program serves people with a variety of disabilities, some who require a higher level of service than others. Developing a ‘preferred supplier’ option for booking service providers that consistently provide their drivers with a high level of training in disability awareness will allow Multi Purpose Taxi Program members to make an informed choice about the type of service they wish to use.

4.2.2 Draft Driver Training Framework

In its *State of the Industry Report 2019: Accessibility*—which provides a snapshot of key issues affecting accessibility in the industry—CPVV identified the link between driver training and passenger experience. It also acknowledged that disability awareness training offered by BSPs varied substantially across the industry. The Report found, ‘Improved driver knowledge regarding safety obligations and appropriate conduct may improve passenger experience.’¹⁷

Following this, in October 2019, CPVV released an issues paper, *Assessing the framework for training drivers of Wheelchair Accessible Vehicles*. (The Committee notes that although the draft framework process was initially targeted to WAV-specific driver training needs, it has since developed to encompass all aspects of driver training competencies in relation to disability awareness.¹⁸) The paper’s objectives were to:

- review the current regulatory, contractual and operational framework that supports driver education related to passengers that travel in a wheelchair
- reach a complete and common understanding of the current process to achieve a W-endorsement
- explore further training needs related to disability awareness
- identify the key issues to consider in proposing any changes to the current process.¹⁹

¹⁷ Commercial Passenger Vehicles Victoria, *State of the Industry Report 2019: Accessibility*, September 2019, p. 28; Ms Tammy O’Connor, *Transcript of evidence*, p. 43.

¹⁸ Commercial Passenger Vehicles Victoria, *A proposed framework for training and assessing drivers of Wheelchair Accessible Vehicles*, July 2020, p. 9.

¹⁹ Commercial Passenger Vehicles Victoria, *Issues Paper: Assessing the framework for training drivers of Wheelchair Accessible Vehicles*, p. 3.

The issues paper led to a study document, *A Proposed Framework for Training and Assessing Drivers of Wheelchair Accessible Vehicles*, which was released in July 2020 seeking comment on four proposed recommendations:

1. All commercial passenger vehicle drivers should, via their BSP, complete regular disability and inclusion awareness training.
2. W-endorsed drivers should be required to refresh their training regularly.
3. CPVV should appoint provider(s) to develop a training and assessment package for obtaining and retaining a W-endorsement.
4. CPVV should conduct a market scan, with a view to appointing suitably skilled training and assessment provider(s) of Victorian accessibility training.²⁰

As previously noted, the draft training framework has specific actions aimed at improving driver competencies and training associated with a W-endorsement. This is covered in greater detail in Chapter 3.

Of particular note, the issues paper stated:

The current lack of a general disability awareness training was identified across all aspects of the process as being a major omission from current CPV driver competencies. Support for training of this kind was unanimous from all stakeholders.²¹

Some industry stakeholders criticised the draft training framework process as a 'box-ticking exercise'. Peter Valentine, Chief Executive Officer (CEO) of Geelong Taxis, told the Committee it was:

the second or the third time that we have done the same process, and that was about training of drivers and what would be recommended ... it is nearly two years since then and we have heard nothing.²²

CPVV acknowledged that development of the framework had stalled. Tammy O'Connor, Interim CEO of CPVV, informed the Committee that progress on finalising the new framework had been affected by the impact of the COVID-19 pandemic.²³

The delay in releasing the new training framework, while understandable in some respects, has had the unfortunate consequence of maintaining the status quo and its associated deficiencies. The Committee urges CPVV to expedite the release and implementation of the new framework with necessary supports to assist the CPV industry to meet the new requirements as soon as possible. Mechanisms to ensure ongoing compliance with, and effective monitoring and evaluation of, training should also be implemented.

²⁰ Commercial Passenger Vehicles Victoria, *A proposed framework for training and assessing drivers of Wheelchair Accessible Vehicles*, pp. 9-12.

²¹ *Ibid.*, p. 9.

²² Mr Peter Valentine, Chief Executive Officer, Geelong Taxi Network, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, pp. 36-37

²³ Ms Tammy O'Connor, *Transcript of evidence*, p. 43.

Progress on the finalisation and roll-out of the new driver training framework was among information requested by the Committee from CPVV. However, as noted in Chapter 1, CPVV had not provided a response to the Committee at the time of writing. See Chapter 1 for further discussion of this issue.

FINDING 14: Finalisation of the draft driver training framework was delayed as a result of COVID-19 impacts. The current status of a new driver training framework, including an updated timeframe for its release and implementation, is unknown.

RECOMMENDATION 10: That Commercial Passenger Vehicles Victoria finalise, release and implement a new Driver Training Framework as soon as possible.

RATIONALE: The Driver Training Framework is an important step in improving the standard of service across the Multi Purpose Taxi Program. The Framework has been delayed by the COVID-19 pandemic but must be finalised as soon as possible.

4.3 Vehicle and other safety concerns

CPVV is responsible both for educating the CPV industry about its obligations, as well as monitoring, compliance and enforcement of those obligations. Mandated vehicle safety and other safety requirements include those on vehicle registration, driver accreditation, unbooked service delivery, WAV specifications, fare calculation devices, security cameras, and notifiable incident reporting.

A snapshot of CPVV vehicle safety compliance activities appears in Box 4.2.

BOX 4.2: Vehicle safety compliance activities

As part of its compliance activities, CPVV conducts targeted inspections of commercial passenger vehicles to identify safety risks.

In 2020–21, CPVV reported:

- 87% vehicle inspection pass rate^a
- 893 non-compliance notices were issued, most common reasons included:
 - failing to provide proof of an annual inspection in last 12 months
 - worn tyres
 - absence of front facing cameras
 - absence of tactile signs for people with vision impairment
- 65 infringement notices were issued for breaches of new COVID-19 cleaning laws
- The most penalty notices were issued for:
 - stopped in a taxi zone (under the *Road Safety Road Rules 2017* (Vic), vehicles that aren't taxis can't stop in a taxi zone, this includes rideshare vehicles)
 - COVID-19 cleaning related
 - touting
- A 78% overall satisfaction with the level of regulatory service provided by CPVV.

A 2019 survey of 537 drivers relating to tyre safety found:

- 48% of drivers conducted a safety check of the vehicle prior to beginning a shift
- 46% of drivers did not check their tyres appropriately
- 28% of drivers did not conduct tyre checks.

A 2019 driver survey on vehicle safety found:

- 73% of drivers had not undertaken any vehicle safety training in the last 5 years
- Younger drivers were more likely to have undertaken training
- 1 in 10 drivers did not think a vehicle owner would act quickly to address vehicle safety issues.

(Continued)

BOX 4.2: Continued

CPVV informed the Committee it takes a risk-based approach to its safety and compliance activity, which necessitated regular focus on large BSPs due to their significant impact across the industry.

- a. CPVV's 2020–21 Annual Report specifies an 87.6% pass rate in relation to 7,000 vehicle inspections on page 6 and an 87% pass rate in relation to 42,000+ inspections on page 18. It is unclear if this is a discrepancy in reporting of the same information or if these figures relate to different activities undertaken in 2020–21. See Chapter 1 for a discussion of the Committee's concerns relating to the availability and transparency of CPVV data.

Source: Commercial Passenger Vehicles Victoria, *State of the Industry Report 2019: Accessibility*, p. 23; Ms Tammy O'Connor, *Transcript of evidence*, p.52; Commercial Passenger Vehicles Victoria, *Annual Report 2020–21*, pp. 6, 18.

4.3.2 Vehicle safety

Under ss 43 and 46 of the CPVI Act, CPVV imposes registration conditions on CPVs. These can either be standard conditions that apply to all vehicle registrations, or individual conditions imposed on specific vehicles or class of vehicle. For example, all CPVs must pass an accredited annual safety inspection as a condition of registration.

Commercial passenger vehicles used for unbooked services (i.e. taxis) must also meet additional requirements under the CPVI Act and CPVI Regulations. Of particular note are requirements for:

- a tactile registration number sign to be fitted to the exterior of passenger doors
- an electronic transaction terminal that can process MPTP trips to be fitted in the vehicle
- a security camera (compliant with specified standards for operation, data security, image quality) to be installed in the vehicle.

The disparity between certain conditions placed on vehicles that are registered for unbooked work, compared with those that only provide pre-booked travel, was singled out for criticism by stakeholders both from the CPV industry and the disability sector. They argued that having differing requirements in place for vehicles performing the same work was unfair and created a safety risk for both passengers and drivers.

A2B called for all MPTP service providers, including rideshare, to be subject to the same requirements to ensure greater protection of vulnerable customers. In relation to cameras, David Samuel (A2B) pointed out they:

provide an evidentiary trail as well for investigators if something does go wrong ... It is set aside for regulators should there be an issue they need to investigate.²⁴

²⁴ Mr David Samuel, Head of Public Affairs, A2B Australia, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 5.

Difficulties identifying vehicles because of inconsistent requirements for and use of tactile registration signage was also raised as a specific issue for people with blindness and impaired vision as part of the Third Review of the Transport Standards.²⁵

Similar arguments calling for consistent rules to apply to all vehicles that are used for MPTP travel were advanced by:

- the Victorian Taxi Association
- Transport Alliance Australia
- Save Our Sons Duchenne Foundation
- Wodonga Taxis
- Oiii (trading as Net-Cabs)
- some individual submitters.²⁶

However, the Victorian Government stated that the different rules for booked and unbooked vehicles come from the ability of unbooked vehicles to cater to rank and hail and 'walk up' markets. It submitted that the distinction between safety requirements for booked and unbooked services was not based on the personal characteristics or mobility needs of the passenger. Rather, stronger requirements applied to unbooked work because, it believes, both drivers and passengers are at greater risk due to the anonymous and random nature of the work.²⁷

At a public hearing, Joe Monforte, Executive Director, Commercial and Economic Policy at the Department of Transport (DoT) stated:

The booked service provider has typically a record of who the driver is, has a record of who the passenger is, and in fact for rideshare operators that use apps that is very much embedded in the app, so the driver knows exactly who the passenger is, the passenger knows who the driver is, the booking service provider knows. That significantly diminishes the risk as a deterrent, but it also provides a strong record of who was involved should any incidents occur.²⁸

Uber also considered the current regulatory approach fit for purpose for services it provides.²⁹

This is not the first time the Committee has heard concerns about the two-tiered system of requirements for cameras and tactile signage in vehicles. Very similar arguments

²⁵ Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, p. 61.

²⁶ Bernadette Cheeseman, *Submission 19*, p. 1; Name withheld, *Submission 5*, p. 1.

²⁷ Victorian Government, *Submission 22*, pp. 11, 21.

²⁸ Mr Joe Monforte, Executive Director, Policy and Reform, Department of Transport, public hearing, 21 October 2021, Melbourne, *Transcript of evidence*, pp. 48–49.

²⁹ Mr Dominic Taylor, General Manager, Rides, Australia and New Zealand, Uber, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 33.

were canvassed in the Committee's 2019 *Inquiry into CPVI Act reforms*, which included a recommendation for the Government to consider requiring CCTV cameras in all CPVs.³⁰

The Committee agrees with David Samuel and other stakeholders that the presence of a camera in some CPVs is, first and foremost, to provide an evidentiary record. While the existence of an app for booked travel records the names of drivers and passengers it does not provide evidence in the case of a dispute, as a camera does.

Further, the Committee notes that recording driver details in a booking app is not a guaranteed safeguard. This was demonstrated in a recent safety audit of Uber conducted in New South Wales that identified instances of the driver in the vehicle not matching the driver attached to the booking.³¹

As the regulations currently apply, if an incident occurs in an unbooked CPV, the presence of a camera ensures there is a record that can be used in a court proceeding. The same incident in a booked CPV comes down to the word of the passenger against the driver or vice versa. This is even more critical in the context of the MPTP given the higher concentration of more vulnerable passengers. As such, the Committee renews its recommendation for cameras to be installed in all CPVs.

Safety audit of rideshare services

In July 2021, the New South Wales regulator (the Point to Point Transport Commission) completed a comprehensive audit of Uber. The audit found that Uber had systems and processes in place to manage risks and meet compliance obligations, however, it made critical findings in several areas of concern, including:

- failure to ensure driver training is undertaken as required
- failures relating to detection and reporting of notifiable incidents
- deficiencies in complaints handling and incident management
- deficiencies in management of driver fatigue.

Media reports indicated Uber failed to notify the regulator of serious incidents, more than 500 of which occurred over an 18-month period and included sexual assaults and crashes. Uber was issued with 13 improvement notices and more than \$200,000 in fines as a result of the audit.³²

³⁰ Parliament of Victoria, Legislative Council Economy and Infrastructure Committee, *Inquiry into the Commercial Passenger Vehicle Industry Act 2017 reforms*, November 2019, pp. 52–54.

³¹ New South Wales Point to Point Transport Commissioner, *Audit Report—Rasier Pacific Pty Ltd and Uber Pacific Pty Ltd*, 28 July 2021, p. 32.

³² New South Wales Point to Point Transport Commissioner, *Audit Report—Rasier Pacific Pty Ltd and Uber Pacific Pty Ltd*, pp. 18–20, 21–24, 25–27, 28–30; New South Wales Point to Point Transport Commissioner, *Uber directed to improve its security systems*, media release, New South Wales Government, 12 August 2021, <<https://www.pointtopoint.nsw.gov.au/media/uber-directed-to-improve-its-security-systems>> accessed 18 February 2022; Nick Bonyhady, 'Sexual assaults and crashes among 500 incidents Uber failed to report', *The Sydney Morning Herald*, 20 August 2021 <<https://www.smh.com.au/politics/federal/sexual-assaults-and-crashes-among-500-incidents-uber-failed-to-report-20210819-p58k4f.html>> accessed 18 February 2022.

FINDING 15: The primary function of security cameras installed in commercial passenger vehicles is to provide an evidentiary record of any incidents that occur. The need for this safeguard applies whether the vehicle is registered for booked or unbooked travel.

RECOMMENDATION 11: That the Victorian Government require all commercial passenger vehicles that operate in the Multi Purpose Taxi Program to install a security camera compliant with specified standards.

RATIONALE: Security cameras gather evidence that is used in disputes between drivers and passengers. They should be installed in all booked and unbooked commercial passenger vehicles in the Multi Purpose Taxi Program at a minimum with consideration given to requiring cameras in all commercial passenger vehicles in Victoria.

RECOMMENDATION 12: That the Victorian Government review and implement a consistent set of minimum vehicle safety and accessibility requirements to apply to all vehicles that operate in the Multi Purpose Taxi Program.

RATIONALE: The Victorian Government has committed to ensuring all commercial passenger vehicles operate on a 'level playing field'. It follows that minimum safety and accessibility requirements should apply to all vehicles operating in the Multi Purpose Taxi Program.

4.4 Surge pricing

Under the CPVI Act, the Essential Services Commission determines maximum charges every two years for unbooked journeys that commence in the 'Melbourne Metropolitan Zone' and the 'Urban and Large Regional Zone'. There are no fare restrictions for other CPV services (including all booked services across Victoria and unbooked services in regional and country zones). Fares for CPV services in regional and country zones were deregulated in 2014, prior to the CPV industry reforms.

Regarding the MPTP, the Committee heard concerns about surge pricing and the overall cost of CPV travel, even with subsidies.

4.4.1 Regulation of fares and surge pricing practices

A call to regulate fares for MPTP travel was made by several industry stakeholders during the Inquiry. For example, A2B submitted that MPTP fares should be regulated, regardless of the service provider, in order to assure customers of ‘fair and reasonable’ pricing.³³

In addition, several ‘traditional’ providers (taxis) also expressed the view that Uber’s approach to surge pricing was discriminatory and exposed MPTP clients to price gouging and exploitation, especially in high-demand periods. There were also concerns that surge pricing would take work that traditional taxi services have relied on to cross-subsidise the cost of providing WAV services (this issue is addressed in Chapter 3).

TAA considered that surge pricing undermined the purpose of MPTP-subsidised trips—to support the needs of people with disabilities—by funnelling profits to rideshare companies. It called for MPTP travel to be subject to consistent fare pricing practices and a maximum rate cap for all providers.³⁴

Stephen Armstrong, Managing Director of Ballarat Taxis, was also concerned that surge pricing would damage the sustainability of the MPTP and divert profits overseas:

I guess the only other point to make ... is the ability of the new entrants to price gouge the Multi Purpose Taxi Program and the sustainability of the program. It is obviously not an endless pit of money that you have got, and I am concerned that surge pricing in particular will mean that that fund of money is diluted and it is not going into the areas where it should go. I am not quite sure that surge pricing and other players coming into the industry where up to 30 per cent of that money can be transported overseas to multi-corporations actually passes the pub test. It certainly does not pass the test at the pub I go to.³⁵

Conversely, the Victorian Government argued that regulating MPTP fares was not justified, citing the wider range of choice available to MPTP members. It noted it was common for booked service providers to offer a fixed price before the booking is confirmed, ensuring full transparency of the total cost. The Government argued this enables customers to choose whether to accept the price or find a different service.

The Victorian Taxi Association (VTA) also opposed setting mandatory maximum fares, arguing it could result in lower service availability for members due to service providers overlooking MPTP clients in favour of full fare paying passengers.³⁶

At a public hearing Dominic Taylor, General Manager of Uber, Australia and New Zealand, explained that its price surging model worked to incentivise drivers to ensure

³³ A2B Australia Limited, *Submission 15*, p. 5.

³⁴ Transport Alliance Australia, *Submission 11*, p. 6.

³⁵ Mr Stephen Armstrong, Managing Director, Ballarat Taxis, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 31.

³⁶ Victorian Taxi Association, *Submission 7*, pp. 1–2.

a reliable provision of service and that the imposition of a fare cap would serve to undermine this:

surge pricing is in place in order to pick up where there might be periods of time when there are a lot more riders in an area than drivers, and so the price would be increased in those circumstances in order to incentivise or attract the drivers to go to those areas so that we can offer a reliable service.

...

So if you have some trips that are surging and some trips that are not, then drivers are not going to accept the trips that are not surging, so the flow-on effects for the users would be that they are not getting a reliable service from Uber as a result of that.³⁷

Mr Taylor stressed that 90% of Uber's MPTP trips have not been affected by surge pricing. He also stated that as prices are provided prior to booking, MPTP members can make an informed decision as to whether or not to use Uber.³⁸

The Committee recognises the benefits of flexible pricing and increased options now available for MPTP members. It acknowledges that surge pricing is part of the business model of rideshare companies and allows them to offer lower prices in non-peak periods.

However, the Committee is keen to ensure that MPTP clients who do not have the personal capacity to decide their best travel option are supported. This could include ensuring carers, companions and other support services responsible for booking travel on behalf of a member have access to appropriate information and guidance material to protect the best interests of MPTP clients.

Further, the Committee believes there is scope for considering further regulating MPTP fares to ensure all travel is affordable regardless of whether a member uses a taxi or rideshare service. Affordability is further discussed in Section 4.4.2 below.

RECOMMENDATION 13: That the Victorian Government ensure the best interests of Multi Purpose Taxi Program members are protected to ensure they can access the most suitable options for their personal circumstances, in particular Multi Purpose Taxi Program members who do not have the personal capacity to make decisions about their own travel arrangements.

RATIONALE: The vast majority of Multi Purpose Taxi Program members have the capacity to understand surge pricing and choose the best transport option for their needs. However, the Victorian Government has a responsibility to ensure that those members without the capacity to fully understand surge pricing, such as those with a severe intellectual disability, are supported in their choices.

³⁷ Mr Dominic Taylor, *Transcript of evidence*, pp. 28, 32.

³⁸ *Ibid.*, p. 28.

RECOMMENDATION 14: That the Victorian Government consider introducing a maximum fare for Multi Purpose Taxi Program trips for all service providers. The maximum should not be greater than the fare set by the Essential Services Commission.

RATIONALE: Consideration should be given to introducing a maximum fare to ensure all trips remain affordable for members.

4.4.2 Affordability

The cost of accessible CPV travel, especially compared to public transport, was also touched on by some stakeholders. For example, Save Our Sons Duchenne Foundation called for an increase to the MPTP's annual subsidy cap level, to better reflect the costs of using CPV travel, even with a subsidy, on a regular basis.

Henri Ling, who uses a manual wheelchair, questioned why members should have to pay for travel at all, given so many people with disabilities already incur significant costs for the medical equipment and devices they rely on.³⁹

Colleen Furlanetto noted Henri Ling's position was a legitimate concern for many people with a disability. She said:

for so many with disability, because of the social model of disability they may be excluded from employment often— and opportunity to earn an income—they may not have disposable cash. They may be very limited in what they can do.⁴⁰

The Commissioner for Senior Victorians noted that paying transport costs, even with the subsidy, could be a significant challenge for many older people. He submitted:

When faced with a decision to pay a utility bill or a part fare for a commercial passenger vehicle to travel to and from a seniors group meeting, some members may find even a 50 per cent contribution too costly and elect to stay at home.⁴¹

The Commissioner argued that providing greater flexibility within the level of MPTP subsidy, such as a variable percent of the fare up to an annual subsidy cap, could help to address affordability barriers experienced by some older people.⁴²

Barriers to affordability are a key concern for members of the disability community, particularly when regular CPV travel is factored in. This will remain a challenge as NDIS transport funding is rolled out to Victoria (the NDIS is covered in detail in Chapter 5). The Committee notes that the NDIS approach takes a more flexible, person-centric approach that is designed to enable and support people to access the

³⁹ Henri Ling, *Submission 8*, p. 1.

⁴⁰ Ms Colleen Furlanetto, OAM, *Transcript of evidence*, p 7.

⁴¹ Commissioner for Senior Victorians, *Submission 21*, p. 5.

⁴² *Ibid.*, p. 5.

best transport options for their personal circumstances. With this in mind, and noting the Commissioner for Senior Victorian's submission, the Committee agrees that there is scope to provide greater choice in how MPTP members use the subsidy.

4.5 Multi Purpose Taxi Program fraud and exploitation of vulnerable passengers

In 2008, the Victorian Auditor-General's Office (VAGO) conducted an audit on the management of the MPTP, with a particular focus on fraud. At the time, CPVV (then the Victorian Taxi Directorate) identified the main types of MPTP fraud as:

- inappropriate use of lost/stolen MPTP cards
- collusion between taxi drivers and members and/or relatives
- use of an MPTP member's card by a family member
- excessive and/or inappropriate use of emergency vouchers including claims for trips not taken
- taxi drivers using an MPTP member's card when collecting a fare from another passenger
- taxi drivers allowing the meter to run before commencing a trip.⁴³

According to the Victorian Government's submission, the primary victim of MPTP fraud is the State, rather than MPTP members. A common example of fraud is running a fare calculation device with an MPTP card on the way to a pick-up, then restarting the device for the genuine trip (this also triggers payment of multiple lifting fees if the passenger uses a wheelchair).

Protocols and systems embedded in Data Collection Provider (DCP) agreements facilitate increased monitoring of MPTP transactions compared to the broader CPV market, to enable detection of fraud within the MPTP. CPVV undertakes analysis of MPTP trip data to identify potentially fraudulent behaviour and may pursue enforcement outcomes where fraudulent transactions are identified. In 2020–21, CPVV:

- closed 100 investigations into MPTP fraud
- took disciplinary action against 36 drivers for MPTP fraud, which ranged from a warning to suspension or cancellation
- prosecuted 5 cases of MPTP fraud, recovering over \$38,000 (noting that prosecution figures were significantly affected by the COVID-19 pandemic due to court closures from March 2020 and it was expected that several cases identified in 2020–21 would be prosecuted in 2021–22).⁴⁴

⁴³ Victorian Auditor-General's Office, *Management of the Multi-Purpose Taxi Program*, December 2008, p. 18.

⁴⁴ Victorian Government, *Submission 22*, pp. 13–14.

Notwithstanding claims that the State is the primary victim of MPTP fraud, some stakeholders expressed concern about MPTP fraud and exploitation of vulnerable clients.

NDS noted the potential for MPTP cards to be misused by third parties, such as a driver using a passenger's MPTP card, either accidentally or intentionally, to pay for the trip following the MPTP member's journey. NDS also noted concerning reports from some clients of workers in group homes and residential facilities using someone else's MPTP card if they could not locate a participant's own card. NDS suggested that including photo identification on the MPTP card could minimise the likelihood of this sort of misuse occurring.⁴⁵

Oiii (operated by NetCabs) similarly suggested including photo identification on cards to minimise the likelihood of misuse.⁴⁶ Another submitter related concerns that arose from their son's personal experiences:

My son, who has an intellectual disability, travels by taxis to & from day programs at least 6 times each week. His major problem is how often his Taxi Directorate Discount Card is not returned to him by the driver. This could be so easily rectified by the card including a photo of the card's owner - rendering the card useless to anyone else (the same as the Companion Card has a photo).⁴⁷

Regarding online bookings, David Samuel (A2B) considered the ability to attach an MPTP membership in a booking app without requiring verification for every trip as a potential fraud risk of non-MPTP members accessing subsidised travel.⁴⁸

4.6 Complaints handling

The need for complaints handling processes to be improved were identified by stakeholders including Vision Australia, Wodonga Taxis, Save our Sons Duchenne Foundation and Colleen Furlanetto. Issues included:

- the need for a standardised complaints process across the CPV industry
- concern that Uber's contact and complaints handling mechanisms make pursuing complaints and misconduct allegations difficult
- the need to establish a rigorous complaints process that is fair and timely
- a fear of retribution, especially in rural settings where there are more limited service options, due to complaints being directed through BSPs as a first step.

Vision Australia submitted that 'when cases of discrimination occur, a clear and reliable complaints process needs to be available, otherwise people who access the scheme are subject to exploitation'. It pointed to a survey of its clients showing 60% did not

⁴⁵ National Disability Services, *Submission 13*, p. 3.

⁴⁶ Net-Cabs Pty Ltd, *Submission 20*, p. 1.

⁴⁷ Name withheld, *Submission 4*, p. 1.

⁴⁸ Mr David Samuel, *Transcript of evidence*, p. 7.

make a formal complaint after experiencing discrimination. Vision Australia argued this suggested a lack of trust in current complaint processes.⁴⁹

Under the *Disability Discrimination Act 1992* (Cth), the onus to bring a complaint falls on the person who feels they have been discriminated against on the basis of their disability.⁵⁰ Ms Furlanetto considered there is scope to build confidence in and provide for a safer and more accessible complaints process. She suggested:

- making providers more accountable to help ease the onus on passengers
- providing access to a support person through the process of making a complaint
- ensuring providers were held to account against a consistent standard across the sector.⁵¹

Although this issue was not canvassed in great detail during the Inquiry, the Committee is cognisant that an effective, accessible, responsive and consistent approach to handling complaints is essential to:

- instil confidence in the MPTP
- support MPTP members to ensure their rights are protected and complaints are dealt with in a safe and respectful manner.

The Committee agrees there may be potential for improvements to complaints mechanisms in the industry. This should be informed by consultation with the disability community and sector as well as CPV industry participants.

RECOMMENDATION 15: That Commercial Passenger Vehicles Victoria undertake a review of complaints handling processes in the Multi Purpose Taxi Program. The review should:

- consider how the processes can best be improved to promote greater accessibility, responsiveness and positive outcomes for people with a disability
- consider whether complaints handling for the Multi Purpose Taxi Program should be centralised and managed by Commercial Passenger Vehicles Victoria
- be undertaken in consultation with the disability community and the commercial passenger vehicle industry
- be finalised with recommendations for improvement within 12 months.

RATIONALE: The Multi Purpose Taxi Program must have effective complaints handling processes for members to have trust in the Program and be treated fairly.

⁴⁹ Vision Australia, *Submission 12*, p. 9.

⁵⁰ Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, p. 61.

⁵¹ Ms Colleen Furlanetto, OAM, *Transcript of evidence*, p. 7.

4.7 Barriers to access

Evidence suggests accessing the MPTP can be difficult. NDS expressed concern to the Committee about delays and a lack of communication and information surrounding the application process. In particular:

- information regarding application outcomes, particularly in the case of a denial, is inadequate
- instances of applications being denied due to incorrectly completed forms rather than failure to meet the eligibility criteria
- significant delays in application processing and approvals
- a lack of understanding among general practitioners about the information required from them
- an unreasonable requirement to repeat the entire application process—including sign-off of diagnosis and transportation needs—in order to replace a lost or missing card.⁵²

Clare Hambly, Policy and Projects Officer, Quality and Safeguards, National Disability Services, said:

We are concerned that a number of people with disabilities are actually missing out on vital access to this program because someone just filled out the form incorrectly and they were not aware of the fact that that administrative error occurred. So we would really like to see some greater information about application outcomes. We also heard that many people with disabilities have sort of given up on the process because it was all a bit too difficult.⁵³

She added, improving communication about application outcomes, having a built-in ability for advocates and support coordinators to liaise with CPVV, and improved guidance for general practitioners would all serve to reduce access barriers in the application process.⁵⁴

The Committee is including this evidence here because CPVV's *State of the Industry Report 2019: Accessibility* found that 'administrative processes associated with MPTP can cause challenges for passengers and drivers'. It included actions to:

- explore opportunities to simplify the administrative processes associated with applying for MPTP membership, including simplifying medical assessments
- prepare guidance to medical practitioners regarding MPTP requirements.⁵⁵

⁵² National Disability Services, *Submission 13*, p. 3; Ms Clare Hambly, Policy and Projects Officer, Quality and Safeguards, National Disability Services, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, pp. 21, 22.

⁵³ Ms Clare Hambly, *Transcript of evidence*, p. 21.

⁵⁴ *Ibid.*, p. 21, 22.

⁵⁵ Commercial Passenger Vehicles Victoria, *State of the Industry Report 2019: Accessibility*, p. 30.

The Committee is concerned that barriers to accessing the MPTP associated with administrative processes, such as applying for the program or to obtain a replacement card, remain. The issues canvassed by NDS have been known to CPVV for some time and can be improved with relatively little effort.

RECOMMENDATION 16: That Commercial Passenger Vehicles Victoria review and, where necessary, update application processes for the Multi Purpose Taxi Program to:

- ensure proactive communication on application outcomes is built-in
- provide a mechanism for support coordinators/advocates to liaise with Commercial Passenger Vehicles Victoria if required
- simplify requirements to obtain a replacement card
- improve guidance to medical practitioners.

RATIONALE: Inquiry stakeholders and Commercial Passenger Vehicles Victoria have identified weaknesses in the application process for the Multi Purpose Taxi Program. This is an ongoing issue that needs to be addressed.

4.8 Working with Children Checks

A Working with Children Check (WWCC)—also known as a Working with Vulnerable Persons Check in some Australian States and Territories—is a screening process to assess people who work with or care for children in both paid and volunteer capacities.

In Victoria, a WWCC is required for commercial transport services that are specifically for children.⁵⁶ The Victorian Taxi Association's *Taxi Driver Companion* reference guide indicates that, for the purposes of CPV work, a WWCC may be required.⁵⁷ Similar requirements apply in most other Australian jurisdictions with the exception of Tasmania, South Australia and the Australian Capital Territory, which require a valid check for all CPV drivers.

Both Stephen Armstrong, Managing Director of Ballarat Taxis, and Collin Wells, Director, VTA both stated that WWCCs should be a requirement for drivers in the MPTP.⁵⁸

Save Our Sons Duchenne Foundation also recommended that a WWCC check be a requirement to provide travel in the MPTP,⁵⁹ arguing this was needed because of the vulnerability of many young people who rely on the MPTP. The Foundation submitted

⁵⁶ Working with Children Check Victoria, *Occupational Fields under the Working with Children Check*, March 2019, p.1.

⁵⁷ Victorian Taxi Association, *Victorian Taxi Driver Companion*, Port Melbourne, May 2015, p. 15.

⁵⁸ Mr Stephen Armstrong, *Transcript of evidence*, p. 31; Mr Colin Wells, Director, Victorian Taxi Association, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 11.

⁵⁹ Save Our Sons Duchenne Foundation, *Submission 17*, pp. 7, 13.

that the lack of a WWCC requirement led to some families relying on carers to accompany their children on trips, posing the dual challenge of availability and financial expense. Sandy Kervin, General Manager of the Foundation, further noted:

a lot of these children are using accessible vehicles to go to school if their parents do not have [their own accessible] vehicle. So we are entrusting really young kids who do not know the direction they are going in. They do not know how to inform the driver if they have gone the wrong way, and it is a stranger to them often. So building that relationship with parents is part of the comfort that they get, but if they knew that there were checks in place, I think that would help.⁶⁰

This issue was canvassed in a July 2020 edition of *Drive Now*, a monthly publication aimed at people working in the CPV industry. The article noted that many drivers who remained in the industry during the COVID-19 pandemic restrictions had developed a ‘great rapport with their passengers’. It argued that mandating a WWCC would build on community confidence in the industry and assure the public that drivers were ‘fit and proper’ people to be providing transportation.⁶¹

Arguments around the need for a WWCC in the CPV industry match calls for CPV drivers to be subject to an NDIS Worker Screening Check. The Committee addresses this, including a Recommendation, in Chapter 5.

4.9 Harmonisation of reciprocal interstate travel arrangements

Vision Australia and Save Our Sons Duchenne Foundation called for a national approach to accessible transport subsidy programs, to help people with a disability use equivalent programs when travelling interstate.

While interstate travel is possible under the MPTP and equivalent programs in other states and territories, it is cumbersome and often requires significant advance notice. As well, not all CPV drivers are familiar with reciprocal interstate travel arrangements.

MPTP members travelling interstate can access subsidised travel with a paper interstate voucher in place of their MPTP card. CPVV advises that members must provide at least three and up to six weeks’ notice for interstate vouchers prior to travel. Some subsidised travel in communities on the New South Wales border can be undertaken without interstate vouchers (if the trip begins in Victoria). However, if the vehicle is not equipped to process an MPTP transaction at the time of payment, passengers must send their receipt to CPVV for reimbursement to access the subsidy.⁶²

⁶⁰ Ms Sandy Kervin, General Manager, Save Our Sons Duchenne Foundation, public hearing, Melbourne, 9 December 2021, *Transcript of evidence*, p. 14.

⁶¹ ‘Do you need a WWCC or WWVP?’, *Drive Now*, 6 July 2020, <<https://www.drivenow-magazine.com.au/news/do-you-need-a-wwcc-or-wwvp>> accessed 30 November 2021.

⁶² Commercial Passenger Vehicles Victoria, *Passengers: Multi Purpose Taxi Program: Using your card*, 9 November 2021, <<https://cpv.vic.gov.au/passengers/mptp/using-your-card#interstate>> accessed 10 February 2022.

Similar arrangements are in place for equivalent programs in other jurisdictions. For example, members in the New South Wales Taxi Transport Subsidy Scheme can use their regular card or docket for travel in some border communities but must allow two to three weeks' notice when ordering interstate dockets.⁶³

Vision Australia was in favour of a streamlined national approach to ensure people could travel interstate with ease. It explained it was not uncommon for its clients to encounter drivers who were unfamiliar with the interstate voucher system and how it worked. It submitted:

An integrated nationwide scheme would provide our clients confidence when they travel, removing the hassle of remembering to order vouchers and taking them on their travels. Similarly, clients would have peace of mind that they will receive the fare subsidy no matter where they are across the country further eliminating any room for question around the rules of the scheme.⁶⁴

Save Our Sons Duchenne Foundation recommended the Victorian Government work with other jurisdictions to harmonise the use of the Multi Purpose Taxi Program card across Australia.⁶⁵ Sandy Kervin, General Manager of the Foundation, told the Committee:

we need to be talking to the whole government about how people can move across Australia, can live their best life and can actually have experiences. But when we are restricting transport as one of those issues, that is really difficult for our families.

RECOMMENDATION 17: That the Victorian Government work with other Australian States and Territories to implement a nationally consistent approach to transport subsidy programs.

RATIONALE: Reciprocal arrangements exist across Australia for people with a disability entitled to subsidised travel. However, it is inconsistent and should be simplified for the benefit of people with a disability and drivers in the commercial passenger vehicle industry.

⁶³ Transport New South Wales, *Taxi Subsidy Scheme*, (n.d.), <<https://transportnsw.info/travel-info/ways-to-get-around/taxi-hire-vehicle/taxi-subsidy-scheme>> accessed 10 February 2022.

⁶⁴ Vision Australia, *Submission 12*, p. 5.

⁶⁵ Save Our Sons Duchenne Foundation, *Submission 17*, p. 13

5 Key challenges to the future of the Multi Purpose Taxi Program: post-COVID-19 support; and the National Disability Insurance Scheme

5.1 Introduction

This Chapter examines two key challenges the Committee believes will determine the future operation of the Multi Purpose Taxi Program (MPTP): ongoing support to address the impact of COVID-19; and the ongoing roll out of the National Disability Insurance Scheme.

The Chapter concludes with an examination of whether the MPTP is currently fit for purpose, identifying both strengths and areas for improvement.

5.2 How has the commercial passenger vehicle industry been impacted by the COVID-19 pandemic?

The arrival of Covid 19, the introduction of Job Keeper, the varying lockdowns, the border closures, the many business failures, and collapses, have all impacted on the [commercial passenger vehicle] industry.

Wodonga Taxis, Submission 6, p. 4.

Part 5 of the Terms of Reference directed the Committee to examine ‘pathways for the [commercial passenger vehicle] industry to absorb major change post-COVID-19’. This Section considers the impact of the COVID-19 pandemic on the commercial passenger vehicle (CPV) industry, namely:

- industry reforms introduced in response to COVID-19
- demand for CPV services during the pandemic
- pathways for the industry to absorb major changes post-COVID-19.

Both the CPV industry and the MPTP are discussed.

Due to the evolving COVID-19 situation, the Committee has focused on learnings from changes and reforms already introduced. These learnings should inform the post-COVID-19 environment for the CPV industry.

Note from the Committee

The ongoing nature of the pandemic and a lack of reliable data assessing industry impacts makes it difficult for the Committee to properly consider post-pandemic recovery for the industry.

This Section focuses on the views of stakeholders, particularly industry participants, on their experiences of COVID-19 and what they think industry may need as it moves towards post-pandemic recovery. The Committee has identified key learnings from the known impacts of COVID-19 which it believes should inform the Victorian Government's plans for supporting the CPV industry post-COVID-19.

The Committee notes that the Government has reconvened the CPV Advisory Panel to advise on supporting industry in its pandemic recovery (see Section 5.2.4). It looks forward to the Panel's findings.

5.2.2 Industry reforms and measures in response to COVID-19

In September 2020, the Department of Health (then Department of Health and Human Services) identified the CPV industry as the 'second-highest risk occupation in Victoria for the transmission of COVID-19'.¹ At a public hearing, Tammy O'Connor, then Interim Chief Executive Officer for Commercial Passenger Vehicles Victoria (CPVV), outlined how COVID-19 had affected the industry's risk profile:

that relates particularly to the fact that you cannot have social distancing in the vehicle and also that there is obviously a high turnover of passengers within the environment.²

As a result of the CPV industry's high COVID-19 risk profile, the Victorian Government introduced a number of measures to ensure the industry could operate safely. Tammy O'Connor outlined some of the key measures CPVV had implemented to support the industry to deliver safe services, including:

- ensuring Booking Service Providers (BSPs) have 'adequate systems in place to deliver safe services and that these systems are implemented by drivers'
- supporting industry participants to develop COVIDSafe Plans and providing guidance on embedding plans
- improving communication methods to ensure the industry is up to date on pandemic-related laws and restrictions

1 Tammy O'Connor, Interim Chief Executive Officer, Commercial Passenger Vehicles Victoria, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 54.

2 Ibid.

- since November 2020, conducting targeted inspections of BSPs and vehicles to assess COVIDSafe practices
 - as at the beginning of October 2021, CPVV undertook nearly 300 BSP inspections and over 13,000 vehicle inspections.³

At a public hearing on 21 October 2021, Tammy O'Connor told the Committee that:

the efforts of the industry and CPVV mean that, despite the high risk of transmission inherent in commercial passenger vehicle services, there has been no reported outbreak of COVID-19 from commercial passenger vehicle services in Victoria.⁴

Table 5.1 summarises some of the key industry reforms introduced in response to COVID-19 which affected BSPs and drivers.

Table 5.1 COVID-19 reforms and measures for the commercial passenger vehicle industry

| | |
|--------------------------|---|
| New cleaning laws | <ul style="list-style-type: none"> • Introduced in November 2020 to reduce in-vehicle transmission risks. • Drivers are required to: <ul style="list-style-type: none"> – make hand sanitiser available – clean high-touch surfaces with approved products throughout their shift – keep a record of every time the vehicle is cleaned. • BSPs are responsible for: <ul style="list-style-type: none"> – taking reasonable steps to ensure drivers comply with obligations – maintaining cleaning records for each vehicle for a period of 12 months. |
| COVIDSafe Plan | <ul style="list-style-type: none"> • All BSPs must have a COVIDSafe Plan. • COVIDSafe Plans apply to all areas under control of BSPs and/or vehicle owners. • The Plan outlines controls to minimise risks associated with COVID-19. • COVIDSafe controls included in a COVIDSafe Plan are divided across six key areas: <ul style="list-style-type: none"> – physical distancing – masks and personal protective equipment – hygiene and worker health – cleaning and sanitisation – record keeping and training – actions if illness is suspected or confirmed. • COVIDSafe Plans have a hierarchy of controls for controlling risks. The hierarchy of controls is a step-by-step approach to eliminate/reduce risk by ranking risk controls from the highest level of protection and reliability. <ul style="list-style-type: none"> – The hierarchy of controls must be considered for each unique aspect of the business. For example, control measures may differ between drivers and office/depot staff. • All staff, including drivers, are required to follow a COVIDSafe Plan. • Plans and related documents need to be available for review if required by a regulator for inspections or if there is a confirmed positive case. |

³ Ibid., p. 39.

⁴ Ibid.

| | |
|--|--|
| Prohibition notices for driver exposure to close contacts | <ul style="list-style-type: none"> • Prohibition notices are used to respond to immediate transmissions risks within CPVs. • Notices are issued based on current public health advice. • Notices are cleared upon medical evidence confirming that an individual industry participant no longer poses a risk of infection. |
| Medical self-assessment | <ul style="list-style-type: none"> • To reduce the burden on healthcare professionals, CPV drivers are allowed to self-assess their fitness to drive rather than supplying a doctor's report. • Medical self-assessment can occur where a driver does not have declared medical conditions, or low-risk medical conditions. • In 2020–21, the Victorian healthcare system completed 2,500 doctor's reports for CPV drivers with declared medical conditions, compared with over 30,000 self-assessments for low-risk drivers. |

Note: COVID-19 reforms discussed in the table relate to those which affected the duties and operations of BSPs and/or drivers. Broader reforms were also made to the duties of CPVV.

Source: Legislative Council Economy and Infrastructure Committee. Information from Commercial Passenger Vehicles Victoria, *Annual Report 2020–21*, 2021, pp. 18–20; Commercial Passenger Vehicles Victoria, *Sample COVIDSafe Plan for the CPV industry*, 2021, <<https://cpv.vic.gov.au/drivers/coronavirus-covid-19/sample-covidsafe-plan-for-the-cpv-industry#requirements>> accessed 3 February 2022.

Some industry stakeholders expressed concern about the measures introduced to the CPV industry in response to the COVID-19 pandemic. In particular, they suggested that CPV operators are required to follow safety measures to a degree which is not imposed on comparable industries, such as public transport.

In its submission, the Victorian Taxi Association discussed some of the measures in place which, in its view, were not clearly justified by the Victorian Government. It said:

For example, when a ring of steel was placed around Melbourne and millions spent to enforce the ring of steel it was OK for a driver to drive out of a designated hotspot to a regional area and park at the local railway station or shopping centre to try and get work. Equally unexplainable is the need to disinfect between passengers, record and keep those disinfecting records for a year if driving a CPV but if you drive a bus or train then there is no need to clean between passengers a simple once a day disinfection is deemed all that is needed with no cleaning sheets being needed, are CPV passengers more infectious? How about before the disinfecting requirements were made mandatory, industry was advised that taking people to and from Covid testing centres was not considered transportation of high-risk passengers.⁵

Eleanor Fitz, Director of Wodonga Taxis, believed:

COVID is a good example of it in terms of the incredible amount of work that they have demanded and then absconded in terms of authority and counter-checking to see what is happening. 'What a great idea. You make it happen. We'll take no responsibility for those decisions'.⁶

⁵ Victorian Taxi Association, *Submission 7*, p. 3.

⁶ Eleanor Fitz, Director, Wodonga Taxis, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 35.

5.2.3 Demand for commercial passenger vehicles during COVID-19

If there has been any reduction in the number of vehicles out on the road due to the pandemic, I think we will need to wait until after the pandemic impacts are over to assess what the state of the industry is.

Joe Monforte, Executive Director, Commercial and Economic Policy, Department of Transport, public hearing, 21 October 2021, *Transcript of evidence*, p. 48.

In response to the COVID-19 outbreak, the Victorian Government imposed travel restrictions and state-wide lockdowns of non-essential services to mitigate the risk of transmission. This had a significant impact on the CPV industry, with substantial reductions in service demand, including:

- an estimated decline in trips of 65–95%⁷
 - Transport Alliance Australia submitted that there had been up to a 90–95% reduction in trips for the booked and unbooked markets⁸
- large decreases in the number of processed fares. For example, between late March and early April 2020 processed fares decreased by 80% compared to the same period in 2019⁹
- majority of non-driving staff (e.g., office or depot workers) being stood down to reduce costs.¹⁰

In its submission, Transport Alliance Australia discussed the commercial impacts COVID-19 has had on BSPs:

[BSPs] that are still in business are operating with skeleton staff in an effort to reduce costs and remain in business. A good proportion of CPVs have been parked or sold ... As destructive as COVID-19 has been, for many participants this is the straw that has broken the camel's back. It is highly anticipated that many drivers will not return to the industry.¹¹

In its 2020–21 Annual Report, CPVV acknowledged that 'financial stress was an unfortunate consequence of the pandemic for many in the industry'.¹²

Due to the COVID-19 pandemic, there was a significant decrease in MPTP trips.¹³ Figure 5.1 below, taken from the Victorian Government's submission, shows some of the effects of COVID-19 on the MPTP during 2020–21.

⁷ Essential Services Commission, *Unbooked taxi fare review 2020: Final decision*, 2020, p. 10.

⁸ Transport Alliance Australia, *Submission 11*, p. 2.

⁹ Essential Services Commission, *Unbooked taxi fare review 2020: Final decision*, p. 10.

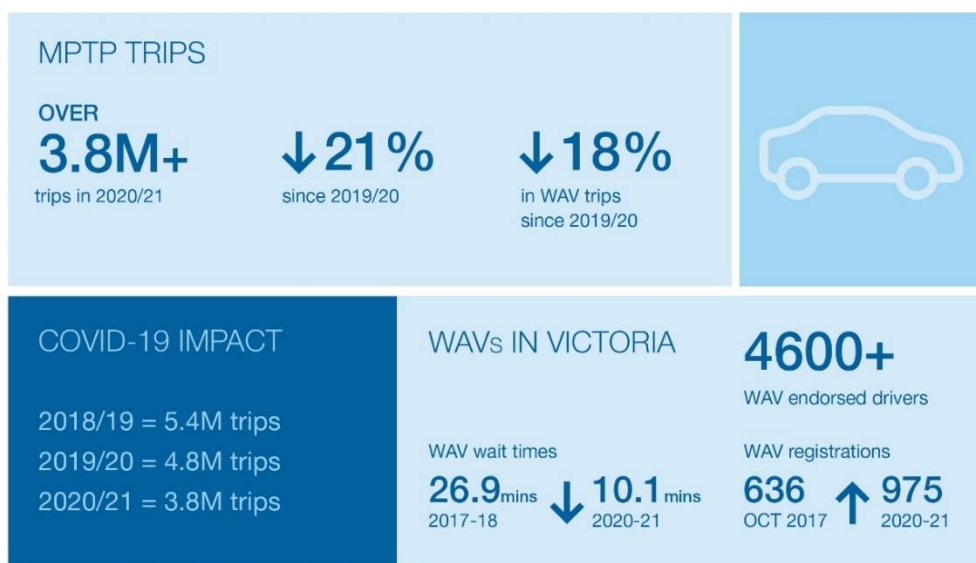
¹⁰ Ibid.; Transport Alliance Australia, *Submission 11*, p. 2.

¹¹ Transport Alliance Australia, *Submission 11*, p. 2.

¹² Commercial Passenger Vehicles Victoria, *Annual Report 2020–21*, 2021, p. 17.

¹³ Victorian Government, *Submission 22*, p. 6.

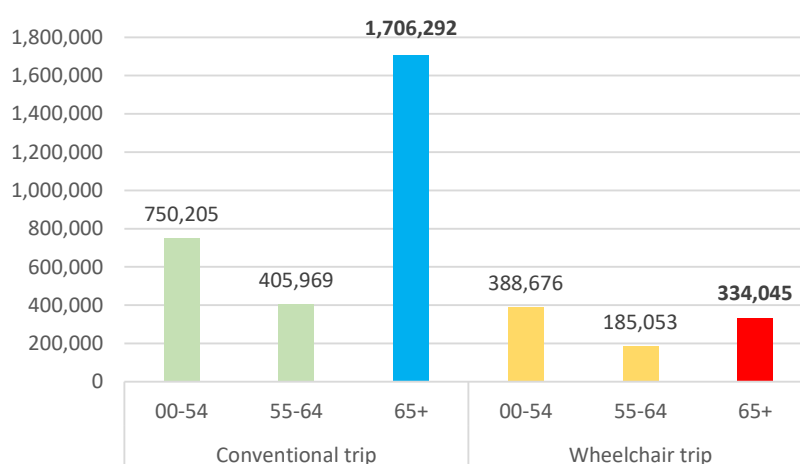
Figure 5.1 Overview of MPTP trips and COVID-19 impacts in 2020–21



Source: Victorian Government, *Submission 22*, p. 7.

As noted in Chapter 1, the MPTP is an essential service for many Victorians, ensuring they have access to healthcare, work, education and social activities. COVID-19 has highlighted the importance of the program, with MPTP vehicles playing a pivotal role in ensuring its members can continue to access essential services. The Commissioner for Senior Victorians emphasised the importance of the MPTP for ensuring the ‘social and economic inclusion of older people with mobility impairment’.¹⁴ In a submission, the Commissioner provided data on the number of trips taken by MPTP members by age and vehicle type (Figure 5.2).¹⁵ The Commissioner’s data clearly demonstrates the importance of the MPTP program to members, particularly those aged 65 and over.

Figure 5.2 Number of trips by MPTP members, by age and vehicle type, 2020–21



Source: Commissioner for Senior Victorians, *Submission 21*, p. 4.

¹⁴ Commissioner for Senior Victorians, *Submission 21*, p. 4.

¹⁵ Ibid.

5.2.4 COVID-19-related support for industry

Between August 2020 and December 2020, the Victorian Government delivered a \$22 million COVID-19 support package for the CPV industry. The package, which was managed by the Department of Transport (DoT), was a temporary support measure to ensure the CPV industry could continue to operate safely during the pandemic. Included in the package was:

- a temporary increase of the MPTP subsidy from 50% to 70% per eligible trip
- \$6 million to subsidise depot fees paid by wheelchair accessible vehicle (WAV) service providers
- \$3.5 million to increase vehicle cleaning and sanitisation
- \$1.7 million to temporarily double the wheelchair lifting fee paid by the Victorian Government
 - doubling the wheelchair lifting fee from \$21.20 to \$42.40 per trip¹⁶
 - all conventional CPV drivers carrying an MPTP wheelchair-using passenger became eligible for the partial lifting fee of \$10.60, regardless of location. Prior to the pandemic, the partial lifting fee was restricted to drivers outside metropolitan Melbourne
- \$1 million to support BSPs in regional Victoria
- refund of the CPV Service Levy for the 2019–20 June quarter.¹⁷

Alongside the COVID-19 support package, CPVV also ‘suspended all recurring fees for driver accreditation, vehicle registration, driving instructor authority renewal and replacement of MPTP member cards’.¹⁸

On 17 December 2020, following the easing of restrictions and a drop in COVID-19 cases, the MPTP subsidy and lifting fee returned to original settings. However, the expansion of the partial lifting fee to all conventional CPV drivers became a permanent component of the MPTP.¹⁹

In relation to the MPTP, CPVV explained that the package was ‘intended as a temporary measure to ensure MPTP members had access to safe, accessible trips, at a time when there was a surge in active COVID-19 cases’.²⁰

16 At the time of writing, the current wheelchair lifting fee was \$21.80 (a slight increase on the lifting fee in place prior to the implementation of the COVID-19 support package).

17 Essential Services Commission, *Unbooked taxi fare review 2020: Final decision*, p. 11; Commercial Passenger Vehicles Victoria, *Annual Report 2020–21*; Victorian Government, *Submission 22*, pp. 6–7.

18 Commercial Passenger Vehicles Victoria, *Annual Report 2020–21*, p. 25.

19 *Ibid.*, p. 24.

20 *Ibid.*

The commercial viability of the CPV industry is a major concern for post-pandemic recovery planning. This was acknowledged by the Essential Services Commission in its report, *Unbooked Taxi Fare 2020*. The Commission decided that maximum fares should remain unchanged because of lingering concerns around the commercial viability of the industry due to COVID-19. The Commission explained its decision, stating:

given the uncertainty of the next regulatory period. Increasing fares would not improve industry viability. It is likely to lead to a further decline in demand for taxis. Decreasing fares to incorporate modest reductions suggested by the current taxi cost index will potentially also have an adverse effect on the unbooked taxi industry's financial viability.²¹

To support the industry's recovery, the Victorian Government has reconvened the CPV Advisory Panel to deliver a 'post-pandemic roadmap'.

FINDING 16: The commercial passenger vehicle industry was significantly negatively impacted by measures put in place in response to the COVID-19 pandemic. The introduction of travel restrictions and lockdowns substantially decreased demand for services during these periods causing ongoing financial strain for many industry participants. However, this was eased for some by Victorian Government financial support.

5.2.5 Measuring pathways for the industry to absorb major change post-COVID-19

According to the Victorian Government, one of the key goals of the COVID-19 support package was to ensure the 'long-term sustainability of the accessible CPV sector'. The Victorian Government further explained that the measures introduced under the package were:

designed to ensure the ongoing viability and sustainability of unbooked, WAV and MPTP service providers that were already operating in the industry prior to the pandemic, setting the industry up for its recovery post-pandemic.²²

In June 2021, the Victorian Government reconvened the CPV Advisory Panel to advise the Government on how best to support the CPV industry in its post-pandemic recovery. The Government explained that the role of the Advisory Panel is to provide advice to the Minister for Public Transport on:

- challenges facing the industry
- opportunities to improve regulation
- improving user outcomes

²¹ Essential Services Commission, *Unbooked taxi fare review 2020: Final decision*, p. 10.

²² Victorian Government, *Submission 22*, p. 15.

- ensuring the ‘long-term economic viability of the industry’.²³

At the time of writing, the Advisory Panel was still convening. Therefore, the Committee was unable to assess the efficacy of potential pathways for the industry to absorb major COVID-19 changes or what a post-pandemic recovery plan will look like. Furthermore, its ability to make recommendations to the Victorian Government is limited as the effects of the pandemic remain ongoing.

Another challenge relates to data which accurately shows the state of the industry. For example, as mentioned in Chapter 3, CPVV has not charged registration renewals for WAVs for several years, meaning it currently does not have a clear picture of how many WAVs are actually in use.

At the conclusion of this Inquiry, data was still being iteratively collected regarding the impact of COVID-19 on the industry. This makes it difficult to make informed findings or recommendations on what the industry needs for its post-COVID-19 recovery. This was acknowledged by the Victorian Government, telling the Committee that:

- learnings from COVID-19 are still emerging
- the restrictions on travel and work meant that data collected during the pandemic so far cannot accurately assess the state of the industry, including the impact of the MPTP expansion (see Chapter 2).²⁴

FINDING 17: The ongoing impact of the COVID-19 pandemic makes it difficult to accurately assess the impact of COVID-19 or potential post-COVID-19 pathways for the commercial passenger vehicle industry.

FINDING 18: Ensuring the ongoing financial viability and service delivery of the commercial passenger vehicle industry, including the Multi Purpose Taxi Program, should be a key consideration in the Victorian Government’s post-COVID-19 industry recovery strategies.

5.3 How will the roll out of the National Disability Insurance Scheme impact the future operation of the Multi Purpose Taxi Program?

In July 2016, the National Disability Insurance Scheme (NDIS) began rolling out across Australia. At the time of writing, Victoria was still implementing the NDIS, including funding for transport.

²³ Ibid.

²⁴ Joe Monforte, Executive Director, Commercial and Economic Policy, Department of Transport, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*; Victorian Government, *Submission 22*.

To be eligible for the NDIS, a person must:

- have a permanent and significant disability or developmental delay
- be under 65 years of age at the time of applying
 - if an existing participant turns 65, their NDIS plan can continue or they can move to aged care support
- be an Australian citizen or hold a permanent visa or Protected Special Category visa.

An NDIS participant can receive transport funding if they are unable to travel independently or use public transport due to their disability, and if the costs are directly incurred by the participant.

Box 5.1 below outlines transport funding under the NDIS.

BOX 5.1: Transport funding under the NDIS

Under the NDIS, a person may be eligible to receive transport funding to assist them with travel. According to the NDIS website, a participant can access transport funding if they are unable to use public transport ‘without substantial difficulty due to their disability’.

Transport funding is only provided where it is ‘reasonable and necessary’ and if there are additional costs incurred which are directly related to a participant’s support needs. Therefore, funding is provided to help the participant access care and support and does not generally cover day-to-day living expenses (except in some circumstances where the cost is directly related to a participant’s disability). Under NDIS regulations, ‘living expenses’ includes travel which is not directly related to needs of a person with a disability. NDIS funding cannot be used for travel which is not directly related to a person’s disability (e.g., visiting friends or family independently).

According to the *National Disability Insurance Scheme (Supports for Participants) Rules 2013* (Cth), the NDIS is responsible for:

1. supports for a person that enable independent travel, including personal transport-related aids/equipment or training to use public transport
2. modifications to a private vehicle
3. the reasonable and necessary costs of taxis or other private transport options for those unable to travel independently.

(Continued)

BOX 5.1: Continued

Transport funding cannot be used to cover the cost of using public transport, such as a local bus, train or tram. For example, the cost of a Myki card cannot be funded by the NDIS.

The NDIS has three levels of transport support available:

- **Level 1:** up to \$1,606 per year for participants not working, studying or attending day programs but are seeking to enhance their community access.
- **Level 2:** up to \$2,472 per year for participants currently working or studying part-time (up to 15 hours a week), participating in day programs and other activities directly related to their disability.
- **Level 3:** up to \$3,456 per year for participants currently working, looking for work, or studying, at least 15 hours a week, and who are unable to use public transport.
- **Exceptional circumstances:** a participant may receive higher funding if they have general or funded supports in their NDIS plan enabling their participation in employment.

Source: Compiled by the Legislative Council Economy and Infrastructure Committee. Information from: NDIS, *Including specific types of supports in plans operational guideline – transport*, 2021, <<https://www.ndis.gov.au/about-us/operational-guidelines/including-specific-types-supports-plans-operational-guideline/including-specific-types-supports-plans-operational-guideline-transport>> accessed 8 February 2022; *National Disability Insurance Scheme (Supports for Participants) Rules 2013* (Cth) 7.21; Yooralla, *NDIS funding – what to expect*, 2021, <<https://www.yooralla.com.au/news-and-media/news-items/ndis-funding-what-to-expect>> accessed 23 February 2022.

Throughout the Inquiry, the Committee spoke with stakeholders about how the roll out of transport funding under the NDIS might affect the future operation of the MPTP. In its submission, the Victorian Government stated the NDIS ‘will ultimately change the way some program users’ CPV trips are funded’. The Government explained that Victoria is working with the National Disability Insurance Agency to understand how eligible participants will receive transport support through the NDIS.²⁵ Until there is clarity on how NDIS transport funding will operate in Victoria, the Victorian Government has delayed the transition of NDIS clients off the MPTP.²⁶ During the ongoing implementation there have been no changes to the MPTP subsidy for NDIS participants. DoT noted that a key reason the transition to the NDIS has been delayed is because the scheme ‘has taken a lot longer than ideal to provide appropriate transport support’.²⁷

At a public hearing, Joe Monforte, DoT’s Executive Director of Commercial and Economic Policy, explained that the intention of the NDIS is to fund all of an NDIS client’s transport needs (as well as other support needs) so that they are able to ‘transition off state-provided services’. NDIS clients will also have flexibility in the types of transport they use.

²⁵ Victorian Government, *Submission 22*, p. 10.

²⁶ Joe Monforte, *Transcript of evidence*, p. 50.

²⁷ Ibid.

Sarah Fordyce, Victorian State Manager for National Disability Services, said:

the NDIS prices are adjusted to take account of changes in [employment] awards so there is extra funding for services on weekends and so forth, and that does provide the participant with some choice. Do they require a service, be it transport or another service, on a Saturday night when things are going to be more expensive, or will they do that activity on a Tuesday at lunchtime? So it does put it in the choice and control of the individual participant ...²⁸

While several stakeholders acknowledged that NDIS funding could be used for more transport options compared to the MPTP, some had concerns that the funding may be insufficient. Stakeholders contended that people with more complex mobility needs often have higher transport costs meaning they would go through their funding more quickly. These stakeholders consistently told the Committee that the cost-saving aspect of the MPTP subsidy was very valuable for members. The Committee notes that insufficient funding is a concern for both the MPTP and NDIS funding. However, some MPTP members are exempt from the cap. For these people, the MPTP would provide more support than the NDIS.

As part of its submission, Vision Australia surveyed 26 clients about their experiences using the MPTP. The submission found that 95% of clients surveyed reported that being a member of the MPTP influences how often they use CPVs for travel. Vision Australia explained that NDIS transport funding does not cover the cost of regularly using CPVs, demonstrating how valuable the MPTP subsidy is for reducing transport costs for people with a disability.²⁹ The following are quotations from Vision Australia clients:

‘It is not affordable for me to constantly catch taxis at full price. I do receive a travel allowance from the NDIS but because I now work full time this only just covers being able to get to work nothing extra.’

‘Having to pay full price would limit the number of places I could go without needing O&M training in advance. I would need to use public transport and learn each new destination I wanted to travel to. Taxis allow me to get directly to the location without a lot of lead time.’³⁰

Save our Sons Duchenne Foundation believed that even where a person has access to NDIS transport funding and the MPTP, there still may not be enough support to cover travel costs. It noted this as an issue both for major metropolitan cities and regional areas, stating that many people ‘can very quickly exceed the cap on individual travel trips’.³¹

28 Sarah Fordyce, State Manager, Victoria, National Disability Services, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*, p. 24.

29 Vision Australia, *Submission 12*, p. 3.

30 Ibid.

31 Save our Sons Duchenne Foundation, *Submission 17*, p. 10.

The Committee also heard there are supply-side concerns related to the transition to the NDIS for some MPTP members. Under the MPTP, CPV drivers receive a lifting fee for trips transporting wheelchair users (see Chapter 3). The lifting fee will not be available to drivers for NDIS-funded trips. This may reduce the commercial viability of WAVs, risking significant reductions in the number of WAVs on the road and leaving demand unmet.

Joe Monforte highlighted this as a key issue for the transition to NDIS transport funding and told the Committee that DoT is 'looking at options to replace the lifting fee for NDIS customers'. He stated:

There is one issue there in MPTP terms. I mean, even when we are comfortable that the level of support clients are getting is adequate, so they no longer need the MPTP support—as we said earlier, when they get that support they can choose how to spend that money themselves ... But once that level of support is deemed appropriate and the clients transition off the MPTP, the gap that we have is that the NDIS deals with the demand side, it deals with the client side; it does not deal with supply side. So unless we do something the lifting fee will diminish because those customers will no longer be MPTP customers and when they use CPVs the drivers or the owners will no longer get the lifting fee.³²

Industry stakeholders also expressed concern about the NDIS not providing lifting fees for drivers. Colin Wells, Director of the Victorian Taxi Association, told the Committee that this may mean that NDIS clients are not prioritised by drivers. Mr Wells argued that a lifting fee should apply to any trip transporting wheelchair users, regardless of how the trip is paid for or funded.³³

The Committee strongly encourages the Victorian Government to continue working with the National Disability Insurance Agency to ensure that lifting fees for CPV wheelchair users are retained following the roll out of NDIS transport funding.

The Committee also notes that transport funding under the NDIS can only be used for travel directly related to a person's disability needs, for example attending medical appointments or social activities where the NDIS client requires assistance. It cannot be used for personal or social activities where the client can travel independently. For activities not covered by the NDIS, a person must incur the full cost of travel.

In comparison, the MPTP subsidy can be used for any trips in a CPV regardless of the purpose of travel. The flexible use of the subsidy supports people with a disability to remain connected to their community and reduces the likelihood of social isolation. The Committee believes that the NDIS should also ensure transport funding can support social connection and community participation for people with a disability, and not be restricted to travel which is directly related to a person's disability needs.

³² Joe Monforte, *Transcript of evidence*, p. 51.

³³ Colin Wells, Director, Victorian Taxi Association, public hearing, Melbourne, 19 October 2021, *Transcript of evidence*, p. 12.

At the time of writing, it was unclear what the impact of the NDIS roll out would be on the future operation of the MPTP. The Committee's understanding is that the MPTP will continue in some form regardless of the NDIS roll out, to support people with a disability who are not covered by the NDIS. However, it is likely the operation of the MPTP will need to evolve to reflect the changes in membership as people move across to the NDIS. Furthermore, the ongoing operation of the MPTP is necessary to address the anticipated gaps of NDIS transport funding, namely:

- MPTP members eligible for the annual subsidy cap exemption may wish to continue using the program if the NDIS does not offer an equivalent exemption.
- The MPTP subsidy can be used for any CPV trips regardless of the purpose of travel. Comparatively, the NDIS can only be used for approved travel purposes which are directly related to a person's needs arising from their disability.

The Committee adds that until the roll out of the NDIS is completed, it is not clear how both programs will operate alongside each other in Victoria.

FINDING 19: The roll out of transport funding from the National Disability Insurance Scheme will have an impact on the operation of the Multi Purpose Taxi Program. There may be risks to the viability of the Program due to:

- changes in market demand as clients transition to transport funding under the National Disability Insurance Scheme
- the absence of a lifting fee for wheelchair accessible vehicles when transporting National Disability Insurance Scheme clients, potentially resulting in suppliers leaving the market and demand not being met.

RECOMMENDATION 18: That the Victorian Government advocate to the National Disability Insurance Agency for the National Disability Insurance Scheme to provide subsidised transport for all clients that supports social connection and participation in the community.

RATIONALE: Currently, transport-related funding under the National Disability Insurance Scheme can only be used for travel which is directly related to a person's disability or where the client requires assistant to travel. Expanding support in this way will ensure that people with a disability remain connected to their community and help prevent social isolation. It is also in line with the United Nations Convention on the Rights of Persons with Disabilities to which Australia is a signatory.

RECOMMENDATION 19: That the Victorian Government continue to work with the National Disability Insurance Agency to ensure that the roll out of transport funding under the National Disability Insurance Scheme ensures wheelchair users receive equal services to all other transport users, including the retention of wheelchair lifting fees for commercial passenger vehicles.

RATIONALE: Currently, transport funding in the National Disability Insurance Scheme does not provide lifting fees for drivers. This may make it difficult for the commercial passenger vehicle industry to cover the extra expense of purchasing, maintaining and operating wheelchair accessible vehicles, thereby reducing the number of vehicles available for wheelchair users.

5.3.1 Other issues the roll out of the National Disability Insurance Scheme could address

Standardising safety across the commercial passenger vehicle industry

Transitioning NDIS clients' transport support away from the MPTP could present an opportunity to standardise minimum safety requirements for CPV drivers who transport NDIS clients and/or MPTP members.

Standardising safety requirements for MPTP operators was a key issue raised by stakeholders who believed there to be a lack of consistent safety standards across operators, regarding driver training, vehicle safety requirements and disability awareness. A potential option to standardise safety requirements across the CPV industry was to require all operators in the CPV market that offer services to people with a disability to have an NDIS Worker Screening Check.³⁴ This is required for all employees of a registered NDIS provider who are in a 'risk-assessed role', including:

- volunteer workers
- workers engaged through third parties, such as labour-hire agencies
- sole traders who are both the provider and the worker

Box 5.2 below explains 'risk assessed role'.

³⁴ For example: Victorian Taxi Association, *Submission 7*.

BOX 5.2: A National Disability Insurance Scheme ‘risk assessed role’

A risk assessed role:

- is a key personnel role of a person or entity as defined in s 11A of the *National Disability Insurance Scheme Act 2013* (Cth)
- involves the direct delivery of specified supports or services to a person with disability, for example assistance to access and maintain employment and education
- likely involves more than ‘incidental contact’ with people with a disability, such as:
 - physically touching a person with a disability
 - building a rapport with a person with a disability as an integral and ordinary part of normal duties
 - having contact with multiple people with a disability as part of the direct delivery of a specialist disability support or service.

Source: Victorian Government, *NDIS Worker Screening Check*, 2022, <<https://www.vic.gov.au/ndis-worker-screening-check#how-to-apply-for-your-ndis-check>> accessed 9 February 2022.

The Victorian Government has developed the *Victorian Safety Screening Policy: for registered NDIS providers operating in Victoria*. This outlines the requirements for registered NDIS providers to undertake worker screening.³⁵ The policy lists specific services and specified supports which require an NDIS Worker Screening Check. Specified services include ‘assistance with travel/transport arrangements’ but only for specialised transport to school or other educational facilities, employment, or within the community. Victoria’s policy explicitly states that travel services do not include CPVs or other forms of public transport which are ‘available to the public at large’, even if vehicles have ‘specific modifications to better facilitate their use by people with a disability’.³⁶

However, the Committee was told that requiring CPV drivers to pass a NDIS Worker Screening Check would assist with standardising driver safety standards across the CPV industry.³⁷ Chapter 4 discusses existing requirements for driver training, with the Committee noting a lack of consistency across service providers. In Chapter 4, the Committee recommended:

- That the Government consider options to develop a ‘preferred supplier’ accreditation for service providers that consistently achieve best practice approaches to accessible transport service provision.

³⁵ The policy includes requirements during the transition period for worker screening which commenced on 1 July 2019. The full implementation of a special NDIS worker screening check was due in 2021 but was delayed by COVID-19. At the time of writing, registered NDIS workers had until 31 January 2022 to apply for an NDIS worker screening check or until their Working With Children Check expired (if they were screen by their employer prior to 1 February 2021).

³⁶ Victorian Government, *Victorian Safety Screening Policy: For registered NDIS providers operating in Victoria*, October 2019, p. 39.

³⁷ Victorian Taxi Association, *Submission 7*; Sarah Fordyce, *Transcript of evidence*.

- That Commercial Passenger Vehicles Victoria finalise, release and implement a new Driver Training Framework as soon as possible.

The Victorian Taxi Association believed that requiring operators to get an NDIS Worker Screening Check would strengthen minimum safety requirements for MPTP vehicles and standardise service provision across the industry. The Association argued that the NDIS check would be ‘a major step toward’ preventing roting and exploitation of vulnerable users.³⁸

Sarah Fordyce from National Disability Services told the Committee:

[the NDS] feel that a very robust quality and safeguard framework is appropriate. Because many services are now funded by NDIS, which is a national program, we urge state governments to keep an eye on the regulatory framework that occurs nationally. For example, there is some discourse at the moment that perhaps all people who have more than incidental contact with people with disabilities funded by NDIS should be subject to that national NDIS worker screening check.³⁹

To support Recommendations 9 and 10, the Committee believes the Victorian Government should require CPV drivers to have an NDIS Worker Screen check in order to participate in the MPTP. This will ensure there are standardised requirements for safety and accreditation, rather than differing requirements across providers.

RECOMMENDATION 20: That the Victorian Government requires commercial passenger vehicle drivers that undertake Multi Purpose Taxi Program work to get a National Disability Insurance Scheme Worker Screen Check. In implementing this requirement, the Government should establish a clear transition plan for the industry in line with the transition plan it established for other industries under the *Victorian Safety Screening Policy: for registered NDIS providers operating in Victoria*.

RATIONALE: Requiring all drivers who undertake Multi Purpose Taxi Program work to get a National Disability Insurance Scheme Worker Screen Check will ensure that safety accreditation standards are the same regardless of the service provider.

Ensuring Victoria has an integrated transport strategy

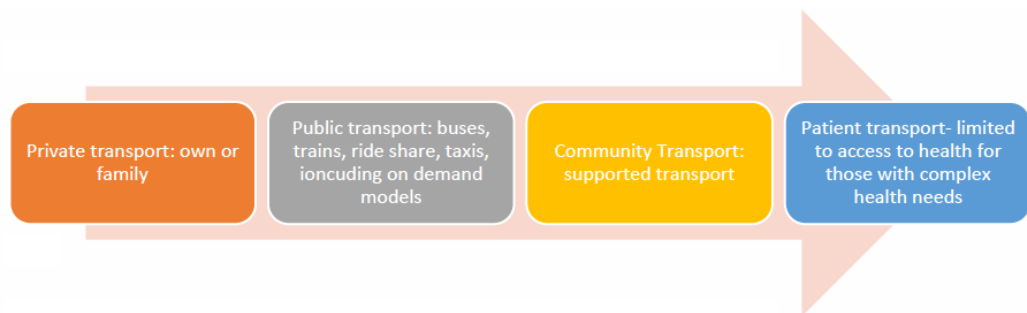
In the course of gathering evidence for this Inquiry, the Committee heard from stakeholders who argued for providing more diverse transport options for people with a disability. This Section discusses some of the evidence presented to the Inquiry. The Committee believes that the roll out of NDIS transport funding provides an opportunity to ensure a diverse range of options are available to cater to the variety of needs of people with a disability.

³⁸ Victorian Taxi Association, *Submission 7*, pp. 1–2.

³⁹ Sarah Fordyce, *Transcript of evidence*, p. 23.

Both LINK Community Transport and VICTAS Community Transport recommended that the Victorian Government develop an integrated transport strategy (see Figure 5.3), a component of which would include the CPV industry and by extension the MPTP.⁴⁰ Dr Daniel Davis, Chair of LINK Community Transport explained that current transport services for vulnerable Victorians are ‘fragmented’ and argued that an integrated transport system would streamline services and ensure an ‘integrated system of care’.⁴¹ LINK Community Transport and VICTAS Community Transport also argued for increased funding for community transport to support people with a disability who are unable to use a personal vehicle or public transport (including CPVs).⁴²

Figure 5.3 Integrated accessible transport system



Source: VICTAS Community Transport Association, *Submission 18*, p. 2.

The Committee notes that the Victorian Government committed to developing an ‘integrated and sustainable transport system in Victoria’ under the *Transport Integration Act 2010 (Vic)*.⁴³ Under the Act, the Government is required to develop a strategy for ensuring that Victoria’s transport system ‘facilitate[s] integrated and seamless travel within and between different modes of transport’.⁴⁴ At the time of writing, however, Victoria did not have an integrated transport strategy.

In the Committee’s view, the roll out of the NDIS presents an ideal opportunity for Victoria to refocus its efforts on developing an integrated transport system. The flexibility of NDIS transport funding allows NDIS clients to choose the modes of transport which best suit their needs. Therefore, it is essential that the transport system is diverse and integrated to provide more consumer choice.

FINDING 20: The Victorian Government has committed to developing an integrated transport strategy under the *Transport Integration Act 2010 (Vic)*. The roll out of transport funding under the National Disability Insurance Scheme presents an opportunity to renew efforts to implementing the strategy to ensure people with a disability can choose the transport option which best suits their needs.

⁴⁰ LINK Community Transport, *Submission 14*; Dr Daniel Davis, Chair, LINK Community Transport, public hearing, Melbourne, 21 October 2021, *Transcript of evidence*; VICTAS Community Transport Association (VTCTA), *Submission 18*.

⁴¹ LINK Community Transport, *Submission 14*, pp. 7–8.

⁴² VICTAS Community Transport Association, *Submission 18*.

⁴³ *Transport Integration Act 2010 (Vic)* s 1.

⁴⁴ *Ibid.*, p. 12(12)(c).

5.4 Is the Multi Purpose Taxi Program ‘fit for purpose’?

The concept of ‘fit for purpose’ is established in Australian consumer law. Under the law, a consumer is guaranteed that a product should be ‘reasonably’ fit for purpose. Determining whether a system or service is ‘fit for purpose’ requires an assessment of whether it has fulfilled its intended goals or outcomes. In general, the goals and outcomes of a service are determined by the user—or beneficiary—of the service. Their expectations establish parameters for evaluating whether a service is adequate and meets their needs.⁴⁵

In the context of this Inquiry, assessing the fitness for purpose of the MPTP needs to consider both the experiences of MPTP members and service providers. The Committee has considered the following factors as indicators of whether the current operation of the MPTP is fit for purpose:

1. The capacity of the MPTP to meet service demand and the needs of a diverse range of people with a disability.
2. That the regulator provides equal support to all service providers. This should include implementing measures to ensure people with a disability have access to equal services compared to the rest of the population (e.g. via wheelchair lifting fees).
3. That the regulator ensures it promotes equitable requirements on operators and drivers, including in terms of vehicle safety standards, driver training requirements and accreditation.
4. That the MPTP is able to absorb major changes where necessary and respond to any future challenges.

The Committee has concluded that the MPTP is mostly fit for purpose, with some important areas for improvement. This conclusion is explained in more detail in Box 5.3 below, as well as the Findings and Recommendations throughout this Report. However, the Committee notes that a lack of reliable data or information—compounded by the challenges from responding to COVID-19—means some of the indicators listed above could not be properly assessed.

⁴⁵ Consumer Affairs Victoria, *Product does not do what the salesperson said, or the consumer asked for*, 2021, <<https://www.consumer.vic.gov.au/products-and-services/problems-with-a-product/product-does-not-do-what-the-salesperson-said-or-the-consumer-asked-for#>> accessed 16 February 2022.

BOX 5.3: Is the Multi Purpose Taxi Program fit for purpose?

The Committee has determined the Multi Purpose Taxi Program to be fit for purpose in the following areas:

- The Program plays an important role in supporting the travel needs of many people with a disability or limited mobility.
- The Program expansion:
 - increased the choice and control of an MPTP member to choose a CPV service which best suits their needs
 - reduced single supplier risk and expanded DCP options for BSPs and vehicles offering MPTP services.

The Committee identified the following areas of improvement for the current operation of the MPTP:

- Standardising safety and accreditation requirements for operators providing MPTP services.
- Ensuring equity of services for wheelchair and non-wheelchair users, including improving waiting times for WAVs.
- Ensuring more effective driver training relating to disability awareness and inclusion.
- Ensuring adequate training, including ongoing skills maintenance, of W-endorsed drivers for the safe transport of passengers in WAVs.
- Streamlining application processes to improve access to the MPTP for people with a disability or limited mobility.
- Improving data collection and transparency practices.
- Investigating how complaints handling processes can be improved.

**Adopted by the Legislative Council Economy and Infrastructure Committee
Parliament of Victoria, East Melbourne
17 March 2022**

Appendix A

About the Inquiry

A.1 Submissions

| | |
|----|--|
| 1 | David Christensen |
| 2 | Victorian Taxi and Hire Car Families |
| 3 | Mildura Taxis |
| 4 | Name Withheld |
| 5 | Name Withheld |
| 6 | Wodonga Taxis |
| 7 | Victorian Taxi Association |
| 8 | Henri Ling |
| 9 | Ride with us |
| 10 | Ralph Grapentin |
| 11 | Transport Alliance Australia |
| 12 | Vision Australia |
| 13 | National Disability Services |
| 14 | LINK Community Transport |
| 15 | A2B Australia |
| 16 | Uber |
| 17 | Save Our Sons Duchenne Foundation |
| 18 | VICTAS Community Transport Association |
| 19 | Bernadette Cheesman |
| 20 | Net-Cabs Pty Ltd |
| 21 | Commissioner for Senior Victorians |
| 22 | Department of Transport and Commercial Passenger Vehicles Victoria |

A.2 Public Hearings

Tuesday, 19 October 2021—via videoconference

| Name | Title | Organisation |
|----------------------|---------------------------------|---------------------------------|
| Mr David Samuel | Head of Public Affairs | A2B Australia |
| Mr Greg Hardeman | General Manager | 13CABS |
| Mr Colin Wells | Director | Victorian Taxi Association |
| Ms Jacqui Shephard | Director | Transport Alliance Australia |
| Mr André Baruch | National Executive Board Member | Transport Alliance Australia |
| Mr Stephen Armstrong | Managing Director | Ballarat Taxis |
| Mr Peter Valentine | Chief Executive Officer | Geelong Taxi Network |
| Ms Eleanor Fitz | Director | Wodonga Taxis |
| Mr Gary Schmidt | Chief Executive Officer | Schmidt Electronic Laboratories |

Thursday, 21 October 2021—via videoconference

| Name | Title | Organisation |
|-------------------|--|--|
| Mr Moti Mimeran | Chief Executive Officer | GRABiD Technologies |
| Dr Daniel Davis | Chair | Link Community Transport |
| Mr Chris Edwards | Manager, Government Relations & Advocacy, NDIS & Aged Care | Vision Australia |
| Ms Sarah Fordyce | State Manager, Victoria | National Disability Services |
| Ms Clare Hambly | Policy & Projects Officer, Quality & Safeguards | National Disability Services |
| Mr Dominic Taylor | General Manager, Rides, Australia & New Zealand | Uber |
| Ms Pia Brunner | Public Policy, Australia & New Zealand | Uber |
| Mr Dam Ogundeji | General Manager Transit, Australia & New Zealand | Uber |
| Ms Natalie Reiter | Deputy Secretary, Policy, Precincts & Innovation | Department of Transport & Innovation |
| Mr Joe Monforte | Executive Director, Policy & Reform | Department of Transport |
| Ms Tammy O'Connor | Interim Chief Executive Officer | Commercial Passenger Vehicles Victoria |

Thursday, 9 December 2021—via videoconference

| Name | Title | Organisation |
|---------------------------|---|-----------------------------------|
| Ms Colleen Furlanetto OAM | Former Commercial Passenger Vehicles Victoria Disability Commissioner | |
| Ms Sandy Kervin | General Manager | Save Our Sons Duchenne Foundation |
| Mr Lance Dale | Advocacy Officer | Save Our Sons Duchenne Foundation |
| Ms Barb Watts | Community Representative | Save Our Sons Duchenne Foundation |

Appendix B

Annual subsidy cap exemptions

Members of the Multi Purpose Taxi Program (MPTP) who have any of the following conditions to a severe and permanent extent (as determined by their doctor) which denies them independent access to any form of Public Transport are exempt from an annual subsidy cap.

| | |
|--|---|
| <p>Blindness (visual impairment) determined by a registered specialist ophthalmologist Brain damage</p> | <ul style="list-style-type: none"> • Legally Blind (best corrected visual acuity of 6/36 or worse in both eyes or total visual field of less than 10 degrees) • Bitemporal Hemianopia • Bilateral Homonymous Hemianopia |
| <p>Brain damage</p> | <ul style="list-style-type: none"> • Acquired Brain Injury (ABI) • After neurosurgery – complications or adverse effects • Alcoholic Brain Damage • Anoxic Myoclonus • Aneurysm Rupture • Cerebellar Artery Insufficiency • Cerebellar Ataxia • Cerebellar Degeneration • Cerebral Atrophy • Cerebral Embolus • Cerebral Haemorrhage • Cerebral Ischaemia • Cerebral Palsy • Cerebral Thrombosis • Cerebrovascular Accident, Event, Disease • Cerebrovascular Insufficiency • Cerebral, Cerebellar Tumour • Cognitive Impairment • Drop Attacks • Encephalitis • Encephalopathy • Hydrocephalus • Korsakoff’s Psychosis • Lennox - Gastaut Syndrome • Microcephaly • Moya-Moya Disease • Myalgic Encephalomyelitis • Rett’s Syndrome <p>(Continued)</p> |

| | |
|--|--|
| <p>Brain damage Continued</p> | <ul style="list-style-type: none"> • Spina Bifida • Vertebro Basilar Insufficiency • Vertebro Basilar Ischaemia • Stroke / Cerebral Infarct • Subdural, Subarachnoid Haemorrhage • Transient Ischaemic Attacks (TIA's) • Tuberos Sclerosis |
| <p>Dementia</p> | <ul style="list-style-type: none"> • Alzheimer's Disease • Creutzfeld-Jakob Disease • Dementia from Parkinson's Disease • Lewy Body Dementia • Multi-infarct Dementia • Pick's Disease • Vascular / Multi-infarct / Ischaemic Dementia |
| <p>Intellectual impairment</p> | <ul style="list-style-type: none"> • Aspergers Syndrome • Autism Spectrum Disorder • Cri Du Chat Syndrome • Down's Syndrome / Trisomy 23 • Fragile X Syndrome • Global Development Delay • Hyperactivity / Attention Deficit Disorder (ADD / ADHD) • Intellectual Disability • Leigh's Disease • Phenylketonuria (PKU) • Prader Willi Syndrome • Rubenstein-Taybi Syndrome • Touretts Syndrome • Turner's Syndrome • William's Syndrome |
| <p>Major organ disorder (condition that requires ongoing and regular treatment) with functional disability only</p> | <ul style="list-style-type: none"> • Ascites (Abdominal) • Cirrhosis of the liver • Hepatitis • Liver/Hepatic Disease or Failure • Kidney / Renal Failure • Pancreatitis (Chronic Severe) • Polycystic kidneys |
| <p>Paralysis (expressive dysphasia)</p> | <ul style="list-style-type: none"> • Hemiparesis / Hemiplegia • Paraplegia • Paresis / Spastic Paraparesis • Quadraplegia |

Source: Commercial Passenger Vehicles Victoria, *Passengers: Multi Purpose Taxi Program: Exemptions*, 8 November 2021, <<https://cpv.vic.gov.au/passengers/mptp/exemptions>> accessed 31 January 2022.