



NDIS
ESSENTIAL
ISSUES ▶

Getting transport on track

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Adequate access to transport is essential for NDIS participants to engage in social and economic life.

Transport assistance in the NDIS is complex and there are issues that require urgent resolution. Complexity arises from the interaction of several factors: NDIS transport funding levels; participant choice; the future of taxi subsidy schemes; the financial viability of provider-owned vehicle fleets; and the coordination of community transport.

Adding to this complexity is the division of transport responsibilities across governments. The COAG Applied Principles¹ define the responsibilities of the NDIS and 'other parties', notably states and territories. 'Other parties' are responsible for ensuring that: public transport is accessible; concessions are applied to facilitate use of public transport; public transport and taxis are appropriately modified; and community transport services are available.

NDIS transport issues need urgent resolution to prevent:

- increased social isolation among NDIS participants;
- disability service providers disposing of their transport fleets, without alternative transport options being available; and
- rising and unsustainable NDIS expenditure on taxis rather than on direct supports.

Transport funding under the NDIS

A participant is generally able to access NDIS funding for transport assistance if they cannot use public transport because of their disability. There are three levels of transport support, indexed annually (two of the levels reflect the Commonwealth Mobility Allowance)²:

- **Level 1** - Up to **\$1,606** per year for participants who are not working, studying or attending day programs but are seeking community access
- **Level 2** - Up to **\$2,472** per year for participants who are currently working or studying part-time (up to 15 hours a week) or participating in day programs or other social, recreational or leisure activities.
- **Level 3** - Up to **\$3,456** per year for participants who are currently working, looking for work or studying for 15 hours a week or more

Participants can receive higher funding to enable their participation in employment, but only in exceptional circumstances.³

For most NDIS participants who can't use public transport, the funding levels are insufficient to cover regular trips to and from community activities or work. Level 1 funding, for example, averages just

1 <https://static1.squarespace.com/static/57c65af5cd0f68b1295663dc/t/586092084402439b0c8370ab/1482723859121/NDIS+-+Principles+to+Determine+Responsibilities+NDIS+and+Other+Service+Systems+-+Revised+27+Nov+2015+%281%29.pdf>

2 <https://www.ndis.gov.au/document/participant-transport-funding-informati>

3 *ibid*

\$4.40 a day. Many NDIS participants who can't use public transport are recipients of the Disability Support Pension and do not have the financial capacity to cover transport costs.

Transport assistance funding should cover the cost of operating a vehicle and the cost of labour⁴ - just as a taxi fare comprises the cost of the driver's time and the cost of running the taxi. The 2018 NDIS Price Guide (page 18) recognises two dimensions of transport cost: the hourly cost of a worker who accompanies or transports a participant (where a sole worker transports two or more participants, the group support rate applies); and the direct cost of transport, which – with the participant's agreement - could be charged to the participant's support budget as a per kilometre rate.⁵

Type of disability can be an important variable in the cost of transport. For example, a vehicle able to carry up to seven people who are mobile can carry only three people who use wheelchairs, thus significantly increasing the transport cost per person.

Funding allocations should also reflect the higher transport costs in some regions of Australia, especially where distances are large and there are few or no local support providers. Transport assistance funding in these parts of Australia does not reflect the full impact of local conditions

Participant Budgets

NDIS participant budgets are divided into three support categories: Core, Capital and Capacity Building. Core supports are flexible across four sub-categories:

1. Assistance with daily living, except where a budget is allocated to Supported Independent Living (SIL)
2. Transport
3. Consumables
4. Assistance with Social and Community Participation.

If participants require transport assistance above their specific budget allocation, they can draw funding from other Core support categories.⁶ This flexibility is good, although it risks depriving the participant of funding to purchase other essential Core supports.

Moreover, system limitations deny flexibility to some participants. If a participant receives all their transport funding as a direct periodic payment into their bank account (with no budget allocation on the Portal for transport support), they cannot add to their transport assistance from their Core supports budget. These participants should have the same flexibility as other NDIS participants. Information about NDIS policy on this can be confusing.⁷

A related problem is that too few NDIS planners make provision in a participant's Core supports budget for the cost of regular transport. Planners should always ask participants whose plan includes

4 NDIS 207-18 Price Guide, <https://www.ndis.gov.au/providers/pricing-and-payment.html>, page 17

5 2018-19 NDIS Price Guide, page 18 <https://www.ndis.gov.au/providers/pricing-and-payment>

6 Choice and Control Factsheet, <https://ndis.gov.au/medias/documents/hce/h5b/8799507939358/Factsheet-Choice-and-Control-A4-v0.5.pdf>, page 1

7 Particularly the Choice and Control factsheet - <https://ndis.gov.au/medias/documents/hce/h5b/8799507939358/Factsheet-Choice-and-Control-A4-v0.5.pdf>

'assistance with social and community participation' or employment, how they intend to travel to and from those activities and how much time over the course of a plan that will take. A participant's budget allocation should reflect that discussion. Where a participant regularly uses the transport services of an NDIS provider, it would make sense to seek a quote for transport support.

Taxis

The individualised nature of funding and support in the NDIS will increase the demand for taxis. Several other factors are also likely to increase NDIS expenditure on taxis:

The future of taxi subsidy schemes is uncertain

Taxi subsidy schemes are provided by state and territory governments. They vary across the country in terms of eligibility, maximum subsidy per trip, annual cap and the additional payment for a wheelchair accessible taxi (WAT). For example:

	Subsidy	Wheelchair accessible taxis (WAT) additional payment
NSW ⁸	50% subsidy, up to \$60 per trip	\$15 (ex GST) per ride
VIC ⁹	50% subsidy up to \$60 per trip. Some members have a yearly limit.	\$15 lifting fee (only for people with a M31 card)
QLD ¹⁰	50% subsidy up to \$25 per fare	\$20 lift fee

The future of taxi subsidy schemes for NDIS participants is uncertain. Several state governments are adamant that their funding for taxi subsidies has been transferred to the NDIS. Some (Queensland, Victoria, NSW and Tasmania) have made commitments to continue taxi subsidies until the end of June 2019, but not beyond that date.¹¹ Given the low income of many NDIS participants, the potential loss of taxi subsidy schemes is a significant concern.

The NSW Government established a Point to Point (P2P) Transport Commission in 2017 as the new regulator of taxis, hire vehicles and ride-share services. A review¹² is examining extending the taxi subsidy to vehicles other than taxis (e.g. commercial providers such as Uber and Community Transport). These reforms have the potential to increase user choice and the number of accessible vehicles available to people with disability.

⁸ <https://www.transport.nsw.gov.au/projects/programs/point-to-point-transport/transport-disability-incentives-and-subsidies>

⁹ <http://taxi.vic.gov.au/passengers/mptp>

¹⁰ <https://www.qld.gov.au/disability/out-and-about/taxi-subsidy>

¹¹ The Western Australian Taxi User Subsidy Scheme is under review, with improvements promised "to ensure the outcomes of the review provide maximum benefits for people with disabilities and transport service providers"

¹² <https://www.transport.nsw.gov.au/projects/programs/point-to-point-transport/transport-disability-incentives-and-subsidies>

However, people with disability in remote, regional and rural areas in particular, cannot rely on taxis or ride-sharing alone, especially as fewer WATs operate in these areas and efforts to increase supply have been largely unsuccessful.¹³

Accessibility remains a barrier for many people with disability. For example, people who are blind or have low vision are often prevented from accessing taxis and ride-sharing services by inaccessible documents: driver identification, booking apps and relevant stop information are not consistently provided in accessible formats. As ride-sharing expands, it is important that all transport operators understand their responsibilities to provide accessible transport, including their responsibility to provide transport to people who use Guide Dogs and Seeing Eye Dogs.

The NDIA is compelled to fund the full cost when taxi use is deemed reasonable and necessary

In July 2016, the Administrative Appeals Tribunal (AAT) directed the NDIA to fund the weekday transport costs of a young man who lives in a small Victorian town where there is no public transport. The young man spends \$16,000 a year on taxis to take him to and from his work and a social group.¹⁴

The NDIA appealed the decision but, in March 2017, lost the appeal in a test case for transport funding (*McGarrigle and NDIA [2016] AATA 498 at [46]*). The Federal Court ruled that the NDIA must fully fund reasonable and necessary supports, meaning that NDIS participants living in rural areas and unable to drive or use public transport must be funded for the full cost of transport assistance.

The NDIA says the decision has the potential to affect 34,000 NDIS participants and will increase cost pressures on the scheme.

Fleets operated by disability service providers are at risk

Without specialist transport fleets operated by disability service providers, the demand for taxis would escalate.

Block funding of disability service providers allowed for cross-subsidies that helped maintain transport services. With the transition to NDIS individualised funding, service providers find it financially difficult to maintain vehicles. Some are reducing their provision of transport and considering disposing of their transport fleets because of financial loss.¹⁵ Once these transport fleets are gone, they will not be re-established and adequate cost-effective alternatives are not yet available.

The relatively low utilisation rate of fleets contributes to their viability risk. Often vehicles are only used at peak times during the day and do not include multiple passengers. The utilisation rate of vehicles could potentially be increased by combining expertise in fleet management with the voluntary pooling of vehicles among disability service providers in a location. The logistical difficulties of operating such

¹³ Transport for NSW, Transport Disability Incentives and Subsidies Review Discussion Paper, September 2017

¹⁴ <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/AATA/2016/498.html?stem=0&synonyms=0&query=national%20disability%20insurance>

¹⁵ NDS's State of the Disability Sector Report 2017 shows 19% of providers plan to reduce or cease their provision of travel assistance in the next 12 months, p.12

a scheme should not be under-estimated (not least because the demand for vehicles typically peaks at the same times of the day for all providers); however, exploring the potential of a well-designed scheme is worthwhile.

In a South Australian pilot, a specialist web-based transport booking platform (carlride.com) is being trialled to enable the sharing and booking of accessible vehicles. It connects users with fleets, aiming to increase vehicle utilisation, whilst providing people with disability with improved access to transport options.

Community transport

Community transport is an important part of the transport ecosystem, assisting people with disability and people who are frail aged to participate in community activities, attend medical appointments and more. Many people with high support needs who use community transport are frequent users and develop a relationship of trust with a provider which they would not develop with a taxi company.

While some community transport providers are registering as NDIS providers many believe that the transport funding received by participants is inadequate, particularly in regional and rural areas where a round trip could be more than a hundred kilometres.

In some states, community transport for people with disability is included in the Home and Community Care Program, allowing community transport providers to offer transport assistance at a highly subsidised rate. This is not available to people with disability who are NDIS participants.

Community transport should have a key role in solving the transport issues facing the NDIS.

Public Transport

This paper focuses principally on the needs of people who cannot use public transport. However, if public transport were fully accessible, more people with disability could use it.

The Disability Standards for Accessible Public Transport 2002 are reviewed every five years; the third review has commenced. The previous review proposed the development of accessibility guidelines for a whole-of-journey approach to public transport, a recommendation which the Australian Government accepted.¹⁶ Concerns remain about the effectiveness of the Standards. The only real mechanism to compel compliance with the Transport Standards is individual complaints, usually by people with disability. This can be an onerous process for the individual complainant. In addition, there is no nationally-consistent audit of compliance with the Standards, thus progress against the compliance targets is not transparent.

¹⁶ Subsequently, the Australian Government has published 'The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journey' <https://infrastructure.gov.au/transport/disabilities/whole-journey/guide/index.aspx>

Recommendations

1. Give all NDIS participants flexibility in using their Core supports budget, enabling them to trade off supports among the four support categories, which include transport.
2. Ensure that NDIS planners always consider transport assistance when calculating a participant's Core supports budget for social and economic participation
3. Review the method of calculating transport assistance, ensuring that it takes into account reasonable and necessary transport use, location, worker time, the cost of running a vehicle and the effect of the participant's disability. Where transport is being supplied regularly by a specialist transport provider this could entail the submission of a quote. Planners require clear evidence-based guidelines to assist with their calculations.
4. Test innovative and efficient fleet management models involving disability service providers and community transport providers
5. Allow NDIS participants more flexibility to negotiate travel arrangements, as was possible with the Mobility Allowance: for example, pay for a neighbour's fuel if the neighbour is willing to give the participant a lift to their place of employment or community activity
6. Continue NDIS participants' eligibility for state government taxi subsidy schemes
7. Extend the passenger subsidy and Wheelchair Accessible Taxi Driver Incentive Payment, commonly known as a 'lift fee', to disability service providers with wheelchair accessible vehicles. Varying lift fees for certain times of the day and locations should be considered
8. Increase efforts by state and territory governments to make public transport fully accessible to people with disability and strengthen ways of ensuring compliance with the Transport Standards

July 2018

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