



**Response to the Transport for NSW  
Community Transport Driver Authorisation  
Discussion Paper**

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**Council of Social Service of NSW (NCOSS)**

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## About NCOSS

The Council of Social Service of NSW (NCOSS) is the peak body for the non-government community services sector in New South Wales (NSW). Through its organisational membership, NCOSS represents a vast network of service delivery and consumer groups.

NCOSS has a vision of a society where there is social and economic equity, based on cooperation, participation, sustainability and respect.

NCOSS provides independent and informed policy development, advice and review and plays a key coordination and leadership role for the non-government community services sector in NSW. We work with our members, the NSW Government and its departments, and other relevant agencies, towards achieving our vision in NSW.

## List of Recommendations

1. If a driver authorisation framework is introduced, a flexible model should be developed in close consultation with those providers who rely heavily on volunteers, to minimise the potential impact on service delivery capacity.
2. To ensure accreditation does not hamper efforts to maintain and improve Aboriginal involvement in the delivery of community transport, both the Aboriginal Transport Organisation and other representatives from the Aboriginal community should be closely consulted.
3. Any additional costs associated with regulation should be supported by corresponding increased funding allocations by the relevant government departments.
4. Administrative processes associated with driver authorisations must be streamlined to minimise the administrative impact on providers.
5. Further consideration should be given to including community transport under the *Passenger Transport Act* through the development of a broader accreditation framework to ensure the sector is better positioned to respond to current and future demand.
6. The driver authorisation framework should include physical medical assessments provided there is an adequate phase-in period, and support for drivers and providers to meet the new requirements.
7. Further work is needed to address concerns around the capacity of the sector to deliver services requiring specialised skills and/or knowledge, particularly in relation to health.
8. Consideration should be given to how the proposed driver authorisation framework will impact community-based transport providers outside the community transport sector, with appropriate provisions made where necessary.
9. If driver authorisation is introduced, it should ideally capture as many drivers as possible, including volunteers, provided there is an appropriate timeframe for implementation.

## Introduction

NCOSS appreciates this opportunity to provide comment on the NSW Government's proposal to introduce an authorisation framework for community transport drivers.

Transport is vital to ensuring people are able to access healthcare and other services, social and family networks, and opportunities for employment and education. For many people, however, participation in our society is unreasonably restricted because they do not have access to appropriate transport.

The community transport sector plays an important role in meeting the transport needs of some of these people: particularly older people and people with disability. NCOSS recognises, however, that the resources of many community transport providers are thinly

stretched. Demand for community transport already exceeds capacity, and is likely to continue to grow. It is therefore important to ensure that any regulatory changes do not compromise the capacity of community transport providers to deliver services.

At the same time, including community transport under the Passenger Transport Act through the development of an accreditation framework is likely to be an important step in ensuring the community transport sector is better positioned to respond to current and future demand.

Accreditation has the potential to enhance both perceived and actual safety standards; to create a clearer framework for accountability; and to provide for greater consistency in service delivery. Accreditation would also lay the groundwork for better recognition of community transport services, legitimising community transport providers as an integral part of the public transport system. These attributes will each be important in positioning the community transport sector for growth.

This potential, however, is unlikely to be realised through the introduction of a driver authorisation framework alone. While the *Community Transport Driver Authorisation Discussion Paper* deals only with the issue of driver authorisation, it notes that the broader accreditation framework preferred by some industry stakeholders will also be considered. This response, therefore, includes a discussion of both driver authorisations and a broader accreditation framework, before providing specific answers to the relevant questions posed in Transport for NSW's *Community Transport Driver Authorisation Discussion Paper*.

For further information or to discuss any of the issues raised in this paper, please contact Rhiannon Cook, Senior Policy Officer (Transport) on 9211 2599 ext. 128 or email [rhannon@ncoss.org.au](mailto:rhannon@ncoss.org.au)

## Driver Authorisations

A strong argument for a regulated driver authorisation framework is that community transport passengers are entitled to the same standards and safety guarantees as other public transport passengers. In fact, since many community transport passengers are considered vulnerable, and may have little or no choice as to how they travel to and from their destinations, there is also a case that these standards and guarantees are even more important in the community transport sector.

Some community transport providers, however, are concerned that the introduction of compulsory driver authorisations will limit their capacity for service delivery, and would therefore not be of overall benefit to community transport clients.

In 2009, NCOSS and the Community Transport Organisation carried out a survey of community transport providers across NSW to better understand how the rollout of driver authorisations might impact the industry<sup>1</sup>. The survey found that 54.8% of community transport managers and 63.1% of management committees supported the inclusion of community transport in the Passenger Transport Act<sup>2</sup>. Support for an industry-based form of self-regulation with similar requirements was slightly lower, at 40.2% for management, and 55.8% for management committees.

Many of those providers not in favour of driver authorisations are concerned about the potential for additional driver checks to deter volunteers from the sector, thereby limiting their capacity to deliver services. The potential for increased costs and increased administrative loads have also been raised as issues; these are discussed in further detail below.

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<sup>1</sup> NCOSS and CTO (2009) *Accreditation of Community Transport: A Report on the impacts on Community Transport being included within the Passenger Transport Act NSW*. Available from [http://www.ncoss.org.au/resources/CTO\\_NCOSS\\_Accreditation\\_Final\\_Report\\_March09.pdf](http://www.ncoss.org.au/resources/CTO_NCOSS_Accreditation_Final_Report_March09.pdf)

<sup>2</sup> Note that these figures do not include responses from Multi-Service Outlets

## Volunteers

Many community transport providers rely heavily on volunteers, particularly those providers working in rural and regional areas. The table below, using data taken from the *Accreditation of Community Transport* survey, shows the ratio of paid drivers to volunteers in each region.

**Table 1:** Approximate number of Volunteer and Paid Drivers in each Region (2009).

	<b>Volunteer Drivers</b>	<b>Paid Drivers</b>	<b>Ratio of volunteer to paid drivers</b>
<b>Hunter</b>	312	96	3.3
<b>New England</b>	210	9	23.3
<b>Sydney Metropolitan</b>	226	138	1.6
<b>North Coast</b>	605	61	9.9
<b>South East/Illawarra</b>	459	27	17
<b>South West</b>	427	42	10.2
<b>Western Metropolitan</b>	118	112	1.1
<b>Western</b>	331	29	11.4
<b>MSO HACC</b>	144	24	6

The survey found that 61.5% of providers considered that Driver Authority requirements would impact on volunteer drivers willingness to drive, while only 12.9% of providers were concerned about the impact on paid drivers.

Despite this concern, 45.1% of responses from management and 54.4% of responses from management committees supported compulsory medical checks, criminal record checks and first aid certificates for volunteer drivers, with 'unsure' responses at 46.1% and 36.9% respectively.

**Recommendation 1:** If a driver authorisation framework is introduced, a flexible model should be developed in close consultation with those providers who rely heavily on volunteers, to minimise the potential impact on service delivery capacity.

### **Aboriginal drivers**

While many Aboriginal communities experience extreme transport disadvantage, they do not have equitable access to community transport services. The involvement of Aboriginal people in the development and delivery of services is essential to ensure services are appropriate to meet their needs. Increasing the number of Aboriginal drivers is an important strategy to improve access for Aboriginal people to community transport services. Special consideration should therefore be given to the likely impact of driver authorisations on both paid and volunteer Aboriginal drivers.

It is worth noting that as of 2009, there were approximately 36 paid Aboriginal drivers in the community transport sector (7.0%), and 51 volunteer drivers (1.9%). To ensure driver authorisation does not hamper efforts to maintain and improve Aboriginal involvement in the delivery of community transport, both the Aboriginal Transport Organisation and other representatives from the Aboriginal community should be closely consulted.

**Recommendation 2:** To ensure driver authorisation does not hamper efforts to maintain and improve Aboriginal involvement in the delivery of community transport, both the Aboriginal Transport Organisation and other representatives from the Aboriginal community should be closely consulted.

### **Increased costs and administrative loads**

The *Community Transport Driver Authorisation Discussion Paper* does not provide any information on how the costs of driver authorisations would be split between drivers (both paid and volunteer), community transport providers, and the Government. This is an important consideration, as it will enable the sector to better understand the likely impacts of driver authorisations.

Should drivers be asked to carry costs associated with gaining driver authorisations (such as medical checks and criminal history record checks) the deterrent effect is likely to be much more significant, particularly for volunteers. Similarly, should providers be asked to carry these costs, this would certainly impact on capacity for service delivery. Any additional costs associated with regulation should therefore be supported by corresponding increased funding allocations by the relevant government departments.

NCOSS understands that \$4m of the additional \$12m allocated to the Community Transport Program over the period 2011/12 – 2014/15 has been set aside for the purposes of accreditation. Beyond this initial allocation, a guarantee that the ongoing costs of driver authorisations will be factored into increased funding for community transport is essential to ensure community transport providers are able to maintain existing levels of service provision to transport consumers.

Some community transport providers, particularly smaller providers, are concerned that the increase in administrative load likely to result from the introduction of compulsory driver authorisations will impact on their ability to deliver services. It is important to note that changes associated with the transfer of aged care funding to the Commonwealth Government, such as compliance with the Community Care Common Standards, have already resulted in increased administrative loads. Administrative processes associated with regulation must be streamlined to minimise the administrative impact on providers.

**Recommendation 3:** Any additional costs associated with regulation should be supported by corresponding increased funding allocations by the relevant government departments.

**Recommendation 4:** Administrative processes associated with regulation must be streamlined to minimise the administrative impact on providers.

## **A Broader Accreditation Framework**

Some industry stakeholders and other interested parties have advocated for the development of a broader framework for accreditation for the Community Transport Sector. Such a framework would encompass operators and vehicles in addition to drivers.

The stated aim of Queensland's Community Transport operator accreditation is "to encourage the high quality operation of public passenger services by raising standards and awareness of operators in the areas of safety, service delivery and business acumen; and ensuring operators are held accountable for complying with appropriate standards".<sup>3</sup>

Other potential outcomes of accreditation include enhancing the reputation of community transport providers, and setting in place a framework that could support the expansion of the services currently delivered by community transport providers.

## **Safety**

The *Community Transport Driver Authorisation Discussion Paper* states that the main intent of a driver authorisation framework is to enhance the safety of community transport in NSW.

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<sup>3</sup> Queensland Government (2010) *Operator Accreditation for Community and Courtesy Transport Services*. Downloaded 30 January 2012 from <[http://www.tmr.qld.gov.au/~media/9662b0bb-7df8-4caf-86fd-9b79ac6c559e/pdf\\_pt205\\_operator\\_accreditation\\_community\\_and\\_courtesy\\_transport\\_services.pdf](http://www.tmr.qld.gov.au/~media/9662b0bb-7df8-4caf-86fd-9b79ac6c559e/pdf_pt205_operator_accreditation_community_and_courtesy_transport_services.pdf)>

The Discussion Paper also states that: “there is little evidence to date that the safety performance of the community transport sector is unsatisfactory and needing improvement”.

Despite the sector’s current safety record, as demand for community transport services grows, and the community transport sector takes on a larger share of passenger transport journeys, it may become increasingly important to guarantee standards of service delivery, including safety. As the Discussion Paper notes, there are a number of existing mechanisms that currently contribute to this goal, including the licensing system and the road rules, and workplace health and safety legislation. However, these mechanisms do not provide the same guarantees as those deemed necessary for providers of other passenger transport services.

Driver authorisations can further reduce risk to operators, drivers and consumers within the community transport sector by providing guarantees around drivers’ medical fitness and appropriateness of character. However, enhanced safety standards may be more effectively achieved if driver authorisations are introduced as part of a broader accreditation framework for the sector that includes vehicles and operators. Operator accreditation could both support providers to develop appropriate driver management systems (including documented training programs and incident management systems) and ensure compliance with agreed standards including workplace health and safety legislation.

An accreditation framework that provides a guarantee of certain standards may also become increasingly important with the transition of aged care funding to the Commonwealth. If, following the initial transition period, there is a move towards a competitive tendering environment, an accreditation framework that provides assurances around the standards of service delivery will better position community transport providers in NSW to respond. Additionally, the move towards individualised funding packages may also encourage competition in the sector, with the resulting pressure to achieve efficiencies providing further impetus for accreditation.

### ***Enhancing community transport’s reputation***

Community transport is often overlooked by people involved in decision-making around transport, and it is not commonly perceived as an integral part of the passenger transport system, including by other transport providers. As a result, the sector has often been excluded from planning processes. The inclusion of community transport under the Passenger Transport Act would support greater recognition of “community transport as a legitimate service type in relation to other service types”<sup>4</sup>. Consistency in regulation across transport providers would also support a more integrated approach that focuses on passenger mobility rather than on the specific role of each transport mode.

### ***Expanded future role***

As the *Community Transport Driver Authorisation Discussion Paper* notes, the forecast growth in the older population is likely to result in increased demand for HACC transport services. In addition, there is broad unmet need for transport within the community, with examples including:

- Rural and regional towns, particularly small towns in which the only public transport service is the school bus;
- People who fall outside the HACC eligibility criteria but who may not be able to walk the distance required to access the bus or train networks;

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<sup>4</sup> Transport NSW (2002) *Review of the Regulatory Framework For Community and Courtesy Transport Services in NSW*.

- Transport to health appointments, with research conducted by NCOSS, the CTO and Cancer Council NSW suggesting community transport providers refuse an estimated 90,000 requests for transport to health services each year<sup>5</sup>.

Addressing these needs is likely to involve a range of strategies and approaches, including additional funding and new models of service delivery. Flexible transport, in particular, has been put forward as a model that is likely to be a cost-effective and appropriate method of filling gaps in the existing transport network. Many stakeholders have identified community transport as “the most probable operators of flexible transport in NSW”.<sup>6</sup>

Current funding<sup>7</sup> and legislative arrangements, however, effectively restrict the business of Community Transport to mainly HACC clients. Regulations on the legal status of Community Transport mean that community transport services are limited in the types of services they provide and the business models under which they operate. For example, being outside the *Passenger Transport Act* means that community transport services are not allowed to charge fares and are therefore constrained in their ability to explore more innovative approaches, such as social enterprise models, that may be useful in meeting identified transport needs in their communities.

Bringing community transport under the *Passenger Transport Act* through the development of a broader accreditation framework would therefore be an initial step in facilitating the development of an expanded role for the community transport sector, that may include more flexible and financially sustainable models of service delivery.

**Recommendation 5:** Further consideration should be given to including community transport under the *Passenger Transport Act* through the development of a broader accreditation framework to ensure the sector is better positioned to respond to current and future demand.

## Responses to the Community Transport Driver Authorisation Discussion Paper

**Question 1:** *Are the existing requirements for community transport drivers a sufficient basis for introducing driver authorisation? Why/why not?*

**Question 2:** *Should authorisation of community transport drivers include strengthened medical assessment? Why/why not? Which approach should be introduced?*

The table below, based on data from the *Accreditation of Community Transport* survey shows the proportion of paid and volunteer drivers, according to 2009 survey data, who have completed one or more elements of a driver authorisation framework.

<sup>5</sup> No Transport, No Treatment: Community Transport to health services in NSW. Available from <http://www.ncoss.org.au/resources/120123-No-Transport-No-Treatment.pdf>

<sup>6</sup> Daniels, R. & Mulley, C. (2010) *Overcoming barriers to implementing Flexible Transport Services in NSW*, ATRF Proceedings, Canberra, Australia

<sup>7</sup> The vast majority of funding available to Community Transport Organisations is through the Home and Community Care Program (\$43.3m in 2011-12). By way of comparison, the Community Transport Program, which has a much broader scope in terms of addressing transport disadvantage is approximately 10% of this amount (\$4.1m in 2011-12). Other sources of funding for community transport include the Department of Veteran Affairs and the Ministry of Health.

**Table 2:** The number and proportion of paid and volunteer drivers who have completed one or more elements of a driver authorisation framework.

	Medical Checks	Criminal Record Checks	First Aid Training	First Aid Certificate
<b>Paid Drivers</b>	24 (4.7%)	491 (95.5%)	372 (72.4%)	372 (72.4%)
<b>Paid Aboriginal Drivers</b>	17 (47.2%)	33 (91.7%)	27 (75.0%)	-
<b>Volunteer Drivers</b>	969 (36.0%)	2232 (83.0%)	1506 (56.0%)	535 (19.9%)
<b>Volunteer Aboriginal Drivers</b>	15 (29.4%)	39 (76.5%)	17 (33.3%)	-

The data shows that the majority of paid and volunteer drivers have completed criminal record checks, first aid training and first aid certificate. However, only a small proportion of drivers have completed medical checks. This suggests that strengthening the requirements for medical checks is likely to have the most significant effect on community transport drivers (paid and volunteer), while standardising the requirements for criminal record checks will impact a smaller proportion of existing drivers.

NCOSS considers that people who use community transport are entitled to the same service standards as people who use other transport services. In principle, this would mean that if an authorisation framework was introduced, the requirements should be as similar as possible as those for other forms of passenger transport. However, consideration must also be given to the sector’s capacity to deliver services. If strengthened medical assessments for driver authorisations are introduced, there must be an adequate phase-in period, and support for drivers/providers to meet the new requirements.

The introduction of driver authorities involving compulsory medical checks would also support community transport providers to ensure that drivers do not continue to drive once they are no longer able to do so safely. In many cases the licensing system does not provide an adequate safeguard, as it does not assess people for their ability to drive long distances or for long periods of times, and does not assess medical fitness for drivers below a certain age.

If a driver’s capacity is called into question, it can become a very difficult issue for community transport managers to resolve. By providing an independent assessment process, driver accreditation would therefore remove some pressure from community transport providers. Completion of a medical checklist, rather than a physical medical examination, is likely to be less effective in achieving this outcome.

**Recommendation 6:** The driver authorisation framework should include physical medical assessments provided there is an adequate phase-in period, and support for drivers and providers to meet the new requirements

**Question 3:** ~~Should authorisation of community transport drivers include any additional requirements beyond this?~~

NCOSS is not aware of any additional requirements beyond those listed above that should be incorporated into driver authorisations. However, NCOSS does recognise that community transport drivers are often faced with situations that require specialised skills and/or knowledge, including the transport of medically ill clients, clients with mental health issues, and clients from diverse cultural and linguistic backgrounds. Concerns around the capacity of operators/drivers to deal with such situations have been raised by both community transport providers and other human service organisations. NCOSS notes that this is an area in which further work is required.

**Recommendation 7:** Further work is needed to address concerns around the capacity of the sector to deliver services requiring specialised skills and/or knowledge, particularly in relation to health.

**Question 4:** *Are there any issues with community transport operators using drivers who hold driver authorisation for public passenger vehicles? If yes, what are they?*

NCOSS is not aware of any issues associated with community transport operators using drivers who hold driver authorisations for other public passenger vehicles. We encourage the development of a system that allows for greater flexibility, including the movement of drivers, across public transport modes.

**Question 5:** *Are there any circumstances such as those which apply in Queensland where drivers of community transport services should be exempt from authorisation? Why?*

NCOSS does not have a position on the circumstances in which community transport services should be exempt from authorisation. However, there are a number of issues that should be taken into consideration.

Firstly, driver authorisation is likely to have a disproportionate impact on smaller providers and on those who rely more heavily on volunteers. As noted above, a flexible model that addresses the concerns of these providers will be necessary. This may include exemptions, an appropriate phase-in period, or options for voluntary accreditation.

It is likely that the more providers are captured by an accreditation framework the more effective it will be in achieving the intended outcomes. Regardless of the possibility for exemptions, however, an accreditation framework would provide clear guidelines for best practise in the delivery of community transport services.

In Queensland, for example, a significant proportion of community transport providers are exempt from the community transport accreditation framework. NCOSS is aware that despite this, some exempt organisations choose to make Restricted Driver Authorities compulsory for their drivers even though there is no legislative requirement to do so.

#### ***Other transport providers***

It is not clear how the proposed accreditation framework would impact on other transport services that do not currently identify as community transport services. This includes organisations for whom the provision of transport is a non-core component of the delivery of other types of services, and (usually small) organisations that have been established in order to meet identified transport needs within the community.

If such providers are not in any way captured by the proposed authorisation framework, its introduction would still provide clear safety and risk minimisation guidelines. As a result, transport providers looking to implement best practice service delivery may also consider following such guidelines, and it is therefore likely to have an impact beyond the community transport sector. Consideration should be given to how the proposed driver authorisation framework will impact small transport providers outside the community transport sector, with appropriate provisions made where necessary.

**Recommendation 8:** Consideration should be given to how the proposed driver authorisation framework will impact community-based transport providers outside the community transport sector, with appropriate provisions made where necessary.

**Question 6:** *What impact/s would your organisation likely experience if driver authorisation was introduced?*

Not applicable

**Question 7:** *If driver authorisation is introduced, should volunteers be required to apply? If so, what impact would that have on your organisation?*

For the reasons stated above, NCOSS considers that if driver authorisation is introduced, it should ideally capture as many drivers as possible. Flexibility, such as exemptions or a voluntary transition period may be necessary, however, in order to minimise the potential impact on the sector.

In the *Accreditation of Community Transport* survey, 55 (62.5%) providers felt that driver authority requirements would affect volunteer drivers' willingness to drive compared with 1, (or 13.3%) for paid drivers. The majority of providers felt that 18 months to three years was a sufficient time frame for implementation (91.0%).

NCOSS therefore supports the requirement that volunteers are required to apply for driver authorisation if there is an appropriate timeframe for implementation.

<p><b>Recommendation 9:</b> If driver authorisation is introduced, it should ideally capture as many drivers as possible, including volunteers, provided there is an appropriate timeframe for implementation.</p>
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**Question 8:** *Which approach best suits your organisation and why?*

Not applicable.

**Question 9:** *Please indicate which approach best suits you as a community transport operator and why?*

NCOSS works in close consultation with members from the community transport sector and others with an interest in transport. While the proposed authorisation framework will not have a direct impact on our organisation, we consider that a model that would both bring community transport under the *Passenger Transport Act*, and include strengthened medical requirements (Option 5) would be most effective in improving safety standards within the sector. However, for the reasons outlined above, NCOSS suggests that further consideration should be given to introducing driver authorisations as part of a broader accreditation framework for the sector.