LEGISLATIVE COUNCIL

Economy and Infrastructure Committee



Inquiry into the Multi Purpose Taxi Program

Questionnaire

Commercial Passenger Vehicles Victoria

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Inquiry into the Multi Purpose Taxi Program

Questionnaire

Guidance for questionnaire

This questionnaire has been divided into two parts. Part A seeks statistics and data related to:

- MPTP payments, members, and travel
- COVID-19 support package
- Vehicle inspections
- Fraud detection and enforcement
- Complaints
- WAV accreditation, registration and subsidy scheme.

Part B of the questionnaire seeks written responses related to the MPTP scheme, including the MPTP Expansion Project.

This information will be used to assist the Committee to make recommendations in its final report.

Response

Please provide a response to the questionnaire by 12 February 2022.

The completed questionnaire should be sent (in the format received) to: mptpinquiry@parliament.vic.gov.au.

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Part A: Data

MPTP Payments

Question 1

For each of the previous 3 financial years (i.e. 2020-21, 2019-20, 2018-19)—

- How much was paid in MPTP fare subsidies?
- How much was paid in lifting fees for WAV and non-WAV trips (including breakdown by taxi or rideshare)?

Type of Payment	2020-21 \$	2019-20 \$	2018-19 \$
MPTP subsidy	47,379,398	51,538,306	56,602,993
Lifting fees (WAV)*	17,663,167	18,938,556	21,012,292
Lifting fees (non-WAV)—			
Total	1,735,637	1,175,518	1,244,586
Taxis**	1,726,415	1,175,154	1,244,416
Rideshare***	9,222	364	170

MPTP subsidies and Lifting fees included in the table above are all GST exclusive.

An explanation of when a full and partial lifting fee is payable is available <u>here</u>. The above WAV fees represent full lifting fee payments and the non-WAV figures represent partial lifting fee payments.

COVID-19 support package

Question 2

How much was paid in MPTP fare subsidies under the COVID-19 support package (i.e. additional to the standard 50% fare subsidy)?

\$4.85m was paid in MPTP fare subsidies under the COVID-19 support package.

^{*}Data presents WAV lifting fee payments to vehicles registered to provide both booked and unbooked services (taxis). There are no WAVs registered to provide only booked services (rideshare and hire cars).

^{**} Data presents non-WAV lifting fee payments to vehicles registered to provide both booked and unbooked services (taxis).

^{***}Data presents non-WAV lifting fee payments to vehicles registered to only provide booked services (note this will include rideshare and hire cars).

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Question 3

How much was paid in lifting fees for WAV and non-WAV trips under the COVID-19 support package (i.e. additional to the standard lifting fee amount)?

	COVID-19 support package amount
Lifting fees (WAV)	\$3,635,192
Lifting fees (non-WAV)	*

^{*}The COVID-19 support package did not include an increase in the partial (non-WAV) lifting fee.

MPTP Members

Question 4

For each of the previous 3 financial years (i.e. 2020-21, 2019-20, 2018-19)—

- How many active members were in the MPTP (i.e., took at least one subsidised trip in that year)? Of these—
 - O How many are wheelchair users?
 - O How many use a mobility aid other than a wheelchair?
 - How many were exempt from the annual subsidy cap for each of the 6 exemption categories?

	2020-21	2019-20	2018-19
Total active members	83,576	98,208	99,541
Wheelchair users*	14,130	14,802	14,757
Other mobility aid	23,420	33,130	38,338
Annual subsidy cap exempti	ons—		
Visual impairment	4,226	4,777	4,948
Brain damage	5,365	6,416	6,739
Dementia	1,812	2,443	2,546
Intellectual impairment	7,058	8,238	8,333
Major organ disorder	1,364	1,574	1,601
Paralysis	1,632	1,845	1,898

^{*}Please note wheelchair users are also exempt from the annual subsidy cap.

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MPTP Travel

For each of the previous 3 financial years (i.e., 2020-21, 2019-20, 2018-19) —

Question 5

What was the total number of MPTP subsidised trips? See table below Question 8.

Question 6

How many MPTP trips were taken via an un-booked service?

- What is the breakdown of these by:
 - Melbourne Metropolitan Zone
 - Urban and Large Regional Zone
 - Regional and Country zones (combined)?

See table below Question 8.

How many MPTP trips were taken via a booked service?

- What is the breakdown of these by:
 - Melbourne Metropolitan Zone
 - Urban and Large Regional Zone
 - Regional and Country zones (combined)?

See table below Question 8.

Question 7

What was the total number of WAV trips taken?

- What is the breakdown of these by:
 - Melbourne Metropolitan Zone
 - Urban and Large Regional Zone
 - Regional and Country zones (combined)?

See table below Question 8.

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Question 8

What was the average WAV waiting time?

	2020-21	2019-20	2018-19
Total MPTP trips	3,770,251	4,781,920	5,347,744
Booked* MPTP trips			
Total	13,375	4,550	2,421
Melbourne Metro Zone	3,965	4,200	2,368
Urban and Large Regional Zone	412	198	35
Combined total for regional and country zones	8,458	147	13
Unbooked** MPTP trips			
Total	3,756,876	4,777,370	5,345,323
Melbourne Metro Zone	2,728,012	3,568,817	3,919,112
Urban and Large Regional Zone	341,446	405,667	465,852
Combined total for regional and country zones	611,551	704,557	826,740
WAV trips			
Total	907,774	1,113,408	1,249,370
Melbourne Metro Zone	686,875	845,720	921,325
Urban and Large Regional Zone	78,791	96,533	113,374
Combined total for regional and country zones	123,302	143,133	179,232
WAV waiting time	6.4 Minutes	10.1 Minutes	17.5 Minutes

^{*}The 'booked' data presents the number of MPTP trips provided by vehicles registered to only provide booked services (rideshare and hire cars).

Note: total trips exceed the cumulative total in the zones listed as some trips occur interstate.

^{**} The 'unbooked' data presents the number of MPTP trips provided by vehicles registered to provide both booked and unbooked services (taxis).

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Vehicle inspections

Question 9

For each of the previous 3 financial years (i.e., 2020-21, 2019-20, 2018-19) —

- a. How many wheelchair accessible vehicle (WAV) inspections were conducted?
- b. How many breaches were detected?

	2020-21	2019-20	2018-19
WAV inspections	230	559	1019
Notices issued	62	152	220

Fraud detection and enforcement

Question 10

For each of the previous 3 financial years (i.e., 2020-21, 2019-20, 2018-19) —

- a. What was the cost of CPVV's audit, compliance and investigation resources dedicated to the investigation and prosecution of MPTP fraud?
 - How much money was recovered as a result of fraud detection and enforcement activities?
 - How many prosecutions for MPTP fraud were pursued? Of these, how many were successful?

CPVV refers the Committee members to the government's submission. During 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.

2019-20 and 2020-21 MPTP fraud prosecution figures were impacted by the COVID-19 pandemic. This is because court closures from March 2020 prevented CPVV from proceeding with prosecutions. It is expected that several cases identified during that period will be prosecuted within the courts during 2021-22.

	2020-21	2019-20	2018-19
MPTP fraud detection costs	*	*	*
Money recovered	\$38,382.55	\$40,650.99	\$129,094.77
Prosecutions pursued	5	12	21
Successful prosecutions	5 (100%)	12 (100%)	21 (100%)

^{*}Costs associated with MPTP fraud detection activities are not separately identifiable from other tasks undertaken by relevant staff.

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Complaints

Question 11

For each of the previous 3 financial years (i.e., 2020-21, 2019-20, 2018-19) —

- a. How many complaints were made in relation to MPTP services? Of these—
 - What is the breakdown between taxi and rideshare services?
 - What is the breakdown by type/category of complaint?
 - How many complaints were investigated?
 - How many complaints led to a disciplinary or enforcement action?
- b. How many complaints were made specifically in relation to assistance animals? Of these—
 - What is the breakdown between taxi and rideshare services?
 - How many complaints were investigated?
 - How many led to a disciplinary or enforcement actions?

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### Additional Components #### Additional Components ##### Additional Components ###################################		2020-21	2019-20	2018-19
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^{*}Not applicable = Not related to CPV service provision, administrative in nature.

^{**}Information not provided = Insufficient information was provided by the complainant to determine if the service was rideshare or taxi.

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*Collective outcomes for MPTP and Refusal of Assistant Animal

Outcome	2020-21	2019-20	2018-19	Total
Refer to Victoria Police	0	1	0	1
Official Warning	2	2	1	5
Penalty Notice	4	1	10	15
Disciplinary Action	0	1	0	1
Prosecution*	0	0	1	1
Total:				23

^{*}Complaints regarding alleged MPTP fraud by a driver result in a broader investigation of MPTP transactions by that driver and accordingly any resulting prosecution is not confined to the matter referred in the complaint and is not recorded as an outcome of the complaint. For data regarding MPTP fraud prosecution, please refer to question 10.

WAV accreditation and registration

Question 12

For each of the previous 3 financial years (i.e., 2020-21, 2019-20, 2018-19) —

- a. How many accredited CPV drivers currently held a W-endorsement?
- b. How many WAVs were registered? Of these—
 - How many were in active use?

	2020-21	2019-20	2018-19
Total W-endorsements	4675	4621	4542
Registered WAVs—			
Total	975	993	943
In active* use	854	924	834

^{*} Active is defined as having taken at least one trip in the financial year.

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Economy and Infrastructure Committee



WAV subsidy scheme

Question 13

How much was paid under the WAV subsidy scheme each financial year since it came into operation?

Figures have been provided to the committee from 2017/18 onwards when the low-cost registrations took effect. This saw the WAV fleet increase significantly from 328 (October 2017) to 964 (October 2018). The subsidy program funding is demand driven and based on the number of applications that CPVV receives from industry in any year.

FY 2017/2018	\$1,063,323
FY 2018/2019	\$1,094,806
FY2019/2020	\$245,502
FY 2020/2021	\$667,800
FY 2021/2022 (Dec-21 YTD)	\$26,280

Question 14

How many WAVs have been purchased under the WAV subsidy scheme?

FY 2017/2018	27
FY 2018/2019	29
FY2019/2020	8
FY 2020/2021	18
FY 2021/2022 (YTD)	3

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Economy and Infrastructure Committee



Question 15

Can you provide a breakdown by location of WAVs purchased under the WAV subsidy scheme?

Financial Year	Locations
FY 2017/2018	Horsham
	Portland
	Lakes Entrance
	Geelong
	Ballarat
	Echuca
	Bendigo
	Numurkah
	Morwell
	Traralgon
FY 2018/2019	Traralgon
	Ballarat
	Wangaratta
	Pakenham
	 Warrnambool
	Bendigo
	Geelong
	 Frankston /Rosebud
	Winchelsea
	Traralgon
	Benalla
	 Wonthaggi
	 Shepparton
FY2019/2020	Mildura
	Geelong
	Bannockburn
	Hamilton
	 Daylesford
	Wodonga
FY 2020/2021	Lakes Entrance
	• Cowes
	Yarrawonga
	Mildura
	Ballarat
	Frankston
	 Warrnambool
	Seymour
	Wonthaggi
	Geelong
FY 2021/2022 (YTD)	Horsham
	Wangaratta
	Cowes/Phillip Island

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Economy and Infrastructure Committee



Part B: Written responses

MPTP Expansion Project

Question 16

Regarding the upgrades to the back office system in the context of the MPTP expansion project —

- In relation to the \$200K earmarked for back office system upgrades, what is the current status of this work?
- Were any of the changes made based on the needs of any specific DCP?

To enable the expansion, CPVV modified legacy systems, technology, and back-end processes to accommodate all new service providers and make it easier to accept different types of technology in the future. For example, CPVV created a test environment to test new technology without impacting member service in the live environment.

These technology upgrades are complete and were first used to trial NetCabs' service offering.

Question 17

In relation to fare charge rule changes—

- o Would the old charge rules have delayed the entry of Uber to the MPTP?
- O When were other providers notified of the charge rule changes?
- On what date were the new charge rules formally adopted as the rule for the wholeof-program?

The revised fare charge rules took effect in January 2021. The revised rules:

- o remove the previous link to the pre-reform regulated fare structure;
- respond to feedback from the disability community;
- o respond to industry feedback about the complexity of administrating MPTP fares; and
- o ensure MPTP services are equitable for consumers.

Industry was formally notified of the rule changes through CPVV's usual communication channels, including eNews, BSP bulletin and CPVV's website.

Uber's entry to the MPTP was not dependent on the introduction of new MPTP Business Rules.

Question 18

In relation to the Uber MPTP trial undertaken in Geelong in 2020—

- Why was the trial conducted during a period of COVID restrictions given the significant impact restrictions had on the amount and frequency of CPV travel being undertaken?
- Was consideration given to conducting a trial in more than one location to gain a better picture of MPTP travel across a more diverse range of locations?

In 2017, as part of the commercial passenger vehicle industry reforms, the Government committed to expanding the MPTP beyond taxis to all commercial passenger vehicles. CPVV is responsible for

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Economy and Infrastructure Committee



implementing that policy on behalf of Government, and the introduction of Uber as a data collection provider forms part of that implementation.

To provide MPTP services, commercial passenger vehicle drivers must use an electronic transaction terminal or user interface that has been approved by CPVV. The electronic transaction terminal or user interface is provided by a data collection provider, whose role is to provide data from the terminal or interface to CPVV on behalf of the driver or booking service provider claiming the MPTP subsidy and used by the driver in vehicle to electronically process MPTP transactions. Upon receiving transaction data from the relevant data collection provider, CPVV pays the MPTP subsidy to the booking service provider or vehicle owner and where relevant, this is passed to the relevant driver/s.

Any registered commercial passenger vehicle industry participant can enter into a commercial arrangement with an approved data collection provider and immediately commence providing MPTP services - no further approvals from CPVV are required.

Uber applied to be a data collection provider, rather than partnering with an existing approved provider. Over a period of two and half years – from July 2018 to December 2020 – Uber undertook testing of its system and service offering to demonstrate that its data collection provider solution would effectively support the provision of MPTP services. The final stage of testing was a live environment trial.

During the trial Uber was able to demonstrate that in a live environment the system worked correctly and that MPTP members were able to successfully book and pay for subsidised trips.

Question 19

In relation to Item 22 on the MPTP Expansion Project Risk Register, on the likely risk posed by Uber not storing its data in Australian in contravention of mandated data standards—

- O What was the outcome of Norton Rose's assessment?
- Has there been any other assessment of data storage requirements in the context of Uber?
- o Is Uber subject to the same data storage requirements as all DCPs?

The assessment provided by Norton Rose is subject to legal professional privilege and CPVV is therefore not able to provide that information to the Committee.

CPVV does not provide personal information of MPTP members to Uber, or any other data collection provider contracted to facilitate the payment of MPTP subsidies. When a MPTP member takes a trip with a CPV service of their choice, MPTP members voluntarily provide their own personal information, including their MPTP member number, to data collection providers for the purposes of validating the amount of the subsidy for a trip.

As part of the data collection provider (**DCP**) approval process, all DCPs, including Uber, must agree to comply with all applicable privacy laws and be bound by the Victorian Information Privacy Principles set out in the Victorian Privacy and Data Protection Act 2004 when handling, using or disclosing information in relation to DCP service provision. Further, the DCP agrees it will be bound by the Protective Data Security Standards issued by the Victorian Information Commissioner, which establish mandatory requirements to protect information across all security areas. These conditions are set out in the Data Collection Provider Contract template publicly available on the CPVV Website.

LEGISLATIVE COUNCIL

Economy and Infrastructure Committee



The Office of the Victorian Information Commissioner (OVIC) is Victoria's regulator for information access, information privacy, and data protection. CPVV's protection of personal information through its arrangements with DCPs has previously been considered by OVIC, who did not recommend any changes to current practices.

CPVV is aware that on 30 June 2021, the Office of the Australian Information Commissioner (**OAIC**) found that Uber companies failed to protect the personal data of Australian customers and drivers due to a cyber-attack overseas. In response to the decision of OAIC, Uber has provided CPVV with written confirmation of its compliance with the declarations made by OAIC and its commitment to the Victorian Information Privacy Principles in relation to the information it manages in its role as a DCP.

Uber Audits

Question 20

What compliance and enforcement and/or audit activities in relation to Uber have been undertaken by CPVV since 2017?

All booking service providers, including Uber, have a legal obligation to ensure that commercial passenger vehicle services provided by their associated drivers are provided safely.

CPVV undertakes monitoring, compliance and enforcement to ensure that all BSPs are complying with their safety duties. This includes audits of BSP safety systems and processes and vehicle inspections.

CPVV adopts a risk-based approach to our compliance and enforcement activity. That is why our recent focus has been ensuring the industry has COVIDSafe processes and practices in place. Uber's COVIDSafe systems and practices have been audited and deemed compliant.

CPVV is also auditing the broader safety systems of large booking service providers, including Uber, focusing on matters such as notifiable incidents, complaints management, driver fatigue management and driver training programs.

Question 21

In relation to the NSW Point to Point Transport Commissioner's 2021 Audit Report of Uber—

 What if any issues have been identified by CPVV for consideration in the Victorian context as a result of the audit findings?

To enhance safety outcomes, CPVV maintains strong relationships with regulators across Australia and shares knowledge regarding the development and implementation of regulatory programs and related initiatives, particularly those related to booking service providers operating nationally.

Compliance and enforcement

Question 22

What disciplinary/enforcement actions are taken in relation to the detection of fraud?

CPVV refers the Committee members to the Government's response to ToR 3 in its submission to the

LEGISLATIVE COUNCIL

Economy and Infrastructure Committee



Inquiry. Where suspected fraudulent MPTP transactions are identified by CPVV, an investigation is undertaken. If an investigation provides sufficient evidence that MPTP subsidy payments have been claimed fraudulently, CPVV may pursue multiple enforcement outcomes. This may include prosecution proceedings in a court of law (including any debt recovery) and/or disciplinary action (which may result in a suspension or cancellation of driver accreditation).

Specific details of investigations and prosecution of MPTP fraud re discussed in response to question 10 above.

Question 23

In relation to CPVV's online quarterly reporting of enforcement (https://cpv.vic.gov.au/drivers/compliance-services/compliance-and-enforcement, accessed 13/12/21)—

- o Is the currently available report (dated 12 June 2019) the most recent report?
- Does CPVV still undertake and publish quarterly reporting?
 - If so, why is June 2019 the most recent report?
 - If not, why has this practice been discontinued?

CPVV no longer publishes quarterly compliance and enforcement reports. With the ongoing and rapid changes to safely manage risks posed by COVID-19, CPVV established a new forum to discuss compliance and enforcement activities. CPVV holds a regular industry briefing forum open to BSPs (Booking Service Providers). CPVV has utilised this forum since March 2020 to inform industry about its compliance and enforcement activities and findings. Minutes of these briefings have been made available via our website to ensure participants who are unable to attend are provided with key outcomes.

CPVV has also continued to engage with industry participants through our BSP and Driver newsletters to ensure key safety messages are provided to industry participants.

Driver training framework

Question 24

In relation to the *Proposed Framework for Training and Assessing Drivers of Wheelchair Accessible Vehicles*—

- Noting the original timeline was delayed due to COVID—
 - What is the new timeline for the finalisation and implementation of the framework?
- What is the projected timeline for disability awareness and inclusion training of all accredited CPV drivers?
- O What is the projected timeline for WAV driver training?
- What form will the training take (i.e. practical, online, combination etc.)?
- How regularly will training have to be undertaken?
- How long will drivers/BSPs have to ensure they comply with new training requirements?
- O How will CPVV ensure training requirements are being met?

LEGISLATIVE COUNCIL

Economy and Infrastructure Committee



In July 2020 CPVV published a Proposed Framework for Training and Assessing Drivers of Wheelchair Accessible Vehicles (**Framework**) and invited interested parties to provide feedback either via a survey and/or formal submission. CPVV received 34 responses and held one on one discussions with interested parties.

As the Committee has noted, COVID-19 has delayed finalisation and implementation of the Framework. CPVV remains committed to improving commercial passenger vehicle service outcomes for people with disability. CPVV will work closely with the Department of Transport to incorporate any recommendations accepted by Government that may arise from this Committee's work. Accordingly, the framework will be finalised, including the detail requested in this question, following the Committee's recommendations.

As part of our commitment to improving commercial passenger vehicle service outcomes for people with disability, CPVV is conducting a disability awareness campaign entitled 'You make the difference.' The campaign is aimed at changing drivers' attitudes and behavior towards people with a disability. The campaign commenced on 3 December 2021 and to date the social media campaign has had just under 1 million impressions (942,702), a reach of 675,329 people, and more than 20,000 video views (21,518).

Driver accreditation

Question 25

In relation to CPV driver accreditation and the requirement for a working with children check (WCC) for taxi work involving regular school runs and/or transport of children and child-specific transport services—

 What if any consideration has been given to imposing a requirement on all CPV drivers to hold a current WCC as a condition of accreditation?

CPVV does not set requirements related to Working with Children Checks (WWCC). The Worker Screening Act 2020, administered by the Department of Justice and Community Safety, prescribes those workers who are required to complete a WWCC. That Act requires people engaged in specified occupations which usually involve direct contact with a child to complete a WWCC. It excludes any infrequent direct contact with children that is incidental to the work.

Prior to being granted accreditation, all commercial passenger vehicle drivers are subject to a national police history check, driver history check and medical assessment. Once accredited, drivers are subject to ongoing checks.

Disability Commissioner

Question 26

In relation to the post of CPVV Disability Commissioner, first appointed in 2018 and following the end of Colleen Furlanetto's term in December 2020—

- o Will a new commissioner be appointed?
 - If so, when?

LEGISLATIVE COUNCIL

Economy and Infrastructure Committee



If not, why not?

CPVV has referred this question to the Department of Transport for response as this matter falls within its portfolio of responsibility.

Prioritisation of wheelchair users

Question 27

Under the NSW *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017*, WAV drivers must give preference to a person using a wheelchair over a person not using a wheelchair (Reg 65(1))—

- o Is there an equivalent requirement of positive discrimination for wheelchair users applying to WAVs in Victoria (in addition to the protections in the EO Act)? If so—
 - What enforcement or other disciplinary actions exist for non-compliance?

As a condition of accreditation, all WAV drivers are required to prioritise services to passengers in wheelchairs. That is, WAV drivers must not accept fares or requests for the provision of CPV services other than from a passenger in a wheelchair, unless at the time they commence a CPV service, they:

- a. are not providing a commercial passenger vehicle service to a passenger in a wheelchair; and
- b. have no booking requests from or for a passenger in a wheelchair.

If a driver fails to meet their driver accreditation conditions, CPVV can take disciplinary action, which may include suspending or cancelling the driver's accreditation.

Wheelchair Accessible Vehicles

Question 28

Regarding the WAV Safe Journey Analysis Project —

- O What is the prospective timeline of the Project?
- O What actions if any have been taken as a result of work done by the Project?

The WAV Safe Journey Analysis project was completed in 2019. The project identified that training offered to drivers varies substantially across the industry. That's why CPVV is developing a driver training framework and has recently rolled out a disability awareness campaign. Further information regarding the framework is provided in response to question 24.

WAV safety continues to be a focus of CPVV's safety program and in October 2021 CPVV established a WAV Safety Working Group (internal operational group). The group will undertake a program of work that considers WAV safety through system thinking, which will help CPVV and the industry develop a shared understanding of safe WAV services.

Question 29

Has any work to be done to investigate if/how private WAVs could be utilised to supplement the existing CPV WAV fleet?

LEGISLATIVE COUNCIL





CPVV has referred this question to the Department of Transport for response as this matter falls within its portfolio of responsibility.

Question 30 – There was no question 30 provided in the Committee's questionnaire.

Question 31

How was the eligibility criteria of the WAV subsidy scheme determined?

• Has there been any review of, or consideration given to expanding the eligibility criteria? If so, what was the outcome?

CPVV has referred this question to the Department of Transport for response as this matter falls within its portfolio of responsibility.