



24 May 2016

Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017
Point to Point Implementation
Freight, Strategy and Planning
Transport for NSW
PO Box K659
Haymarket NSW 1240

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To Whom It May Concern:

Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017

Guide Dogs NSW/ACT appreciates the opportunity to comment on the Public Consultation Draft of the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017*.

As NSW's leading provider of orientation and mobility services to people who are blind or vision impaired. Guide Dogs NSW/ACT has significant advocacy experience and regularly delivers expert advice individually, and through forums such as the Accessible Transport Advisory Committee to private and public institutions to ensure safe and equitable access for people who are blind or vision impaired.

The importance of an efficient, safe and reliable Point to Point Transport System for people who are blind or vision impaired cannot be understated.

Our views on the proposed regulation and our comments are contained in the submission following.

Should you further clarification on any aspect of our submission, please do not hesitate to contact Jennifer Moon, Community Education & Access Advisor, Guide Dogs NSW/ACT on Mobile: [REDACTED] or [REDACTED]

Yours sincerely,

Dr Graeme White
CEO, Guide Dogs NSW/ACT



Guide Dogs NSW/ACT Submission in response to
Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017

About Guide Dogs NSW/ACT

As NSW's leading and largest provider of specialist orientation and mobility services to people who are blind or vision impaired, Guide Dogs NSW/ACT welcomes the opportunity to provide comment for consideration as part of this Inquiry.

With offices across regional NSW with a significant client base in rural areas, we appreciate the complexities and barriers to travelling for people who are blind or vision impaired.

We work with our clients to provide them with specialist tools and services to enable independent access to all aspects of work, education and community life. Access to safe and reliable public transport is an essential tool in achieving this independence.

Introduction

In an environment of increasing deregulation and an expectation that market forces will direct and shape the nature of service provision, including transport, we are concerned that specific requirements such as access requirements for people who are blind or vision impaired will be overlooked or disregarded.

In addition to the National Disability Standardsⁱ, Australia has committed to the principles of the United Nations Convention on the Rights of Persons With Disabilitiesⁱⁱ and in particular considering the obligations of Article 9 which state *"To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas."*

Furthermore, the Disability Standards for Accessible Public Transport (Cth)ⁱⁱⁱ as enacted in 2002, establishes that all conveyances, premises and infrastructure brought into use for public transport after the commencement of the standards must fully comply with the standards.

Despite these commitments, legislative obligations and numerous standards introduced to ensure equitable access for people who are blind or vision impaired, it is apparent that significant barriers to accessing Point to Point Transport services still exist for people who are blind or vision impaired.

From our review of the *Public Consultation draft of the Point to Point Transport (taxis and hire Vehicles) Regulation 2017*^v and the accompanying *Regulatory Impact Statement*^v, other than clause 64's reference to the carriage of assistance animals, there is no consideration, let alone regulation requiring taxis and hire vehicles are fully accessible to people who are blind or vision impaired.

Australian Bureau of Statistics data indicates that at least 400,000 people are living with blindness or vision impairment in Australia. The prevalence of age related vision loss, in conjunction with our ageing population, strongly suggests these statistics will substantially increase. Given this trend, the number of people who are blind or vision impaired that rely substantially on taxis and hire vehicles will similarly increase.

It is an inherent right (and reasonable expectation) of people with a disability to be able to access their communities with minimum stress and maximum efficiency. An efficient, safe and reliable point to point transport system is integral to this.

We are pleased to note the commitment to improved access to Point to Point Transport Services in NSW through the implementation of a 5 point plan and a review of all subsidies and incentives of services for people with disability,^{vi} however we are of the view that this commitment and specific access requirement must be contained within the general regulation, not as an subsequent afterthought.

Improved clarity within the Regulation as regards providing a point to point transport system that is accessible for people who are blind provision impaired is essential.

General Comment and Advice

Education of Operators and Providers

Guide Dogs NSW/ACT has numerous publically available resources which can provide advise operators and drivers, however experience tells us that face to face education which is interactive produces more consistent outcomes with drivers and operators reporting a greater level of understanding of both their legal obligations and their 'human' motivations to provide assistance to passengers who are blind or vision impaired.

Guide Dogs NSW/ACT has a strong history of providing education and training to Taxi providers and drivers through Taxi Council Members, previous members and 13Cabs.

Successful education and training programmes delivered over many years included mandatory driver education which informed and empowered drivers on how to assist passengers who are blind or vision impaired.

The passing of the Point to Point Transport (Taxis and Hire Vehicles) Act 2016^{vii} and the concurrent deregulation of this market has led to a greater reliance on individual operators needing to be aware of their legal and statutory obligations to provide a service which is accessible to people who are blind or vision impaired.

Through Guide Dogs NSW/ACT research we know that there is a direct correlation between the frequency and robustness of mandatory driver education and more recently where there is no such obligation.

As an example, a study by Sweeny^{viii} in 2010 found that 40% of surveyed Guide Dogs NSW/ACT clients experienced direct discrimination by taxi drivers, primarily in instances of refusal to carry a working guide dog.

By comparison, subsequent to consistent, face to face education for all new taxi drivers, a comparative survey undertaken by EY Sweeney^{ix} found only 21% of Guide Dogs NSW/ACT's client had experienced discrimination by taxi drivers.

Whilst 21% is still too high an incidence of discrimination, these results demonstrated a significant improvement which directly correlated to the mandatory nature of specialist provided, face to face education.

Most regretfully, the move towards increasing deregulation and the removal of mandatory driver and provider education has seen a reversal of these hard gained improvements with clients increasingly reporting more frequent refusals and avoidance for carriage of guide dogs.

Enforcement and Complaint Handling

As with many instances of direct and indirect discrimination against people with disability, historically the onus has been on the individual complainant to instigate investigation into allegations of noncompliance by taxi or hire vehicle operators. Not only is this obligation unnecessarily burdensome, the prospect of a successful complaint or prosecution is often hampered by the ability of a blind or vision impaired passenger to identify the name and / or registration details of the driver and vehicle.

The lack of accessible identification of vehicles and or individual drivers, instances where operators deliberately avoid stopping to collect a person who is clearly identifiable as being vision impaired or blind by the presence of a long cane or a guide dog are all circumstances where it is difficult for a potential claimant to provide substantial details to 'prove' an instance of discrimination.

The recent appointment of a Point to Point Commissioner and upcoming consultation with the disability community will hopefully lead to more robust and responsive mechanisms to investigate and action instances of discriminatory practices.

In the interim, we have proposed recommendations below to amend clauses 14 and 15 with a view to improving driver and vehicle identification to be more accessible for all passengers.

NSW Taxi Transport Subsidy Scheme

Certainty regarding the continuation of the Taxi Transport Scheme in an environment of budgetary pressures and the impact of the NDIS on NSW Government funding allocation remains a source of tension for people who are blind or vision impaired.

The recent increase from \$30 to \$60 was most welcome however the lack of equality amongst NDIS recipients on individually funded packages and those ineligible for the NDIS, yet eligible for the TTSS is an ongoing area of concern.

We understand a change from the current paper system to card similar to Victoria is under current consideration. If this is, as we hope to proceed, it is essential that these cards and the device used to read and register the details are accessible to people who are blind or vision impaired.

Rural and Remote Communities

It has been previously established^x, and continues to be widely evidenced through anecdotal reporting, that limited access to a frequent and reliable public transport system within rural and regional areas can significantly contribute to educational, economic and social disadvantage.

Inarguably therefore, people who are blind or vision impaired are substantially reliant on point to point transport as a key facilitator in their ability to access social activities, community and health services, education and employment. As such, the risk of disadvantage and lack of access to education, employment and social participation is heightened.

It is known that the barriers and difficulties associated with accessing reliable transport in rural and remote areas can lead to social and economic isolation. This exclusion from community through barriers to access can predispose people who are blind or vision impaired to the significant risk of situational vulnerability. As such, specific consideration of the needs of these communities and appropriate resourcing to meet these identified needs must be provided.

Comments on Specific Regulations

Clause 14 - Signs, Lights and Markings - Taxis

Locating and identifying a taxi or hire vehicle presents a number of challenges for a passenger who is blind or vision impaired.

The increasing use of hybrid vehicles makes it extremely challenging for a person who is blind or vision impaired to identify an approaching vehicle. A person who is blind or vision impaired may not be able to identify an approaching taxi whether they have booked a taxi or they are attempting to hail one.

In instances where a taxi or hire vehicle has been booked to attend a specific destination a driver should pull up and enquire if a person standing in the location or vicinity thereof of the booking is waiting on a taxi.

Where taxis are parked at a rank or designated and marked location, the ability for people who are blind or vision impaired to identify a taxi is inherent on such identification being available in an accessible format.

Labelling on the vehicle's passenger door which is tactile can assist a blind or vision impaired passenger to identify the vehicle once it's arrived at the booked location, or pulled up on at the rank.

Clause 15 (2) Driver identification - Taxi drivers

The ability of a person who is blind or vision impaired to quickly and easily identify the legitimacy and registration details of their booked or hailed taxi or hire vehicle is paramount to safety, security and confidence.

To achieve such accessible markers, tactile and possibly QR applicable identification documents must be located in a predictable placement. We suggest on the dash or glovebox, adjacent to the passenger door for quick and reliable identification of the taxi and the taxi drivers identification by a passenger who is blind or vision impaired before or immediately upon entering the taxi or hire vehicle

Clause 16 - Fare Calculation Devices - Taxis.

As well as being clearly displayed to the passenger the fares and related information should be audibly announced by equipment for independent verification so as passengers are not reliant on the trustworthiness of the driver.

Payment devices – calculating fares, payment etc must all be accessible. For example where there is a touchscreen device, it must also include tactile surface and have an audio output.

Clause 64 – Assistance Animals

We note the requirement for drivers to carry Assistance Animals as per Section 9 of the Disability Discrimination Act 1992 (Cth). This long standing obligation is well enshrined in previous regulations, however there continues to be an unacceptably high level of refusal to carry guide dogs.

Clause 77 – Driver of Taxi to accept hiring

Subsection 2 (e) states that *‘if the intending passenger is a person who is, or who is carrying a thing that is, likely to soil or damage the taxi or the clothing or luggage of other passengers, or to otherwise cause inconvenience, a nuisance or annoyance to other passengers or to the driver’*.

We have significant concern that this clause may be misinterpreted and or relied upon to refuse carriage of a Guide Dog.

We request that there be an amendment to this clause to highlight that Clause 77 cannot be interpreted to mean refusal to carry an assistance animal (refer Clause 64).

Conclusion

Guide Dogs NSW/ACT trust that in reviewing the *Draft of the Point to Point Transport (Taxis and hire Vehicles) Regulation 2017* and providing comment above on areas of specific concern to people who are blind or vision impaired we can further assist in development of your plan to improve access for people with disability.

Guide Dogs NSW/ ACT looks forward to working with the newly appointed *Point to Point Transport Commissioner* to provide education and training to drivers and booking agencies to ensure that people who are blind or vision impaired, guide dogs and their handlers are not refused access to services through direct or indirect discrimination.

ⁱ <https://www.dss.gov.au/our-responsibilities/disability-and-carers/standards-and-quality-assurance/national-standards-for-disability-services>

ⁱⁱ <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#9>

ⁱⁱⁱ <https://www.legislation.gov.au/Details/F2011C00213>

^{iv} <http://www.transport.nsw.gov.au/sites/default/files/b2b/pointtopoint/point-to-point-proposed-regulation-wcag.pdf>

^v <http://www.transport.nsw.gov.au/sites/default/files/b2b/pointtopoint/point-to-point-regulatory-impact-statement-wcag.pdf>

^{vi} <http://www.transport.nsw.gov.au/sites/default/files/b2b/publications/point-to-point-accessibility-and-inclusion-fact-sheet.pdf>

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- ^{vii} http://www.austlii.edu.au/au/legis/nsw/consol_act/ptptahva2016519/
- ^{viii} Sweeney Research survey undertaken on behalf of Guide Dogs NSW/ACT, 2010
- ^{ix} EY Sweeney survey undertaken on behalf of Guide Dogs NSW/ACT, 2015
- ^x The relationship between transport and disadvantage in Australia, Kate Rosier and Myfanwy McDonald
<https://aifs.gov.au/cfca/publications/relationship-between-transport-and-disadvantage-austr>