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**Vision Australia Submission to the NSW**

**Point to Point Transport Review**

**Email: pointtopoint@transport.nsw.gov.au**

**Submission to: Secretariat**

**Regulation of point to point
Transport**

**Level 7, 12 Castlereagh Street**

**Sydney NSW 2000**

**Response Submitted by: Bruce Maguire, Lead Policy Advisor**

 **Bruce.Maguire@visionaustralia.org**

 **02 9334 3173**

# Introduction

Vision Australia is pleased to have the opportunity to provide input into the Review of Point to Point Transport in NSW. We especially appreciated the invitation to meet with the Secretariat prior to the preparation of this submission.

The Discussion Paper produced by the Secretariat was very helpful in identifying the key issues and providing comprehensive background. Our submission primarily addresses the ‘19 Discussion Points’ contained in the Discussion Paper. Information about Vision Australia is on the last page.

# Importance of Point to Point Transport for Our Clients

Point to point transport services are an important means of transport for many people who are blind, deafblind or have low vision. They represent the closest equivalent to independent car travel, and are often a crucial link to maintaining employment, gaining an education, and participating in recreational, sporting and other community activities.

Australia has ratified the UN Convention on the Rights of Persons with Disabilities, and therefore has obligations to implement and promote the rights asserted in the Convention. Several Articles in the Convention are relevant for a discussion of point to point transport, including:

* Article 9 (Accessibility), which, among other things, calls on States parties to provide equal access to the physical environment and transportation;
* Article 19 (Living independently and being included in the community) which calls on states Parties to ensure that people with disabilities have access to the same living and community participation choices that are available to the rest of the community;
* Article 20 (Personal mobility) which calls on States Parties to take “effective measures” to ensure the personal mobility, “with the greatest possible independence” of people with disabilities.

Taken together, these Articles establish clear obligations for governments to make transport of all kinds accessible to people with disability on an equal basis with the rest of the community. In the context of point to point transport, the achievement of this “equal basis” level of access and choice often requires special measures such as transport subsidies to acknowledge economic disadvantage and the many systemic barriers that people with disability face, such as much higher rates of unemployment and limitations on convenient access to public transport.

Although a small number of our clients use hire cars and ridesharing services like Uber, our strong impression is that the great majority currently rely exclusively on taxi services to meet their requirements for point to point transport. Reasons for this include tradition, unavailability of transport subsidies for hire cars and ridesharing services, concerns about safety and security of ridesharing services, and lack of access to the smartphone technology required to use Uber and other app-based services.

Notwithstanding the importance of taxi services, many people who are blind or have low vision experience significant and persistent barriers when using them. These barriers include:

* Taxi drivers who refuse to pick up passengers with Seeing Eye Dogs and other mobility aids;
* Taxi drivers who are not able to find the passenger’s destination and who drop the passenger at an incorrect, often unfamiliar, location;
* High rates of “no shows”, especially for short trips;
* The inability or unwillingness of some taxi drivers to assist passengers to navigate between the taxi drop off point and the entrance of their actual destination;
* Taxi drivers who do not honour state and reciprocal interstate taxi subsidy arrangements;
* Taxi drivers who are unable to communicate effectively, usually because of insufficient English language skills;
* Lack of driver training in how to assist a person who is blind or has low vision;
* Zoning regulations (i.e. “no stopping” zones) which prevent taxis from stopping outside buildings in CBD areas, requiring passengers to navigate their way some distance, most often unassisted, from their drop off point to their actual destination;
* State government taxi subsidy schemes that do not provide uniform eligibility criteria for people who are blind or have significant low vision across jurisdictions;
* The failure of the Taxi Transport Subsidy Scheme to keep pace with inflation and taxi fare increases;
* Fare meters, online and App booking systems that are inaccessible to people who are blind or have low vision.

Vision Australia has made many submissions and representations to inquiries and consultations about taxi services and network standards, and we have made numerous and repeated recommendations and suggestions aimed at addressing these barriers. However, we have seen little evidence that the extent or impact of these barriers have been reduced. Our clients tell us that, on the contrary, some barriers are increasing. One of our clients, who is a regular taxi user, noted the following:

“90% of the time when I catch a taxi to go home, the driver can’t find my address without a lot of hassle. They rely only on their GPS, which is usually wrong around the area where I live. So they tell me there’s no such place. When I tell them I live there and they need to actually look out the window to find the building number, they sometimes find it, but sometimes they tell me they are at my building when they clearly aren’t (I can tell by the slope of the street). I’ve had a few drivers who have put me out on the wrong side of the road and sped off before I could ask them for assistance. There is no difference between taxis that I pre-book or ones that I catch from a rank, nor is there any difference between Silver Service and regular taxis – they’re all as bad as each other. I’m finding it increasingly stressful and nerve-wracking using taxis because of the incessant arguments I have with taxi drivers who won’t believe that I know where I live. But I don’t have a choice – I have to use taxis to get to and from work.”

Another client told us:

“I have a significant hearing impairment as well as being blind, and I’m finding that almost all taxi drivers now have such strong accents that I have a lot of trouble understanding what they say. This is worse when I’m waiting on a busy street and the driver sits in his car and shouts at me. The other day I was trying to find the taxi from the sound of the driver’s voice. I had no idea what he was saying. My head hit a metal pole, and later the driver said he was shouting at me to tell me about the pole.”

The Discussion Paper refers in several places to a lack of community confidence in taxi services, and some of the reasons given for this reflect the barriers that our clients encounter, such as poor communication skills and poor geographical knowledge. The broader Australian community is embracing choice in the form of hire cars and ridesharing, and people who are blind or have low vision must have the same choices. A necessary foundation for this choice is a clear regulatory framework that will create certainty. At the same time, however, taxi services will remain important or essential for many people who are blind or have low vision, and so any changes to the regulatory environment must not create disincentives for taxi services, and current regulations that place taxis at a competitive disadvantage must be removed. In other words, any changes to the regulatory environment must create a level playing field for point to point transport services that are available to the public.

# Comments on the Discussion points

Vision Australia is not an expert in the point to point transport sector, and in many cases we are not able to suggest technical solutions to particular problems. In the comments that follow, we have therefore focussed on establishing connections between the areas covered by the 19 Discussion Points and the use of point to point transport by people who are blind or have low vision. To assist navigation through the submission we have provided a brief summary of the focus area for each point, but these summaries are not meant to capture the nuanced discussion provided in the Discussion Paper.

## Discussion Point 1: What steps could be taken to make taxi drivers’ income more sustainable?

We are aware that some taxi industry representatives are seeking to have Uber made illegal. They seem to overlook the support that Uber has received from the community. One reason for this support is that Uber is offering features that the taxi industry does not offer, for example, direct contact between passengers and drivers and relatively accurate information about the location of drivers en route to pickup points.

While guaranteed income sustainability will require more than matching Uber feature for feature, it is difficult to see how the taxi industry can thrive unless it innovates, and such innovation would also benefit our clients who are blind or have low vision. Although most of our clients who use point to point transport still rely on taxis, a growing number is switching to Uber, and a few use hire cars. A key reason for this is the extra convenience and certainty. The client quoted earlier also told us:

“When I book a taxi to pick me up from home I often receive a call from the network saying that the driver is outside when he isn’t, or that he can’t find my address. I then have to relay information to the network, who then have to talk to the driver, and they then have to talk back to me, and this kind of thing can last for 15 minutes until the driver either finds me or I give up and call another company. I’ve recently started using Uber and I don’t have this problem anymore because I can speak directly to the driver if there are any problems finding me. When I book an Uber car I always know roughly how far away they are – none of this “first available” stuff I get from the taxi companies”.

Several taxi drivers have told us that they were urging taxi networks to provide them with passenger contact information 20 years ago when mobile phones were becoming widely used, but that the networks steadfastly refused. If the taxi industry had been more proactive in using new technologies it is questionable whether Uber would have reached its current level of popularity, and a key barrier that our clients identify would have been eliminated, or at least greatly reduced.

It is clear from the information provided in the Discussion Paper as well as from our discussions with taxi drivers that they must comply with a much greater regulatory burden and meet substantially higher costs than hire car drivers or UberX drivers. Income sustainability will not be achieved unless taxis are able to operate in a level playing field where there is no competitive disadvantage. The Point to Point Transport Review is an opportunity to make the comprehensive regulatory change that will create this level playing field.

## Discussion point 2: Whether taxi networks should be authorised

Vision Australia lacks the detailed knowledge of the taxi industry and its associated regulatory environment to permit detailed comment on this point. We do emphasise, however, that authorised taxi networks play an important role for passengers who are blind or have low vision by providing consistency and offering (in theory, at least) complaints handling and dispute resolution facilities. Any changes to authorisation requirements must be made with due regard to the potential impact on passengers, especially on passengers who are blind or have low vision.

## Discussion Point 3: Alternatives to the universal service obligation

People who are blind or have low vision rely heavily on taxis, and in many cases taxi are the only means of transport available, especially for short trips, late at night or in regional and country areas. Yet universal service obligations have not resulted in a guaranteed or even predictable service, and they have not helped reduce the barriers that people who are blind or have low vision experience when using taxi services.

One initiative that could lead to an improved service for people who are blind or have low vision would be to introduce a Priority Assistance service where registered passengers would be given first preference. A scheme funded jointly by the NSW Government and point to point transport operators could provide financial incentives to drivers who provided services to registered passengers.

Uber and other ridesharing services could also be required to develop a preferential passenger scheme to improve service for people who are blind or have low vision. For example, registered passengers could have the “booking circle” extended so that more cars were available to accept their booking.

## Discussion Point 4: Initiatives to encourage the greater availability of wheelchair-accessible vehicles

Only a small number of Vision Australia’s clients use wheelchair-accessible taxis, and we therefore defer to other groups regarding this point. However, it does seem to us that services like Uber should be required to develop some capacity to meet the demand for wheelchair-accessible vehicles rather than simply providing an interface with the wheelchair-accessible taxi fleet (which we believe is only available in Sydney in any case). We understand from our discussions with Uber that drivers who have chosen to receive extra training to become part of the UberAssist service must have vehicles that can accommodate folding wheelchairs, but there should also be a requirement for a quota of vehicles that can accommodate rigid wheelchairs.

## Discussion Point 5: Regulation of ridesharing services

Vision Australia is strongly of the view that ridesharing services such as Uber have a role to play in meeting the needs of the community generally, and of our clients who are blind or have low vision in particular. Nevertheless, we are also strongly of the view that such services must be regulated to comply with safety and security standards and other community expectations. While there may be a compelling case for the removal of unnecessary regulatory burdens from the taxi industry, there is no case for a complete absence of regulation, and there is no case for a continuation of the regulatory vacuum in which Uber appears to be operating at present.

Taxis are regarded as public transport for the purposes of the Disability Standards for Accessible Public Transport, and as such are required to comply with those Standards. Hire cars and ridesharing services are not covered by the Standards, and it is unclear whether they are covered by disability discrimination legislation such as the Disability Discrimination Act. Regulation must provide certainty in this area. For example, it must be a requirement for UberX drivers to carry assistance animals such as Seeing Eye Dogs, in the same way as it is a requirement for taxis (even though there continue to be many instances where taxi drivers refuse to carry them). Presumably, an appropriate regulatory regime would involve treating UberX drivers as businesses rather than as operating private vehicles, and once operating as a business, they would be subject to other legislative requirement, such as disability discrimination legislation. But in any case the aim of regulation should be to create a level playing field without inhibiting innovation and without creating or perpetuating disincentives for the provision of needs-appropriate, high-quality services that are available equally to all sections of the community who can benefit from them.

If ridesharing services are regulated, we would like to see requirements around the accessibility of booking and other apps as part of that regulation. While the Uber app on iOS devices is currently accessible to people who are blind or have low vision and who use Apple’s Voiceover screen-reader, there is no legislative requirement that it remain accessible. On the other hand, some apps released by taxi networks are inaccessible, and there is no legislative requirement that they be accessible. There are clear and readily-obtainable guidelines for developing accessible apps, and regulation of point to point transport must include requirements that app developers comply with them.

## Discussion Point 6: Differential application of rules for use of mobile phones, blood alcohol content, etc.

Our view is that these rules should be applied uniformly to all point to point transport operators as part of any regulatory change that follows the Review. Simplification is in the best interests of operators and passengers, provided that it maintains stringent requirements around safety. In general, it can be very difficult for our clients to get accurate information about what is and is not covered by regulation, and it can be equally difficult to locate and make sense of the source regulations or legislation. An important aim of any regulatory change should be to maximise uniformity in the regulatory environment in which point to point transport operates, and communicate these changes in an accessible format using terms that will be uniformly understood.

## Discussion Pont 7: Adequacy of safety standards for public passenger drivers

We have no evidence from our clients that the current safety standards are insufficient. However, we do have concerns that passengers who are blind or have low vision are potentially at risk in situations where a driver has insufficient fluency in English to communicate in emergencies, or where the driver is unwilling or unable to provide assistance. We believe that effective communication skills are an integral part of passenger safety, and that these skills must therefore be a component of safety standards, not just for taxi drivers but for any driver providing point to point transport services.

One of our clients told us about a recent experience she had that highlights the need for greater regulation around safety.

“I decided to stay at a hotel for the night a couple of months ago while my house was being painted. I booked a taxi, and gave him the name and address. He said he knew exactly where the hotel was. The thing is, there are two hotels across a busy road from each other, and he dropped me off at the wrong one. I didn’t realise this until after he had gone and I was trying to find the entrance. I hadn’t been to this other place before, it was fairly late at night, there was no-one around, and I had no idea how to get to the hotel I had booked into. Fortunately I was able to call the taxi network and they sent the driver back to pick me up and drop me off at the right place – which of course he should have done in the first place.”

Although the taxi driver should have been more careful in checking that he had dropped our client at the right place, she was at least able to call the network and they took immediate action to assist her. If she had been using an Uber driver, she may not have been so lucky. Although passengers are able to contact the Uber driver after the booking is made, the contact details disappear once the trip has ended and the customer has rated the driver. Because it was fairly late at night, our client may not have been able to book another Uber car. In any case, she was not sure where exactly she was so she would not have been able to give her exact location. As it was, our client found this a distressing and scary experience, but if she had not been able to call the taxi network she may well have been in danger and stranded for the night in an unfamiliar place.

Regulation must ensure that this kind of situation cannot arise in future. For example, services like Uber must provide some way of getting real-time 24/7 assistance in case of emergencies.

Regulation must also ensure that point to point transport providers are treated equally at airports and other places where taxis are currently treated more favourably. A taxi is able to drop off passengers close to the door of the airport terminal, whereas UberX drivers are not. Hire cars have a designated waiting area, but UberX drivers do not. Similarly, taxis are permitted to stop in loading zones to drop off passenger, but other providers are not.

For our clients, there are significant safety implications if a driver is not able to assist them from the vehicle to their destination, particularly in busy, high-traffic areas such as airports and city centres. Current zoning regulations are not working well for our clients, especially in the Sydney CBD where there is a proliferation of “no stopping” zones that often make it impossible for a driver to assist a person who is blind or has low vision. We are very concerned that urban planning has failed to consider the needs of people who are blind or have low vision and who rely on public transport such as taxis. While any regulatory change that results from the Review cannot address all these failures, it must ensure that all point to point transport is equally and safely usable by people who are blind or have low vision.

## Discussion Point 8: Streamlining of registration regime for point to point transport providers

We do not have sufficient familiarity with the current regime and its implications to provide useful comment on this point.

## Discussion point 9: Identification of taxis, availability of security equipment

To comply with the Disability Standards for Accessible Public Transport, taxis are required to have a tactile number affixed to the outside of the front passenger door. This makes it possible for a person who is blind or has low vision to determine the taxi’s licence number before getting into the taxi. However, this device is less effective in situations where the passenger needs to enter the taxi quickly and does not have time to locate and read the tactile number, where they have bags or other items in their hands and are therefore not able to read the number by touch, or where they are able to read the number but forget it during the course of the journey. One of our clients told us of her experience:

“I know the raised number is there, but I’m hardly ever able to read it. I have my white cane in one hand and I usually have a bag in my other hand. Often when the taxi pulls up I have to get in quickly because there’s a lot of traffic around and the taxi can’t really stop. It would be great if the number was also on the inside of the door so I could read it once I was inside the taxi.”

Vision Australia believes that the taxi’s registration number should also be placed in a tactile form on the inside of the door. There is no reason why NSW could not regulate for this to be done.

Some clients in Victoria have mentioned that as a result of changes to identification and branding requirements for taxis there, the colour of the vehicle may be the only way the taxi can be identified at a distance. These colours do not appear to be chosen so that they are easily identifiable by a person who has low vision, and as a result many of our clients cannot identify these taxis. It is therefore essential that any changes to visual identification requirements be made after consultation with the blindness and low vision sector to ensure that people who are blind or have low vision are not inadvertently disadvantage.

The identification of hire cars and ridesharing vehicles is usually easier for a person who is blind or has low vision, because they are pre-booked and, in the case of Uber, the passenger is given the driver’s name, licence number and type of vehicle as well as options to contact the driver. However, this information is not required to be provided. The accurate identification of any type of point to point transport vehicle must be a basic regulatory requirement, and we therefore recommend that any changes to how these vehicles are regulated in NSW include minimum requirements for identification, and that apps provide identifying information that is accessible to people who are blind or have low vision.

## Discussion Point 10: Safety standards

As we have mentioned previously, we believe that communication skills must be seen as a key element of safety for passengers. Other ways of assessing the English communication skills of taxi drivers have largely failed in our view, with the result that one of the biggest problems that our clients report when using taxis is not being able to communicate effectively with the driver. One of our clients recounted his recent experience:

“Last week I was waiting for a taxi outside the building where I had attended a doctor’s appointment. I had booked the taxi with the company that I regularly use because they know that I’m a blind person. I was standing on the edge of the car park waiting for it. I heard a car pull up, but it seemed like it was on the other side of the car park. I heard someone yelling something, but it sounded like it was in another language, so I didn’t take any notice. After a while I heard the same person yelling something again. I started to wonder if it was the taxi driver, but I had no idea what the person was trying to say. I didn’t want to walk across the busy car park, and I had no way of contacting the driver. Eventually the car drove away. Eventually I had to re-book the taxi and the operator said that the first taxi had been waiting there for several minutes but couldn’t attract my attention.”

This experience also illustrates a further problem that many of our clients report, i.e., that taxi drivers often have no idea how to assist a person who is blind or has low vision. It seems fairly obvious that a taxi driver should realise that it is not reasonable or safe to expect a blind person to walk across a busy car park to the taxi, but we hear time and again that this is exactly what taxi drivers do expect. While there are certainly examples of taxi drivers who do provide an appropriate level of assistance, we are compelled to conclude that there is an alarming number of instances where our clients are put at risk due to insufficient driver training or awareness.

We therefore strongly recommend that all drivers be required to demonstrate appropriate understanding of the assistance that they must reasonably provide to people who are blind or have low vision as part of their safety accreditation.

## Discussion Point 11: Insurance arrangements

We are not in a position to comment on the technical aspects of insurance arrangements. However, we note that concern about lack of insurance is probably the main reason that more of our clients are not willing to use ridesharing services such as Uber. People understandably want to be sure that they are appropriately covered and that any claim will be processed with the minimum of complexity and delay. Uber’s claim that each journey is covered for $5 million may well be true, but it is unverifiable, and it is unclear whether property is similarly covered. It is also unclear what would be required for a person to make a claim in the event of injury and/or loss or damage to property.

The aim of regulatory change in this area must be to produce arrangements that are readily comprehensible to the average person and which provide certainty of coverage, as well as clear and efficient pathways for the processing of claims.

## Discussion point 12: Fares

A key frustration that we share with our clients is that the M40 taxi transport subsidy has remained unchanged for approximately 20 years. The scheme provide a 50% subsidised fare to the value of $60 per journey (so the amount of the subsidy is capped at $30). 20 years ago a fare of $60 represented a much longer journey than it does today, due to numerous fare increases as well as much greater traffic congestion in metropolitan areas. Vision Australia and other organisations in the disability sector have advocated vigorously for an increase in the M40 subsidy cap, but so far without success. We request that the Review include a recommendation that the cap on the M40 subsidy be increased from $30 to $50 per journey in metropolitan areas, and $70 in regional and country areas.

Additionally, the Baird Government has repeatedly expressed their commitment to replacing the M40 Taxi Transport Subsidy paper vouchers with an electronic plastic card payment system to improve ease of use, cut waste, and reduce potential for fraud. We request that the Review include a recommendation to expedite the development of this new electronic payment system for M40 TSS customers.

When the M40 scheme was introduced in the 1980s, taxis were the only means of point to point transport available to most people who are blind or have low vision. It was reasonable that the scheme was limited to journeys taken by taxi. However, the community now has much greater choice in point to point transport offerings, and it is likely that this choice will become even greater as more providers enter the industry. People who are blind or have low vision must be given the same level of choice that is available to the rest of the community. At a time when there is growing emphasis on the right of people with disability to have person-centred choice and control and to be able to participate fully in all aspects of community life, the restriction of the M40 scheme to taxis is fast becoming an anachronism that is incompatible with contemporary social policy. And in view of the ongoing and seemingly intractable barriers that our clients experience when using taxi services, this restriction has the effect of forcing people who are blind or have low vision to use services that are unpredictable, unreliable, stressful, and which may not meet their needs.

We recognise, of course, that there are always budgetary constraints on government-funded schemes. While extending the M40 subsidy to other point to point transport modes may lead to additional costs for the scheme, we think that these increases would be offset by the fact that fares such as those of UberX are up to 40% less than taxis, so the amount of M40 subsidy would in many cases be less per journey. In any case, the amount of M40 subsidy is capped, so even if a scheme participant chose to use a more expensive point to point transport mode, the amount of subsidy applicable would still be the same as if it were used in a taxi.

### Receipts

Currently taxi receipts are not accessible to people who are blind or have low vision, so a passenger has no way of knowing whether the receipt matches the total fare. There is also no way for a person who is blind or has low vision to identify individual receipts at a later time.

Uber uses modern technology and has made its app accessible to people who use the Voiceover screen reader. So a person who is blind or has low vision is able to tell what the total fare for an Uber journey is. Because Uber processes credit card payments automatically, there is no need for the passenger to give their credit card to the driver, and there is no possibility for the driver to make an error when entering the amount to be charged to the card. Uber also emails receipts, and these can be read by screen-reading software. So a person who is blind or has low vision has access to the same financial information as a sighted passenger when using Uber.

As more taxi operators develop apps it should be straightforward to incorporate functionality for processing and emailing receipts, and we ask that the Review include a recommendation that accessibility of this functionality be a regulatory requirement.

A number of our clients have recently reported that they are encountering touchscreen-based payment terminals in taxis. These are completely inaccessible to a person who is blind or has low vision. Their only options when presented with such a terminal are either to give the driver their PIN number so that it can be entered using the touchscreen, or to refuse to pay the fare because they cannot enter their PIN independently. Neither option is satisfactory, and it is clear that these terminals are being introduced with no regard to their impact on people who are blind or have low vision. This is despite the requirement in the Disability Standards for Accessible Public Transport that accessible payment options must be provided.

Apple and Google have demonstrated that touchscreens can be made accessible to people who are blind or have low vision by developing the Voiceover and Talkback screen-reading software respectively, and there is no reason why similar technology could not be incorporated into the touchscreen-based payment terminals being deployed in taxis.

We therefore ask that the Review include a recommendation that all payment terminals used in taxis must include access for people who are blind or have low vision, and that people who are blind or have low vision must not be required to disclose their PIN to a taxi driver who has chosen to use an inaccessible payment terminal.

## Discussion point 13: Taxi meters

An ongoing frustration for us and our clients is that NSW has not implemented talking taxi meters, which verbalise the visual information displayed on a taxi meter so that a person who is blind or has low vision can access it. These talking meters are used in Queensland and Victoria, but so far they have not even been trialled in NSW. People who are blind or have low vision in NSW continue to be disadvantaged by not having access to the same information that is available to the rest of the community when they use a taxi. We support the provision of comprehensive, simplified information on taxi meters, but ask that the Review include a recommendation that talking taxi meters be mandatory in all taxis.

A related point is that almost all taxis now have GPS systems installed, and most of these systems have speech output capabilities, which can provide a passenger who is blind or has low vision with information about the route being followed. This information is useful in assessing whether the fare is reasonable.

We ask that the Review include a recommendation that point to point transport drivers be required to enable speech output on their GPS if requested by the passenger.

## Discussion Point 14: Service Quality

Based on our extensive and ongoing discussions with clients about their use of point to point transport, we are aware of no evidence that even minimum standards around quality have had any impact on ensuring an acceptable quality of service. We have already referred to the issue of many taxi drivers being unable to communicate effectively in English notwithstanding that they must pass a test in English proficiency; likewise, we have drawn attention to the ongoing issue of drivers who refuse to carry Seeing Eye Dogs, Guide Dogs and other assistance animals. It does seem that people using Uber services are in general more satisfied with service quality than users of taxi services, and we suggest that a key reason for this is the (mandatory) rating system that applies to Uber journeys.

While we support retaining the current standards, we are doubtful that increasing regulation will have any impact on service quality. Our recommendation is that the NSW Government establish a transparent and accessible rating process where users and drivers can rate each other. Taxi networks would be required to advise passengers what the rating is of the driver who has been assigned to them (this could be done in an SMS message as part of the booking confirmation), and if a driver reached a predetermined level of negative rating they would be required to undergo further training.

## Discussion Point 15: Supply of taxi services

A number of taxi drivers have told us recently that “good drivers with a commitment to the industry are being forced out by too many new entrants who just want to make a quick buck. They don’t care about service – the only reason they’re taxi drivers is to make money”. Complete deregulation of the supply of taxis is unlikely to lead to an overall improvement in the quality of taxi services, and there is a real danger that “lowest common denominator” services will prevail as drivers with a commitment to high standards of customer service will find it harder to compete. There is also no reason to believe that deregulation of supply will address current gaps, such as shortages of taxis in outer urban areas and in regional and country areas.

The taxi “market” is different from many other businesses: when a passenger hails or books a taxi, they have little or no opportunity to “shop around”, and so good drivers are not necessarily rewarded by repeat business, nor are drivers providing poor service penalised by less business. Drivers who have invested their life savings in developing their business through the purchase of licence plates now find that with increasing competition there are even fewer incentives to remain. If this situation continues then passengers will inevitably be poorly served.

We know that some taxi drivers have left the industry already and become UberX drivers; others have become hire car drivers; in Sydney, others have added an Uber string to their bow by becoming an Uber Taxi. Many have protested against Uber. It seems to us that the high costs of doing business as a taxi driver are a significant factor in making it harder for good, committed taxi drivers to thrive in a time of increasing competition, and simply deregulating supply without addressing these high costs will not solve the problem.

Any regulatory changes affecting the supply of taxis must focus on addressing current gaps (for example, in outer metropolitan suburbs and regional and country areas) and creating an environment that rewards long-term investment in the industry and commitment to high quality service.

## Discussion Point 16: Restrictions to taxi operating areas

People who are blind or have low vision and who live in regional or country areas usually rely exclusively on taxis in the absence of adequate public transport. Our clients tell us that there are often long delays in getting a taxi in these areas, particularly at night. Uber does not operate in regional areas and even in metropolitan areas there are areas where Uber cars are rarely available.

At the same time, we are aware of cases where a person who is blind has travelled by train from Sydney to a major regional railway station and has been unable to get a taxi from there to their destination, or has been provided by a central booking service with a taxi whose driver is unfamiliar with the area and has little ability to locate the destination.

We have not seen evidence that restricting the area of operation of taxis and hire cars has resulted or would result in better service to passengers generally, and people who are blind or have low vision in particular. The focus of any change must be on service delivery rather than the convenience of networks, and the creation of a level playing field for all operators and providers.

## Discussion point 17: Supply of hire car services

We are mindful of the comments made to us recently by a hire car driver. He said:

“There’s only a fixed amount of work out there, and the more hire cars there are, the less work there is for the rest of us. You can’t create more work just by allowing more hire cars in. People are becoming hire car drivers to escape the high costs of being a taxi driver. You can tell by all the 4-digit plates that have appeared in the last couple of years. These new drivers are undercutting us and making it hard to survive. We can’t get work off the street or pick up work at airports – we rely on pre-bookings. People who don’t know much about hire cars might think that if one driver charges them $75 to go to the airport while another only charges them $40, then they’ll go with the cheaper price. But you get what you pay for in the hire car industry and those of us who are committed to customer service have to be able to make a living.”

Because they are pre-booked, hire cars can provide a level of certainty that is unavailable with other modes of point to point transport modes. It is easier to develop professional relationships with individual drivers, and this can result in a more personalised service. However, people who are blind or have low vision can rarely take advantage of the benefits offered by hire cars because the M40 subsidy does not apply to hire car fares. Until this situation is remedied hire cars will remain out of reach for almost all of our clients.

If the M40 subsidy is extended to hire cars (as well as other point to point transport) as we believe it should be, then an increased supply of hire cars would have potential benefits for our clients.

## Discussion point 18: Industry adjustment packages

We are not sufficiently familiar with the economics of the point to point transport industry to form a view about the need for and nature of an industry adjustment package following major changes to the regulatory environment. However, we reiterate our previous comment that the ultimate aim of regulation should be to create a level playing field. This term does not imply that poor service should be rewarded, or outdated business models perpetuated, but it does imply that regulation should not allow one group to flourish at the expense of another.

There is little doubt that the taxi industry has entered a period of unprecedented competition and upheaval, and that there must be significant change at many levels if the industry is to remain viable for those who see it as a long-term business. Even with the development of ridesharing services, taxis will remain an essential mode of transport for many people who are blind or have low vision, and the impact of changes to the regulatory environment must be assessed with this firmly in mind. It may be that some kind of adjustment package will help preserve the benefits of the taxi industry for passengers and drivers, while at the same time encouraging the kind of innovation that is long overdue.

## Discussion Point 19: Compliance and enforcement mechanisms

From a passenger perspective, it is very difficult in the current environment to obtain redress in the event of a compliance or enforcement issue. For example, if a taxi driver refuses to carry a Seeing Eye Dog or Guide Dog, then the passenger can report this to the network if they have booked the taxi; but if they have hailed the taxi then they can only take further action if they have been able to get the taxi’s licence number (which may not be possible if the driver speeds away when he sees the assistance dog). Even if a complaint is made to a taxi network, the complainant may be unable to find out what, if any, sanctions were imposed on the driver for breaching the legal obligation to carry an assistance animal. Many of our clients tell us that they no longer report issues to the taxi networks because “nothing ever seems to happen when I do – the networks always side with the driver rather than taking complaints seriously”.

A passenger may lodge a complaint under State or Commonwealth disability discrimination legislation, but pursuing such a complaint can be a lengthy and stressful process, with no guarantee of a satisfactory resolution.

Our experience is that most people are deterred from pursuing taxi-related complaints, whether against individual drivers or networks, because they are unaware of the mechanisms available to them, or because they regard those mechanisms as being complex, time-consuming, uncertain, lengthy and stressful. And currently there is no clear mechanism for pursuing complaints against Uber, other than by contacting Uber itself. One of our clients reported the following experience:

“Earlier this year I came across a Uber Taxi driver who would not accept my M40 voucher. This was a regular taxi driver with a taxi licence number, not an UberX driver, and the only difference was that I booked him through Uber rather than through the network. So I called the TTSS [Taxi Transport Subsidy Scheme] and they told me they weren’t interested in hearing about anything Uber-relate. I told them that he was a regular taxi driver, but they said he was using Uber so that was different. When I wouldn’t go away they told me to call the taxi complaint service. Which I did, and they told me the same thing: they had been told not to investigate anything Uber-related, even if it involved Uber taxi drivers.”

Uber responded positively when we brought this and similar issues to their attention, and they have increased awareness among Uber taxi drivers about the M40 vouchers. However, the fact remains that no external body is willing or able to investigate complaints against Uber.

In fact, we have since been told by Transport NSW that there is no legislative requirement for taxis to accept the M40 vouchers. This came as a surprise to us, and we regard it as a totally unacceptable situation that must be addressed as a matter of urgency. The M40 subsidy allows people who are blind or have low vision to participate in the community on a more equal basis, and recognises the economic disadvantage that they face; It should not be applied at the whim of taxi drivers. Accordingly, we ask that the Review include a recommendation that all taxi drivers be required to accept the M40 vouchers.

There is also a lack of clarity around penalties for non-compliance, and this is a further deterrent to pursuing complaints against drivers or networks. For example, it is uncertain what penalty would be applied, beyond the penalties established through the Companion Animals Act regulatory scheme, in the case of a driver who refuses to carry a Seeing Eye Dog. Our view is that such an offence should lead to automatic disqualification for a predetermined period (such as three months) but, in any case, there should be clear information about penalties that apply to various offences.

More generally, we ask that the Review develop recommendations for a simple, streamlined compliance and enforcement mechanism that applies equally to all point to point transport providers, and which is administered by an external body with clearly-defined powers. Such a mechanism would operate in parallel with legislative instruments such as the Disability Discrimination Act, but it would provide a single point for the receipt and investigation of all complaints relating to point to point transport.

# Conclusion

70% of Vision Australia’s 30,000 clients are over 65. Research commissioned in 2012 by the Australian Communications and Media Authority (ACMA) found that among the general population in this age group there was only a 15% usage of smartphones. At present we do not have quantitative data for use of smartphones by older people who are blind or have low vision, but on the basis of anecdotal evidence, and bearing in mind that it is usually more difficult for an older person with acquired vision loss to become familiar with new technology, we would expect that there is an even lower figure for smartphone usage among the 70% of clients aged over 65.

The implication of this is that developments in point to point transport that rely on or make use of smartphone technology such as booking apps will not lead to benefits for the majority of people who are blind or have low vision, for whom traditional taxis booked by traditional methods will remain essential for the foreseeable future. Technological developments are providing new opportunities for innovation in the point to point transport industry, but these opportunities must be balanced against the need for continuity and sustainability. The “digital gap” that currently exists between those who can take advantage of new and emerging technologies and those who cannot will be widened unless an effective regulatory framework is put in place that creates a level playing field both within the point to point transport industry and for those who use it, including people who are blind or have low vision and who rely on point to point transport to participate in the cultural, economic and social life of the community.

# About Vision Australia

Vision Australia is the largest provider of services to people who are blind, deafblind, or have low vision in Australia. It was formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families. The service delivery areas include:

* early childhood
* orientation and mobility
* employment
* accessible information (including library services)
* recreation
* independent living
* Seeing Eye Dogs
* advocacy, and working collaboratively with Government, business and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has gained unrivalled knowledge and experience through constant interaction with our 32,500 clients and their families, and also through the involvement of people who are blind or have low vision at all levels of the Organisation. Vision Australia is therefore well placed to provide advice to governments, business and the community on the challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant client consultative framework, with people who are blind or have low vision representing the voice and needs of clients of the Organisation to the Board and Management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15.4% of total staff having a vision impairment.

Vision Australia also has a formal liaison arrangement with Blind Citizens Australia (BCA) through a Memorandum of Understanding for a number of purposes, including collaboration, so that Vision Australia’s systemic advocacy and public policy positions are, wherever practicable, consistent with the programs and policies of Australia's peak body representing people who are blind or have low vision.