

12 February 2016



Blind Citizens NZ

Feedback in Response to

Future of Small Passenger Services – Consultation Paper

Blind Citizens NZ

Emailed to: spsvreview@transport.govt.nz

Introduction

The Association of Blind Citizens of New Zealand Inc (Blind Citizens NZ) is pleased to have this opportunity to comment on the Consultation Paper. Our interest is because we consider that we are part of the small passenger services sector. Blind Citizens NZ is a disabled people's organisation (DPO). Our members are blind, vision impaired or deafblind, hereafter referred to as blind. Thus our comments in response to this Consultation Paper will predominantly be from a blindness perspective.

We are agreeable to any of the comments made in our submission being released.

In the event an opportunity to speak to and, elaborate on the extent of feedback provided in our submission is available, we would welcome this. Contact in relation to this submission should be directed to the Executive Officer Rose Wilkinson:

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Section 2 – The need for change

Question 1 – What are the important factors driving the need for change for the small passenger services sector?

Tick the factors below you think are driving the need for change:

- Technology is changing the transport sector.
- The current rules are no longer fit for purpose and flexible for the future.
- The need for a more innovative sector that delivers improved customer service.



Blind Citizens NZ's Comment: While recognising the above three factors are driving the need for change, Blind Citizens NZ believes a fourth is required i.e. that transport is considered as an essential service to which everyone should have equitable access.

Section 4 – Features important in the future sector

Question 2 – What are the important features you would want to see from the small passenger services sector in the future?

Tick the features below you think are important for the future sector:

- Responsive to supply and demand.
- The compliance burden is as low as it can be while achieving regulatory objectives.
- Transparent fees and charges.
- Effective choice so people can travel where they wish in a timely manner.
- Incentivises improved customer services.
- Mitigates safety risks for passengers and drivers.

Blind Citizens NZ's Comment: Whilst supportive of the features important for the future sector, we offer the following amendments. Features need to:

- Strike the right balance between being responsive to supply and demand and providing an essential service throughout the community as a whole.
- Meet the needs of the whole community, including the transport disadvantaged, people with disabilities, visitors to a town that is unknown to them, casual and infrequent users of such services.
- Allow such services to be economically viable while still providing the needed level of service to the community as a whole.
- Safety of drivers and passengers must be maximised as a high priority (as opposed to mitigating safety risks...).

The need to have a transparent fee structure and charges is essential, and for blind people this must be accessible to them. Any information visible on meters for sighted passengers, must also be readily and independently available to blind passengers. There must be audible indicators for blind passengers so they know when the meter has been turned on, surcharges need to be announced, and stages of the journey should be reported. All these features and possibly others, will enhance the experience for blind passengers. We encourage small passenger services to migrate to talking meters as one way to ensure blind people can receive the same information as sighted passengers, as a matter of course.

Section 5 – Summary of options for the future

Question 3 – Which of the five options do you think will be best for New Zealand's small passenger services sector in the future?

The Ministry of Transport's review team concluded that option 4 would be best for New Zealand's small passenger services sector in the future. Do you agree?

Blind Citizens NZ's Comment re Options 1 to 5: We favour option 2. Our reason being that there is a clear distinction between taxi and private hire markets, and regulations are clear as to the distinction between these two services. However, if an amendment to option 4 was made that identifies there is distinction between taxi and private hire markets, that provide what might be described as spontaneous transport as opposed to the other services, then we may reconsider our position.

Blind Citizens NZ's Comments: It is recognised that new services are currently developing that are essentially hire services but with a level of instantaneousness that means they can be treated much like taxis. However, while these might be regarded as innovative, our view is that it would be wrong to conclude that options 1 and 2 inhibit innovation. Blind Citizens NZ believes that in reality, what has happened is that the developers of new services have been able to fabricate a hire service that looks like a taxi service, but without meeting the requirements of a taxi service. They are taxi services in drag. It is not innovation that makes these services competitive, it is outdated rules and regulations that fail to adequately define the essential elements of what we all traditionally recognise as a taxi service. If the distinctions were clear in law, traditional taxi services would certainly be subject to competition from new operators coming into the industry with new, innovative ideas. But any such competition would be on a level playing field.

We favour option 2 because it specifies a statutory difference between a taxi and other services. However, it is not sufficient to make this distinction by simply requiring a minimum of one hour for a private hire. In our view, any service providing individualised transport in the community, where the primary objective is simply to get from one place to another in a defined local area, or to take a journey in the local area that comes back to the same place, is a taxi service. The requirements of such a service are significantly different from other services which are there to meet more specialised transport needs.

Section 11 – Definitions for exemptions

Carpooling would be exempt under all options

Question 4 – Do you agree the exemption for carpooling should apply where:

- the people in the vehicle already know of each other (for example, they are friends, members of the same sports team or work for the same company).

The driver and passenger may agree to share the responsibility of driving or the passenger will contribute money towards the driver's costs for the trip (that is, the operating costs of the vehicle such as petrol and depreciation, but not any payment for the driver's time).

Blind Citizens NZ's Comment: Our comment focuses on the use of technology that may be used in conjunction with car-pooling and ride-sharing services. Our view is that any technology company providing related communications services to bring people together must ensure their services meet well established accessibility guidelines. It is often said that it is more expensive to develop communications services to be accessible. However, the truth is that it is no more expensive, and in fact it can be cheaper to develop communications services to be accessible, including websites and apps for smart phones, as long as the principles of accessibility are followed from the outset. This avoids the much greater expense of having to retrospectively upgrade technology to meet accessibility requirements.

Question 5 – Do you agree the exemption for carpooling should apply where:

- the people in the vehicle (who may not know each other) are travelling to similar destinations at similar times and use a third party to connect them. The passenger(s) will contribute money towards the driver's costs for the trip (that is, the operating costs of the vehicle such as petrol and depreciation, but not any payment for the driver's time).

Blind Citizens NZ's Comment: Refer to our response to Question 4.

Exempting companies providing communications functions only

Question 6 – Do you agree the exemption for companies providing communications functions should apply where:

- a company (for example, a call centre company) providing back office communication functions for a completely unrelated small passenger service company.

And would not include:

- a company providing technology or communications, but actually participates in the small passenger services market in a manner similar to other operators (this company would be required to comply with the relevant rules).

Blind Citizens NZ's Comment: No comment to offer.

Applying the rules to ridesharing services

Question 7 – Do you agree that the requirement for ridesharing services to meet the same rules as the rest of the small passenger services sector should apply where:

- third parties (often a technology-based company using apps) connect people who are driving to a destination with other people who want to travel to a similar place. The third party that connects a driver and passenger receives revenue from the transaction, commonly by taking a percentage of the money paid by the passenger to the driver.

Blind Citizens NZ's Comment: Refer to our response to Question 4.

Section 12

What are the right core passenger safety rules we need for the future small passenger services system?

Question 8 – Do you agree that the core requirements for passenger safety can be achieved through:

- P endorsement – all drivers would have to hold a 'P endorsement' issued by the NZ Transport Agency. A person applying for a P endorsement would have fewer requirements to meet than now. To obtain a P endorsement, a driver would have to pass a criminal record and driving record check, be medically fit to drive, and have held a full New Zealand driver licence for at least two years. A P endorsement identification card would have to be displayed in the vehicle.

Blind Citizens NZ's Comment: Although we support that a 'P endorsement' should be required, we hasten to add that the current requirement for a 'P endorsement' to include basic knowledge (minimum standard) of the English language must be retained. Refer to our response to question 23 for clarification of our position with respect to our position for drivers to have basic knowledge of the English language.

Question 9 – Do you agree that the core requirements for passenger and driver safety can be achieved through:

- work time limits – to ensure that drivers were not fatigued, they would have to comply with work time limits that set a maximum number of work hours and require rest breaks. Drivers would need to maintain logbooks covering all of the time that they worked. All drivers could work to the existing time limits for taxis, of up to 7 hours before a rest break is required.

Blind Citizens NZ's Comment: We believe there is much more to ensuring passenger and driver safety than merely keeping log books. Service operators must ensure drivers are in fact meeting their requirements for rest. But as already indicated, safety for the passenger, particularly if the passenger has a disability or is vulnerable in any way, relies primarily on the driver being competent to provide a genuine public transport service that meets a variety of needs in the community.

In the knowledge that Uber drivers have a more flexible scale of work time than traditional taxi drivers currently do, Blind Citizens NZ encourages the Ministry of Transport to consider amending existing requirements for small passenger services' drivers. We understand that Uber drivers have more flexibility with respect to the hours they work, and the frequency they log on and off from their work. For example, under the Uber system, a driver could pick their passenger up at 7am, again at 11am, 4pm and 9pm. Introducing a system such as this for small passenger services' drivers, provided this does not compromise safety standards, would introduce a level of flexibility for taxi drivers and their passengers, that is only currently available when using Uber. We recognised that work time limits would need to be adjusted accordingly.

By making these changes there is potential for vulnerable and/or transport disadvantaged passengers to benefit i.e. they could make a specific request for a particular driver because:

- the driver is familiar with the passenger's transport requirements and destinations;
- the passenger is familiar with the driver which can relieve anxiety levels.

Question 10 – Do you agree that the core requirements for passenger safety can be achieved through:

- reporting serious complaints to the NZ Transport Agency – to ensure a P endorsement holder remains fit and proper, the person or company responsible for providing the service* would be required to notify the NZ Transport Agency of any complaints received alleging serious improper behaviour by a driver. The person or company responsible would also be required to support the NZ Transport Agency or the NZ Police in undertaking any regulatory or compliance action.

*This would be a driver under option 3 or an approved transport operator under option 4

Blind Citizens NZ's Comment: We support serious complaints being reported to the NZ Transport Agency for follow-up. However, we believe the NZ Transport Agency should invest more resource into following up complaints. We offer this view as our impression is, that in recent years the industry has become rather casual about the handling of standards and complaints.

What are the right core driver safety rules we need for the future small passenger services system?

Question 11 – Do you agree that the core requirements for driver safety can be achieved through:

- power to refuse to accept some passengers – this enables drivers to refuse to accept passengers if drivers consider that their personal safety could be at risk.

Blind Citizens NZ's Comment: Blind passengers travelling with a Guide Dog are often negatively impacted by drivers who refuse or show a reluctance to carry Guide Dogs. Whether for medical or religious reasons, or fear of dogs, this presents a difficult and often uncomfortable situation for the blind passenger. In situations where the taxi driver simply drives off, this may not be able to be reported without sighted assistance for identification. Thus the would-be passenger is left waiting, and waiting... Blind Citizens NZ believes there is insufficient familiarisation with the laws regarding service dogs as part of driver training, and we do not believe that drivers should have the option of refusing to carry anyone with a Guide Dog. We question whether moral scruples, fear of dogs or even allergies should constitute an excuse for situations such as this to arise.

Thus, while it is established that a driver can refuse to take a passenger, it must be evident in the rules, that if that does happen, that there must be a clear obligation on the driver to substantiate good reason for such refusal. Blind Citizens NZ believes that without substantiation, as already identified, it would be far too easy for the driver to refuse a passenger because of their sexual orientation (e.g. they appeared to be gay / homosexual), or because of their ethnicity, or because they were accompanied by a guide dog, etc. For these reasons, we believe the authenticity of any such refusal must be measured in the context of delivering a service to the public.

- Question 12** – Do you agree that the core requirements for driver safety can be achieved through:
- duty to promote driver safety – this requires drivers (under option 3) or approved transport operators (under option 4) to make business choices from the range of mechanisms available to them. Such measures would be in addition to the mandated safety requirements.

Blind Citizens NZ's Comment: Although there must always be a responsibility for operators to promote driver safety, Blind Citizens NZ opposes anything that reduces fundamental requirements on the grounds that they will be picked up by operators anyway. Our view is this would simply allow some operators to sacrifice driver safety in order to cut costs and under-cut other operators. We believe this can only result in a race to the bottom which will leave drivers and passengers more vulnerable.

What are the right core in-vehicle security camera rules we need for the future small passenger services system?

Question 13 – Do you agree that the core requirements for in-vehicle security cameras can be achieved through:

- in-vehicle security cameras – all passenger service (all taxi, private hire, shuttle, dial-a-driver, and rideshare) vehicles would have to meet the existing rules for in-vehicle security cameras that currently apply to taxis.

Blind Citizens NZ's Comment: Our view is that taxis are held to a higher standard than other operators and the requirement for cameras is indicative of this. Thus we believe that all vehicles providing passenger services should have cameras like taxis do now. But we believe it would be extremely hard to justify for vehicles such as wedding cars and limousines hired out for private use.

When considering this particular question, Blind Citizens NZ suggests that perhaps the NZ Transport Agency has painted itself into a corner here, because it has shown that it favours having the same rules for everyone, and yet on this important issued, would not want to see cameras removed from taxis. From the perspective of Blind Citizens NZ, this highlights our view that there should be a distinction between what might be regarded as general transport services, and more specialised transport services, such as suggested in Option 2.

Question 14 – Do you agree that the core requirements for in-vehicle security cameras can be achieved through:

- exemption from camera requirement – the NZ Transport Agency would exempt a vehicle from the camera requirement where a driver (under option 3) or an approved transport operator (under option 4) met all of the following criteria:
 - providing services to registered passengers only – the service is only provided where the passenger is registered with company or driver
 - collection of driver and passenger information – when registering with the company or driver, a passenger and driver must provide their name, photo, address, and phone number

- availability of driver and passenger information – before each trip starts, the company or driver makes the name and photo of the passenger and driver available to each other
- retaining a record of each trip – the company or driver keeps a record of each trip, including the start and end points.

Blind Citizens NZ's Comment: The collection of information to avoid having a camera, we believe, would involve a significant amount of administrative work thus resource. We also query what would prevent a driver from picking up non-registered passengers, and who would police these instances.

For these reasons, and others, we do not support having exemptions for security cameras as suggested. In our view it is not simply a matter of exchanging photos and information before the trip to keep people safe.

As pointed out in the Consultation Paper “There are unique personal safety risks to both passengers and drivers in the small passenger service sector. These risks exist because drivers and passengers have little information about each other, and they are then both isolated within the vehicle.” (refer page 6, paragraph 3). Then in Question 3, improved features of the small passenger service are highlighted. With exception to situations we have identified, Blind Citizens NZ believes cameras are paramount to giving priority to the safety of the driver, and passenger. For any sort of allegation can be made, even a false one, and without a camera to provide much-needed evidence, it would only be one person's word against the other's.

As cameras nowadays are relatively cheap, this is one form of protection that can provide independent evidence of what exactly took place during a given trip.

What are the right fatigue management rules we need for the future small passenger services system?

Question 15 – Do you agree that the core requirements to mitigate driver fatigue can be achieved through:

- work time and log books – current requirements permit taxi drivers to drive for up to 7 hours before taking a break, and the rest of the sector up to 5.5 hours before a break. The review proposes applying the work time requirements for taxi services to the whole sector under the single class approach.

Blind Citizens NZ's Comment: In general, we support the alignment of work time limits across the small passenger services system.

What are the right vehicle safety rules we need for the future small passenger services system?

Question 16 – Do you agree that the core requirements for vehicle safety can be achieved through:

- Certificate of Fitness – this is a general safety check. It is more robust than a Warrant of Fitness for private cars and is required every six months.

Blind Citizens NZ's Comment: We support the core requirement for vehicle safety of having a Certificate of Fitness undertaken every six months, and that this is applied across the small passenger services system.

What are the right consumer protection rules we need for the future small passenger services system?

Question 17 – Do you agree that the core requirements for consumer protection can be achieved through:

- agree the basis of the fare – drivers would have to agree the basis of the fare with the passenger before the trip starts. This could be a set fare or a per km rate. The fare could also be agreed between the passenger and the company at the time of booking.

Blind Citizens NZ's Comment: In general, and whilst we have some aspects to flag for consideration, Blind Citizens NZ believes there is merit in drivers or the company agreeing the basis of a fare with the passenger, before the trip starts. However, we do not believe this should be a substitute for providers of general community transport services to publish and register a schedule of fares.

The points we raise in conjunction with agreeing the basis of the fare prior to the trip starting include:

- unless this was a set fare for a regular trip established previously between the company and the passenger, any successful negotiation between the driver and passenger may be problematic;
- the time taken for the trip, which includes time waiting at traffic lights, can make a huge difference to the fare and may influence the driver (or company's) willingness to agree before the fare prior to it starting;
- that passengers using the Total Mobility Scheme receive their entitlements and are not disadvantaged in any way.

Please refer to our response to Question 20 which proposes the removal of rules governing pricing.

Question 18 – Do you agree that the core requirements for consumer protection can be achieved through:

- driver to take most advantageous route – this would require the driver to take the route that is most advantageous to the passenger (unless agreed otherwise for example where multiple passengers are going to different locations within the same trip).

Blind Citizens NZ's Comment: We support that unless otherwise agreed by the passenger with the driver, that the driver should take the route most advantageous to the passenger.

Question 19 – Do you agree that the core requirements for consumer protection can be achieved through:

- Driver to accept first hire offered – this imposes a duty on the driver to accept the first hire offered (subject to exceptions for driver safety) so a driver could not refuse to take passengers only travelling short distances.

Blind Citizens NZ's Comment: Yes, drivers should be required to accept the first hire offered, thus avoiding drivers picking and choosing fares which would otherwise be based on the level of financial recompense received. The only exception we believe should exist, as flagged, is when the driver's personal safety is under threat. The requirements for refusing a fare having already been addressed in Question 11.

What rules are no longer needed to control specific outcomes, leaving companies to their own business decisions?

Question 20 – Do you agree that the following is no longer required?

- registered fares – the Ministry of Transport's review proposes removing the rules governing pricing that require taxis to register their fares with the NZ Transport Agency and charge using a meter. Instead, the Ministry of Transport's review proposes that all small passenger service drivers should have a duty to agree the basis of pricing with the passenger prior to the commencement of the trip or when the booking is made. This would mean the NZ Transport Agency would no longer have a role to intervene in fare disputes between passengers and drivers, and existing consumer protection law (Consumer Guarantees Act 1993 and the Fair Trading Act 1986) would be relied on.

Blind Citizens NZ's Comment: It seems that this recommendation suggests that operators would no longer need to register fares with the NZ Transport Agency. If this approach is taken, we ask what happens when the driver and passenger are unable to agree a fare? Given the passenger's need for the taxi at the time, is probably greater than the need of the driver for the passenger, we believe the passenger is immediately at a disadvantage. The NZ Transport Agency should not therefore, divest itself from aspects of pricing. In our view prospective passengers need to have some idea of comparative pricing in order to have a choice, so the rates do need to be registered and published in order to know whether what is being proposed or charged is fair and reasonable. The process of lodging complaints to seek redress is not one that appeals to all, and may have added complications if the passenger is blind. Although the dispensing of meters may get over the problem of being unable to read them, the alternative in our view, is going a bridge too far.

The following comment considers what happens if a fare is just agreed verbally. For if there is nothing to show what the agreed fare or basis for the fare actually was, there would be little recourse for either the passenger or the driver in the event of a dispute. However, if that information is published, passengers have the opportunity to verify that information in advance. This approach would also act to avoid vulnerable people being taken advantage of by transport providers who might realise their predicament, and demand an abnormally high price for the job. Such behaviour, if it was to occur, would be in direct conflict to the idea of transport being seen as an essential service in the community.

We believe therefore, that there is strong merit in retaining a meter, and, consistent with our feedback to Question 4, require metered information, to also be accessible to blind passengers.

Question 21 – Do you agree that the following is no longer required?

- regulated signage (including Braille) – the current rules set out specific signage requirements for taxi services that relate to the operator's brand, taxi roof sign, contact details, and fares. We propose removing these requirements. Operators would be able to make a choice about what signage they used and the information provided in it. The current rules require information in Braille: the name of the taxi organisation, its contact telephone number and the vehicle's fleet number. The Ministry of Transport's review proposes removing this requirement. Blind passengers can use alternative ways to obtain the information currently provided in Braille, such as enquiring at the time of booking, and using smartphone apps that provide a record of the trip.

Blind Citizens NZ's Comment: In the first instance our comments consider the need for signage in general. Drivers are plying the streets for hire. For this reason, the public deserves to have basic information so people can know with some confidence, that they are about to get into a genuine licensed small passenger service vehicle. Signage should not only be required and to comply with clear rules, but this must be enforced. It is our understanding that it is an offence for someone to maliciously display such signage if they are not properly licensed. Without a basic legal definition of the required signage, our view is it would be harder, if not impossible, to define such an offence. More to the point, without basic rules, a vehicle could look authentic at first glance, so the passenger may be misled into believing it is a taxi, and get into it. If such a situation occurred, could it be proved that the driver was genuinely trying to masquerade as a legitimate transport provider?

Our focus now turns to braille signage, and the proposal that this should no longer be a requirement. Blind Citizens NZ is vehemently opposed to this approach for the following reasons... Without braille signage, a blind passenger cannot independently identify that the vehicle they are getting into is really a taxi, or at least the vehicle they are intending to get into. While there is no doubt the blind passenger can talk to the driver, the absence of braille signage can potentially place the blind passenger at risk for they must then take a course of action to validate the driver is authentic. We know of instances overseas, where in some countries it is more common (if not the expected practice) for people to flag down a passing taxi, where a blind person has been picked up by a motorist masquerading as a taxi. Blind Citizens NZ is unyielding on the matter of braille signage, and requires this to be on all footpath facing passenger doors.

Although we acknowledge that a growing number of apps can and do indicate the identification of the vehicle that has been booked, the apps do not help in identifying that the vehicle the passenger is about to get in to, is the right vehicle, or even that it is a genuine passenger transport vehicle. Of even greater importance is that the percentage of blind people with technology of this nature is in the minority. The assumption that all blind passengers have smart phones and that they have sufficient competency to use them in the manner described, even assuming the company has the ability to provide this information, is in our view, ridiculous in the extreme. To suggest therefore, that when information is not available when a taxi is booked, that passengers simply refer to their smart phone for the required information, is unacceptable. We also question how will a smart phone help when a passenger picks a taxi up from a taxi rank?

Nevertheless, Blind Citizens NZ sees considerable potential in smart phone apps revolutionising the taxi industry, and we feel confident that an increasing number of blind people will be using smart phones in the next few years. Some blind people are already using the Uber service, and also apps provided by more traditional taxi services. But unfortunately some apps are not fully accessible and need to be upgraded to meet widely accepted accessibility requirements. One example is the recently developed Blue Bubble taxi app. Consistent with our approach that transport must be seen as an essential service in the community, technology such as apps must be designed from the outset to be accessible. At the same time however, care must be taken to ensure the industry meets the needs of a wide range of vulnerable, transport disadvantaged people. This includes those who do not have or cannot use a smart phone.

In the event it is decided that visual signage will be optional, then for any vehicle displaying visual signage, there must be a requirement that an approved braille equivalent sign be displayed on all footpath facing passenger doors. Otherwise any such new rules will in our view, sanction transport providers committing an act of discrimination on the grounds of disability i.e. they will be providing important information in a way that only sighted people can read.

Question 22 – Do you agree that the following is no longer required?

- area knowledge – taxi drivers in urban areas are required to have passed an area knowledge test. The purpose of the requirement is to ensure that drivers are able to take passengers on a direct route to their destination. The Ministry of Transport's review proposes removing the area knowledge requirement and leaving companies to make their own decisions. Technology, such as GPS systems, provides alternative means to achieve the objective. Passengers are also able to use this type of technology to track the route that the driver is using.

Blind Citizens NZ's Comment: Based on the experience of our membership (blind people), and we would be certain others fall into this category, Blind Citizens NZ does not support that GPS systems are a substitute for area knowledge.

Passengers are often visitors to a town, or to New Zealand. They may know where they want to go in broad terms, e.g. the Town Hall, the hospital, a local pharmacy, a local church, or some other destination that ought to be well known. But they may not know the address. Or the passenger may just want to be taken somewhere to get something good to eat. The driver may not need area knowledge but at least the service operator must have area knowledge which the driver must be able to tap into if he or she is to be only guided by GPS.

We also point out that while GPS is fine when it does work, it does not necessarily ensure the driver will take the most advantageous route. Sometimes the shortest route is not the quickest thus GPS does not, unless configured to do so, account for the number of traffic lights that will be encountered en route. Thus the "shortest" route may take longer and be more expensive. In general we believe most people would have more confidence in a driver with actual area knowledge since GPS doesn't always give all the right answers all the time. Not only is the driver dependent on their GPS, but in many cases this may also apply to the passenger. If GPS fails, the blind passenger can be at the mercy of a disoriented driver, which may result in lost time and / or a higher fare.

Question 23 – Do you agree that the following is no longer required?

- English language – taxi drivers are required to have a sufficient knowledge of the English language. The Ministry of Transport's review proposes removing the English language requirement and leaving companies to make their own decisions about the language competency of their drivers. The NZ Transport Agency considers that few drivers are currently tested.

Blind Citizens NZ's Comment: In our view there must be a requirement for taxi drivers to have a sufficient knowledge of the English language. From the perspective of Blind Citizens NZ, it is a serious concern that the NZ Transport Agency states in this section that in their view few drivers are currently tested, when it is stated in Section 3 that knowledge of the English language is a requirement of a P endorsement. If the public is to have any sort of confidence in the P endorsement, the requirements of the P endorsement must be enforced. This is of concern and explains why it may be that blind passengers are experiencing difficulties when communicating with drivers for whom English is a second language.

We reinforce our position noting that if transport is to be regarded as an essential service in the community, it is very important that drivers offering passenger transport services can speak English. In our view it is fundamental that the passenger and driver be able to communicate sufficiently. The ability of a blind passenger to communicate verbally with the driver is often essential for the passenger to end up in the right place. Even trying to spell out an address for the driver to put into his GPS can be fraught with difficulties if the driver is unfamiliar with the sound of the letters he is hearing. It must be acknowledged that for passengers with a hearing loss and who wear hearing aids, accents can be very hard to understand. Thus this situation will be compounded if drivers do not even need to have an understanding and command of basic English.

The driver needs to know where the passenger wants to go, and the passenger can inform the driver if it appears they are not going the right way. If the passenger has a change of mind, they may wish to deviate to another place, and/or they may have specific needs to communicate (even if something as mundane as can you please close the window, turn the air conditioning off or turn the music down / off).

Often taxi operators do more than just take passengers from the point of pick-up to the destination. They may assist in getting people to doors or guiding someone along a street for a short distance if they could not easily drop a person off at a suitable spot. There are many other common situations where a command of English is needed e.g. the passenger might be a child who is being taken from one place to another and the driver should be able to ensure, through proper communication, that the child has been safely delivered to the destination, and that the correct person has taken over responsibility for the child.

As a final point, if a driver does not have a basic knowledge of English, we find it hard to imagine how such a driver can meet other requirements that come with providing a passenger transport service. These include communicating with vehicle service people to ensure their vehicle is in fact safe, being able to respond to unusual signs that might indicate danger or the need to go a different way, communicating with their transport operator, communicating with people enforcing the relevant laws, and keeping records that can be effectively scrutinised.

Again it must be remembered that the subject under discussion is transport of the public, including people who are vulnerable and transport disadvantaged. Other people may be driving on our roads with no knowledge of English, but people providing a transport service must be held to a higher standard.

Question 24 – Do you agree that the following is no longer required?

- panic alarms – currently, taxis are required to have in-vehicle panic alarms. There are no mandated driver safety requirements for private hire vehicle drivers. The Ministry of Transport's review proposes removing the mandatory requirement for panic alarms. Drivers should be able to refuse to accept a passenger where they consider their personal safety could be compromised and passenger service operators should have a duty to promote driver safety. Passenger service operators should make their own business decisions on how they promote driver safety (which could include the use of panic alarms or other technologies).

Blind Citizens NZ's Comment: No comment.

Question 25 – Do you agree that the following is no longer required?

- passenger service licence (PSL) – regulatory compliance is currently managed through a range of mechanisms including approved taxi organisations, passenger service licence and driver obligations. The Ministry of Transport's review proposes requiring all passenger service operators to be an approved transport operator. A key responsibility of approved transport operators would be making sure all of their drivers had a P endorsement, worked within work time limits, and drove vehicles with a valid Certificate of Fitness.

Blind Citizens NZ's Comment: We do not support the proposed approach to Question 25. Of note from our perspective is that the discussion paper suggests it should no longer be a requirement that an approved transport service operator has a certificate of knowledge of law and practice. This is based on the idea that with fewer regulations as proposed, there is less need. But as the paper itself states, "the certificate demonstrates that the holder has acquired the necessary knowledge of the laws and practices as they relate to the safe, efficient and proper operation of a transport service". Blind Citizens NZ believes this still applies even if the compliance regulations are reduced. If not, we ask on what basis will such operators be approved? For whatever the regulations state, we believe that something like a certificate is needed as independent objective evidence that the operator is fit to be licensed to provide the service.

Question 26 – Do you agree that the following requirement is no longer required?

- 24/7 service – taxis are currently required to provide services 24/7 in large cities. There is no similar requirement for private hire operators (or carpooling or ridesharing). The Ministry of Transport's review proposes removing the regulatory requirement for taxis to provide a 24/7 service, and leaves operators to provide levels of service in response to their understanding of demand.

Blind Citizens NZ's Comment: Blind Citizens NZ does not support the Ministry of Transport's proposal that 24/7 services should no longer be required. In our view such a change would allow operators to cream off the more profitable transport activities and leave the less profitable activities to chance. We accept there are many services in a typical community which are left to the market to respond to demand. However, we also recognise that transport services must be economically viable, and emphasise that transport is a fundamental service in the community. Leaving the less profitable aspects of transport to chance could easily lead to the transport disadvantaged being subject to a kind of curfew, where they must get home before a certain time, in the knowledge that otherwise they may not make it home until the next morning.

Question 27– Do you agree that the following is no longer required?

- restrictions on private hire services connecting with customers – currently, private hire services can only take pre-booked customers. Taxis can take pre-booked or hailed customers. Shuttles can only take passengers travelling between specific destinations. The Ministry of Transport's review proposes removing the restrictions on how passenger service operators can connect with customers. This will promote enhanced competition and improved customer service.

Blind Citizens NZ's Comment: We disagree with the removal of restrictions on how passenger service operators can connect with customers.

Our reasons are that any operator providing individualised transport in the community, where the primary objective is simply to get from one place to another in a defined local area, or to take a journey in the local area that comes back to the same place, should meet requirements similar to the current requirements of a taxi. The mere introduction of new technology should not, in and of itself, be a reason to reduce such requirements, unless it can be shown that the new technology completely eliminates the need for a given rule. In short, if to all intents and purposes the operator is providing what most people would know as a taxi service, then it is a taxi service and should comply with all reasonable requirements of a taxi service. Hire services and other services must be regarded as meeting another more specialised transport need but must not allow to be a taxi service in drag.

Question 28 – Do you agree that the following is no longer required?

- driver passed driving test in last five years – all P endorsement holders have to have passed a full licence test in the five years preceding their applying for their P endorsement. The Ministry of Transport's review proposes removing this requirement. A fully licensed New Zealand driver is deemed competent to be on the road without having to sit ongoing tests (certain circumstances excluded). The existing provision of having passed a test in the last five years imposes a cost on the driver, with little benefit.

Blind Citizens NZ's Comment: We disagree with the five-year timeline. In our view, P endorsement holders must have passed a license test annually. If the public is to have confidence in the P endorsement, there must be certainty that the driver is in fact competent to drive. We believe that the vast majority of accidents, including fatal accidents, are caused by licensed drivers.

Thus, for a passenger transport service, it is not sufficient to simply rely on the idea that all licensed drivers are entitled to drive. We strongly believe that passenger service drivers are and should be held to an even higher standard.

Question 29 – General comments on the proposals in the Future of small passenger services — consultation paper

Blind Citizens NZ's Comment: On the one hand we welcome the opportunity this Consultation Paper offers, while on the other several recommendations and proposals raise concerns for blind people. From our perspective too many assumptions have been made about the availability of technology to everyone. Assumptions suggest those who rely on taxis (vulnerable and transport disadvantaged) to get to places and spaces, have unlimited funds at their discretion to purchase smart phones and/or other technologies with GPS. So while taxis may be a means for blind people to travel, this population of people may be disadvantaged should many of these proposals and recommendations proceed. Blind people and others in similar circumstances, will be left even more vulnerable and disadvantaged than they are right now.

To drive our point a little further, small passenger transport services, even when provided by private entrepreneurs, are a fundamental service in the community. Thus we offer the following analogy. We draw attention to the distinction between a shoe shop, which is a retail service that just survives completely on meeting demand, and a pharmacy, which provides a range of services people rely on. Both are privately owned businesses, however we believe you would agree that access to pharmacies and the services they provide should be subject to some regulation and not just left purely to the market. Likewise, there is a need for regulation of small passenger transport services to ensure the safety of passengers and drivers alike, and to ensure that everyone in the community, including the vulnerable and transport disadvantaged, have equitable access to transport in order to learn, work, recreate, socialise and live fully productive lives in the community.

Blind Citizens NZ believes that a service where the driver does not speak English, has no area knowledge, carries no identification, and has to agree the fare with their passenger at the start of the trip, is unlikely to appeal to the majority of taxi users. As a country that relies on tourism, Blind Citizens NZ questions the wisdom of having a transport fleet with loose rules around signage, area knowledge and the English language, and that this is not the best way to encourage visitors to enjoy our fair shores.

It would seem the NZ Transport Agency is trying to loosen the regulations in order to promote competition and thereby create more choice for the public. Whilst choice is great to have, in the event some of these proposals proceed, some taxi companies in our view, will opt for higher standards, and those companies will be the ones that blind passengers will support, while hopefully being able to avoid the others.

We mentioned in our feedback, that where any changes are made, that these must be compatible with the Total Mobility Scheme, and that users of the Scheme should not be disadvantaged in any way whatsoever. But there is a challenge because Uber operators do not accept Total Mobility.

Thus, while changes to the small passenger services are being made, Blind Citizens NZ urges that attention be given to the Total Mobility Scheme so that it is consistently applied and available throughout the country, including that Uber operators should be registered to accept this.

About Blind Citizens NZ

Founded in 1945, the Association of Blind Citizens of New Zealand Inc (Blind Citizens NZ) is New Zealand's leading blindness consumer organisation and one of the country's largest organisations of disabled consumers. Blind Citizens NZ's aim is to heighten awareness of the rights of blind and vision impaired people and to remove the barriers that impact upon their ability to live in an accessible, equitable and inclusive society.