

## **PASSENGER TRANSPORT (DISCIPLINARY POWERS)**

### **AMENDMENT BILL**

**Wednesday, 6 June 2007**

**The Hon D.G.E. HOOD:** This is another simple bill. Essentially, this bill seeks to force taxi drivers to allow on board their taxi blind people with guide dogs. We have a situation in our community at present where, in relation to visually impaired people with guide dogs, taxi drivers drive straight past or, if they are called to their house, simply refuse to take them on board. My mother is, and has been, legally blind for many years. She does not have a guide dog but, rather, uses a cane. She works at the Royal Society for the Blind at Gilles Plains. Many of her friends have approached me about this matter—which was the impetus for this bill in the first place. I was not aware how widespread the problem was. I have had significant contact with the Royal Society for the Blind during the drafting period of this bill and I have consulted with it extensively. I thank Mr Andrew Daly at the Royal Society for the Blind for his very able and generous assistance in terms of drafting this bill.

This bill will provide that taxi drivers no longer can drive past blind people with a guide dog who want a taxi. Indeed, this bill seeks to bring the taxi industry into line by ensuring people who are blind or vision impaired must be allowed to take guide dogs on board taxis. Family First is committed to ensuring that people with a disability are treated fairly and that they are given respect and full and equal treatment as equal members of our society. That is not something that is happening at present when it comes to taxis. While the majority of drivers and taxi booking services are doing the right thing, Family First is aware that a few drivers in the industry are failing in their obligation to provide dignity to people who are blind or vision impaired.

This simple amendment to the Passenger Transport Act, which was drafted in consultation with the Royal Society for the Blind, will ensure two things: first, it will clarify that guide dogs must be allowed in taxis; and, secondly, it will put the responsibility squarely at the feet of the taxi companies, as well as the

individual drivers, to do the right thing by providing for heavy fines on the booking companies if their taxis refuse to comply with the provisions.

I acknowledge that this concern was first raised as far back as November 2004, with the Minister for Industry and Trade, representing the Minister for Transport. In effect, through a member, a constituent complained that taxi drivers would regularly refuse to pick up their guide dog, or they would be rude and pull away from a taxi stand when they saw they were approaching a person with a guide dog, even if the taxi was empty. Anecdotally, taxi booking services will promise to provide a taxi which, however, often drives off on arrival when the driver discovers the potential passenger has a guide dog. Drivers regularly claim allergies to dogs or, in some cases, that their religious beliefs prevent their taking dogs. On some occasions they overcharge blind or vision impaired people who can read the meter.

Of course, the minister explained that those complaints were reasonable and explained that the penalties would be reviewed. Nevertheless, several years later, these complaints remain. I continue to receive a number of calls from constituents complaining that their guide dogs are often refused access to a taxi, or they are told to put their dogs into the boot of the car, for example, which is completely against the training that the guide dog has received. The guide dog simply cannot do that. This is a serious problem for the blind and vision-impaired community, who are made to feel like second-class citizens. Indeed, as I said, I have spoken to a number of vision impaired people who have experienced this themselves. My office also contacted the Disability Advocacy and Complaints Service of South Australia to confirm the extent of the problem and were told that it also continues to receive a steady number of calls about taxis refusing to allow guide dogs on board.

The federal Human Rights and Disability Discrimination Commissioner, Graeme Innes, has even complained about this issue. Mr Innes is blind himself and is reliant on a guide dog. In a *Daily Telegraph* article in May he indicated that he was refused service on average at least once at month. One particular constituent quite rightly brought a complaint to the Passenger Transport Board after a similar experience. The complaint was brought before the Standards

Committee in December 2005, but the driver avoided discipline, apparently on the basis that the rules requiring guide dogs to be allowed in taxis were not sufficiently clear—and, hence, the impetus for this legislation. There we have an example of a complaint against a taxi driver for not taking a guide dog in the taxi. Everybody believed the law was clear but, in fact, when the situation went to the Standards Committee in December 2005, the taxi driver (in layman's terms) got off because the legislation apparently was unclear. The purpose of this legislation is to make the legislation absolutely clear.

Regulation 57(3)(e) of the Passenger Transport General Regulations 1994 appears to provide that drivers can exclude non-working animals from their taxi. However, there does not appear to be, on our reading of it, a clear obligation to carry working animals. They can exclude non-working animals, but there is no obvious obligation in the act that they have to carry working animals. One would think that is implied by the words but, again, as I said, there have been cases where taxi drivers have received no penalty and have simply walked away from the tribunal hearings. Some Transport Board decisions have implied a responsibility but, if this constituent's experience is anything to go by, the ambiguity of the regulation is causing some difficulty. Parliamentary drafters have obliged our request to make the requirement for carrying a guide dog clearer. The bill specifies that the Standards Committee can hear a disciplinary action if an accredited person has failed to comply with a provision of the Equal Opportunity Act 1984, an act which includes safeguards for people using guide dogs.

There is a second issue. Taxi booking companies are avoiding disciplinary fines at the moment, because they maintain that they only act as a booking service for their drivers and, therefore, have no responsibility. That issue is important, and the Royal Society for the Blind has made the shifting of responsibility onto taxi booking services one of its key recommendations to resolve this problem. It is one of the two things that will be changed if this bill becomes law. Importantly, this simple amendment also sheets home responsibility to the centralised taxi booking services. Section 29(2) of the Passenger Transport Act provides that the centralised booking services must be accredited and, there-

fore, parliamentary counsel and our other legal advice assure me that they would now also be liable for discipline by the board should they not comply with a provision of the Equal Opportunity Act 1984.

Family First agrees that one of the best ways to improve the situation for the blind and vision impaired is to start hitting taxi booking services where it hurts, and that is in the hip pocket, so to speak. I can easily imagine that, as soon as taxi booking services themselves have to start paying fines, the quality of their driver training in this area and internal disciplinary procedures will instantly improve. The Equal Opportunities Commissioner, Linda Matthews, is in agreement with this issue. That is at least one thing that Family First and Linda Matthews agree on. Back in May she appeared on radio station FIVEaa, on Leon Byner's program, to make this important point: that taxi companies were dodging their obligation by putting all of the responsibility on the drivers themselves. She said:

*Some of the owners are saying to us, 'It's not our responsibility, because the taxi drivers are the only ones responsible.'*

Family First believes that our bill will resolve that concern once and for all. The Royal Society for the Blind has provided free driver training and information for many years, and the taxi industry has promised time and again to lift its game in this particular area; however, in spite of this, some taxi drivers continue to ignore the needs of people who are blind and vision impaired.

I acknowledge the recent Adelaide Cab Drivers Association annual general meeting which discussed this issue, and the Taxi Council Task Force recommendations which include improved driver training. I believe that this bill will work appropriately within those recommendations. The Guide Dog Association recently began printing guide dog friendly stickers for some taxi services. Family First strongly believes that all taxis should be guide dog friendly and that all taxi companies should afford dignity to our blind and vision impaired citizens. As I said, my mother is legally blind and, whilst she does not have a guide dog herself (she does use a cane), we have many friends of the

family who are legally blind and who use guide dogs. They have been the main impetus for this legislation.

I would like to conclude by stating plainly and for the record that the overwhelming majority of taxi drivers do the right thing. This is not a bill aimed at punishing taxi drivers themselves or the taxi industry in any way, shape or form. In fact, by and large, we have a taxi industry that does the right thing. Most taxi drivers are more than happy to help people who are visually impaired, whether or not they have a guide dog, but a small number of them simply will not do the right thing, regardless of many attempts at training them or providing different schemes and systems to assist them, and in helping people to have the guide dogs inside the taxis. There is a small number of taxi drivers who simply refuse to do it and this bill will make it impossible for them to refuse to do it. First, it will place the onus on the taxi drivers themselves to pick up somebody with a guide dog and, secondly, it will place an onus on the taxi company to ensure that their drivers are doing the right thing. I commend the bill to the council.