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## Opening Statement

### About People With Disabilities ACT (PWD ACT)

PWD ACT is a systemic advocacy organisation which is operated by people with disabilities for people with disabilities to represents their views and interests. PWD ACT works to improve access to information and community activities and to inform the community about disability issues. Our commitment is to improve access to all amenities and to all forms of information and activities in the ACT community. We seek to do this by bringing the lived experience of disability to the consideration of policies for the provision of services and facilities for people with disabilities. PWD ACT also works to inform the community about disability issues. **As PWD ACT an ACT organisation, our submission focuses on the implementation of the Standards and instances of the accessibility and inaccessibility of transport in the ACT. PWD ACT has had the advantage of reading the submission prepared by the Australian Federation of Disability Organisations and records its agreement with the points made in that submission.**

### United Nations Convention on the Rights of Persons With Disabilities

We draw attention to this Convention which Australia has ratified. The following Articles of this Convention are particular relevant to the provision of public transport. Article 9 – Accessibility, Article - 19 - Living Independently and Being Included in the Community, Article 20 - Personal Mobility and Article 21 - Access to Information. Access to transport is also particularly relevant to rights guaranteed by other Convention Articles including:- Article education, Article 25 Health, Article 26 Rehabilitation, Article 27 Employment, Article 30 culture and recreation.

### General Comments

The DDA Transport Standard sets accessibility targets to be reached in 2007 and 2012. Because the 2012 Review follows hard on the heels of the Government's response to the 2007 review, which was only released in 2011, disability organisations find themselves responding to the targets in both reviews at the same time and the value of the 2007 Review has been severely diminished. PWD ACT believes that there is a fundamental problem with the current process for evaluating the DDA Standards of reporting against pre-set targets. PWD ACT suggests that the Review consider the information on the Workplace Gender Equality Agency website relating to effective monitoring and report as the basis for changes to increase the effectiveness of reporting against the DDA Standards. <http://www.wgea.gov.au/>

### The Impact of the Standards

PWD ACT observes that since the 2007 Review, there has been some minor improvements in the accessibility of public transport conveyances, information and infrastructure. In particular, there has been an increase in the numbers and proportions of the bus fleet which are accessible. In Canberra, buses are the main forms of public transport. There has also been an increase in the appearance and use of ramps and tactile ground surface indicators (TGSIs). However, in other areas, poor implementation of upgrades to infrastructure has created access

barriers which have severely decreased the accessibility and useability of bus transport for people with disabilities. This is best illustrated by changes in both Civic and Belconnen which have relocated taxi ranks to positions where they are not 'accessible' to people with visual or severe mobility disabilities. PWD Act points out that for transport to be 'accessible' the whole journey must be accessible. Transport is not accessible in circumstances in which a person can board an accessible bus but can't board the next bus, or find and obtain a taxi or where only two of the four required bus stops are accessible. Accordingly, PWD ACT would say that in the ACT, the Transport Standards have not to date succeeded in their objective of removing discrimination in access to public transport for people with disabilities.

In relation to buses, we continue to receive reports of:

difficulty in finding accessible buses at the times people need to travel;

poorly designed and located and inaccessible bus stops and bus interchanges;

no onboard announcements;

poor practices in boarding and securing people whose wheelchairs;

No provision for larger scooters; and lack of co-ordination and easy access routes between buses and taxis.

In relation to taxis, in the 2007-2012 period, there was overwhelming evidence, in terms of the lived experience of people with disabilities and items in the mainstream media, that the targets in the DDA Standards for access to taxi services were not being met. People with disabilities were being kept in their homes, stopped from getting to work, missing business and medical appointments and unable to go shopping or have a coffee with friends because they could not get taxis. This was despite the conduct of a major review of the ACT Taxi Service, reports by a number of highly paid consultants and various public consultation processes. In late 2012, after much delay, a centralised booking service (CBS) for WATS was introduced. This was done despite the failure of this process in other States. The disability sector's preferred model which would integrate WATS into the ACTION Bus Fleet to realize potential for seamless access of buses and taxis (the two most used forms of public transport in the ACT), was rejected. While we have not seen the public examples of failures of the WATS service which were so prominent in the Act media in 2011 and 2012, our lived experience tells us that the ACT WATS service is still failing to provide an equivalent and non-discriminatory service for people who need it and that the 2012 performance standards for WATS services are not being met.

In relation to airline travel airlines providing services to and from the ACT use smaller aircraft. This means that people travelling to and from Canberra are disproportionately affected by limitations on carriage of multiple guide dogs and mobility aids. Most small aircraft do not have safety on board information in braille and on many larger aircraft the inflight entertainment systems are inaccessible for people with vision and cognitive disabilities.

The ACT is slow to implement reforms. Audible announcements on buses have been in Western Australia for some time. There was a consultation in Canberra in 2012 but we have heard no progress since then.

PWD ACT argues that the above examples taken from the ACT experience suggest that the greatest areas of need with regard to the accessibility of public transport are to increase both the pace of implementation of access measures and the effectiveness of the implementation of access measures. This is particularly so with respect to the inclusion of access measures in upgrades of the ACT's transport infrastructure for buses, trains and aircraft and the regulation and provision of the taxi service.

#### Suggested Amendment

See our comments above in relation to the use of monitoring and reporting requirements similar to those used by the Workplace Gender Equality Agency.

PWD ACT also supports an amendment to the Transport Standard to address the issue highlighted in the Federal Court decision in Harracksen's case in which the Federal Court expressed the view that a breach of the Standard would not amount to an offence of Disability Discrimination.

PWD ACT also supports the amendment of the Standards to bring forward the timetable for providers of school bus services to meet access requirements. We also argue for the review and repeal of current exemptions for operators of small aircraft as these have a particularly severe effect on transport to and from Canberra.

#### Complaints Processes

PWD ACT supports the views expressed by other consumer and advocacy groups that the complaints process under the DDA Standards is not user friendly. This explains why people do not lodge discrimination complaints based on the Standards. The complaints process puts a financial, physical and emotional burden on people who are already vulnerable. Even people who are not vulnerable find it difficult to bring a disability discrimination complaint in circumstances in which the outcome could be liability for legal costs and the loss of such assets as a person has been able to accrue by their own hard personal effort.

PWD ACT supports a complaints process which lessens the burden on complainants, does not expose them to legal or financial risk and which is. We suggest that rather than a process which emphasizes the lodging of a complaint and a complainant's defensive response, the process should be an investigative process which is focused on the finding of solutions to accessibility issues.