



Response to the Review of the Disability
Standards for Accessible Public
Transport 2002 Draft Report

14 July 2014

About Queenslanders with Disability Network (QDN)

QDN has been established as a network of, for and with, people with disability for eleven years. The Network regularly brings members together to campaign on issues that impact upon their lives. From such gatherings, and through input from Local Area Networks, members determine the focus of the Network and the activities to be undertaken.

QDN has over 600 members across Queensland. All of QDN's members are people with disability.

Value Statement on People with Disability

Since its inception, QDN has spent considerable energies clarifying the values that underpin its way of working and interacting with other agencies. The following statements articulate the values of QDN, in relation to the place of people with disability in an inclusive Australian society.

QDN believes that:

- All people with disability have a right to a place in the community and contributions to make to community. This is as empowered, free citizens who are valued, present, participating and welcomed as members of any dynamic and diverse society.
- The place of people with disability in the community is not just about people with disability having a house in the community. The crux of the issue is that they are welcomed in the community as ordinary citizens where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents, and their lived experiences of disability are recognised and acknowledged.
- Culturally and historically, people with disability are not afforded the same value, opportunities or access to community life as the rest of the population.
- Any inclusion in community for people with disability is conditional and vulnerable to withdrawal.

An example of this is "forced co-tenancy", where people with disability are forced to share public housing and supports with other people with disability ?not of their choosing or risk having both housing and supports withdrawn.

- Many people with disability in Queensland are excluded from the most basic experiences of ordinary lives.
- Current exclusionary practices are unacceptable and must be challenged.
- These issues affect not only people with disability but the whole community.
- The responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.

Introduction

Access to transport and the associated built environment of our communities are a cornerstone of the significant reform of the disability sector in Australia. The National Disability Insurance Scheme (NDIS) will provide greater social and economic participation for approximately 400,000 Australians with disability. Much of the benefit of the scheme depends on the mobilising of a large number of people in our community. Many people will have the chance to play a more active role in society, and this will involve a heavy reliance on public transport.

The Disability Standards for Accessible Public Transport 2002 have driven a massive change in accessible transport for many people, but the reality is that there is still much to be done in fully achieving their initial aims.

Queenslanders with Disability Network (QDN) is grateful for the opportunity to contribute to the policy debate on such important issues. QDN is a member driven organisation that represents the views of people from all disability types. Many issues that our members have raised cross disability specific boundaries and others relate to more detailed aspects of accessibility.

Recommendation 1 — National reporting on compliance

That the Australian Government, jointly with state and territory governments, establish a national framework for reporting on compliance by 30 June 2016.

The Review notes the significant shortfall in performance of many sectors under the existing standards and the targets set. This reflects the experience of QDN members, and we welcome this acknowledgement. It is important that these standards and any changes that are proposed continue to be monitored in their implementation and associated compliance. QDN would urge that the framework should be highly transparent, both in method and reporting, as we believe this will further encourage agencies and providers to demonstrate their commitment to making Australia a world leader in access to transport and the built environment.

Recommendation 2 — Modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, commence a process for updating and modernising the Transport Standards. This work should be undertaken in close consultation with local government, industry and the disability sector, and include research on the technical issues raised in this review, the development of options, and assessment of the impact of any proposed changes to the standards, with this work to be completed by 30 June 2016.

The modernisation of the Transport Standards is welcomed by Queenslanders with Disability Network (QDN). It is critical that in modernising standards, and more specifically by merging the AS1428.1 and AS1428.2 standards, the more generous provision is adopted. Any amendments in Transport Standards must result in improved outcomes for people with disability, or at the very least, no diminution of the existing standard. QDN encourages harmonisation with international standards (ISO or CEN) as a minimum, and careful consideration by panels with broad representation of all stakeholders (as per Standards Australia guidelines) where variations or new standards are required to improve access. We urge transport agencies to ensure service users are involved in all facets of this process.

Recommendation 3 — The complaints process

That the Australian Government considers the concerns raised about the complaints process.

The current complaints process places all the responsibility on the consumer. People with disability, in many cases, lack the resources to pursue a case through the current system. Complaints should be made possible through an industry body with investigative powers, rather than placing the onus on the individual to pursue their claim through the Human Rights Commission.

The current system results in isolated complaints reaching the courts. In the case of *Haraksin vs Murrays Australia Ltd 2013*, the decision applied only to a specific bus route, and did not have implications across the company, let alone sector wide implications. This means that individuals continue to fight lone battles (with potentially catastrophic financial ruin should they fail) to change circumstances on a case by case basis, with little incentive for sector-wide reform.

Recommendation 4 — Whole-of-journey accessibility

That the Australian Government, jointly with state, territory and local governments, develop accessibility guidelines for a whole-of-journey approach to public transport planning by 31 December 2015.

QDN fully supports any action that will improve the whole-of-journey accessibility of the public transport system. Public Transport is set to become a key element in the broadening social and economic participation of people with disability resulting from the implementation of the National Disability Strategy and in particular the National Disability Insurance Scheme (NDIS). Public Transport will facilitate the movement of many people who for too long have been left stranded at home, with few opportunities. As options for people with disability increase, they will be looking at how these possibilities will work on a practical level. Transport accessibility and affordability will be key considerations.

Many people with disability will be looking to use unfamiliar routes, and potentially utilising more parts of the public transport system. The whole-of-journey accessibility is a barrier raised by many people with disability. Fragmented approaches to achieving access in all

elements of a journey results in disruption and higher costs for transport users with disability. The importance of this aspect of the standards has never been greater.

Recommendation 5 — National motorised mobility aid labelling scheme

That the Australian Government in collaboration with state and territory governments develop and implement a national motorised mobility aid labelling scheme.

The introduction of a National motorised mobility aid labelling scheme is welcomed by QDN but with a cautionary note. QDN understands the significant role the labels can play in assisting consumers to make informed decisions at the point of purchase. A labelling scheme will undoubtedly make decisions easier in determining what mobility aid will be suitable for use on different types of public transport.

The concern for consumers is the potential for a label to effectively become a licence to use public transport. People with disability have laws that articulate their right to use public transport, and they should not be required to have a sticker on their mobility aid to exercise their rights.

The Draft Report states

All public transport mode operators including operators of small aircraft and a number of governments called for the development of a motorised mobility aid labelling scheme to assist both potential purchasers of mobility aids at the point of sale to determine which devices best suit their requirements and public transport operators to make a timely decision on whether to allow motorised mobility aids onto public transport conveyances.

QDN has concerns that this will result in people with disability being refused access to public transport as a result of a “timely” glance at a mobility aid in search of a label. If a person has their mobility aid modified, will this result in a new label having to be sought- all at the person with disability’s time and expense to simply exercise a right they already have.

So, QDN absolutely supports the use of a mobility aid labelling scheme as a means of informing consumers at the point of purchase. QDN can also see that many people with disability will choose to leave the label on their mobility aid to avoid any confusion with public transport operators. That said, QDN equally believes that the presence of a label must not be mandatory in accessing public transport. If the label is to be used to limit access to certain conveyance types, QDN believes alternate and equitable options must be provided for those excluded by the new requirements.

Greater consumer engagement is necessary in the development of a national motorised mobility aid labelling scheme, with a parallel commitment by providers and regulators to delivering reliable services that ensure whole of journey transport for such devices.

Recommendation 6 — National wheelchair accessible taxi compliance milestones

That the Australian Government, jointly with industry, state and territory governments, develop consistent national compliance milestones and response times for wheelchair accessible taxis by 30 June 2016.

QDN supports the development of national milestones for compliance and response times for wheelchair accessible taxis (WAT). As Queensland currently has a relatively high proportion of WATs, QDN's support is conditional on the milestones being at least at the level provided in Queensland currently.

Recommendation 7 — Review of Disability Access Facilitation Plan

That the Department of Infrastructure and Regional Development, in close consultation with the Aviation Access Forum, undertake a review of the Disability Access Facilitation Plan initiative by 30 June 2015, with the aim of improving the overall effectiveness and accessibility of the plans.

The Disability Access Facilitation Plans play a role in the provision of accessible air travel for people with disability. While these plans are important, they do not address the significant barrier of airline policies limiting the number of passengers using wheelchairs on flights. This issue is a significant barrier, particularly for regional and rural Australia, that must be changed. Clearly, airlines are unwilling to change their policy voluntarily, so standards must be introduced to not allow this type of discrimination to continue.

QDN members have reported a similar policy regarding the limiting of the number of assistance dogs permitted on a single flight. Again, a serious barrier for people with disability to overcome – one that standards must alleviate, by making very clear what the rights of people with disability are. Allowing “the market” to determine the appropriate provision of service for people with disability, has resulted in unfair treatment of people with disability, with standards imposed on the industry being the only solution to achieve real change.

Training for Transport Staff

The Draft Report's finding on Page 83 regarding the need for staff training improvement is strongly supported by QDN. Many QDN members report positive experiences on some modes of transport, but frequently report negatively about others. QDN members frequently report that their public transport choices (if available) are largely influenced by the service received by the staff involved. This illustrates that effective disability awareness training is critical for an improved consumer experience, but will also provide a commercial return for the transport providers.

Some QDN members have reported that Assistance Dogs are sometimes refused entry into taxis. This is a clear example of the need for improved disability (and regulation) awareness training for drivers.

Research also illustrates the importance of effective staff training in ensuring the safety of people with disability. The appropriate use of loading devices and securement or restraint equipment (unless designed to be used by the wheelchair operator) has been shown to be a critical factor in ensuring the intended level of safety. Frost, van Roosmalen, Bertocci & Cross (2012) explore this issue in more detail.

Mobility Aid Restraints on Buses

QDN is pleased that the Draft Report discusses the importance of the mobility aid restraint issue on buses. However, QDN is concerned that the Draft Report does little more than promote further discussion in this area.

Since QDN's previous submission, one of our members was thrown from one side of the bus to the other, with himself and his chair coming to rest on their side.

Thankfully only minor injuries resulted. He has spoken about the child who was sitting exactly where he came to rest (but thankfully got off the bus a few minutes before the incident). The person has not travelled on a bus since. The possibility of injuring another passenger if a similar incident occurs has discouraged him from using buses.

This issue is real and is happening now. Action needs to be taken to address this. QDN understands that this is a very complex issue with potential solutions being expensive and having significant ramifications for the bus industry. QDN also notes that in recent years new international standards have been released (ISO10865 Part 1 & 2) that offer containment systems for use on transit buses and similar conveyances. The challenge of addressing this issue should not be used as an excuse for inaction. Like so many other aspects of the disability sector, the cost of inaction may be greater, and it is clear there may be opportunity to adopt emerging solutions or be innovative with export potential.

QDN supports the Draft Report in identifying the need for further consultation on this issue with all stakeholders to decide on the best approach forward. However, QDN sees that this issue should be made a priority by including it as an eighth recommendation.

Dedicated School Buses

QDN believes that the current exclusion of dedicated school buses should be lifted. As schools become more inclusive over time, so must the transport system that supports them. A major part of the social aspect of schooling is often the trip to and from school. For that trip to be denied (and condoned by the current exclusion) is a significant gap in the progress Australia is making in being inclusive of all people.

QDN acknowledges the complexities of this issue, and the need for this service may be low currently, but changes to standards require forethought, and the identifying of future need. QDN is aware of cases of student travelling in orientations and securement arrangements on school buses that would be illegal in any other conveyance. The fear of speaking out because children may be denied transport to school must be removed – no sector of our community should be subject to lower safety (or real hazards) in order to reduce costs for service providers or government.

Coach industry

The accessibility of coaches is a very important issue for people with disability in regional areas. Many towns do not have regular, or any, rail service. This means that the coach industry is the sole public transport option for many. The imposition of Transport Standards on an industry that undoubtedly operates on small profit margins must be subsidised to facilitate the process. Funds should also be made available to encourage innovative solutions to enhance accessibility while maintaining cost effective utilisation of coach services.

Public Transport Information

The Finding on Page 78 of the Draft Report identifies the need for accessible information to be provided at stations and on conveyances. The provision of the information must be the responsibility of the transport operator. Many people with disability do not have access to the technology of others (e.g. smartphones) due to financial and/or literacy barriers. Information should not become a BYO commodity.

QDN members have had positive experiences with “Real-time” announcements on selected bus routes. This has made the use of public transport far easier for people with vision impairment, and national rollout of such technology is much anticipated by people in the disability sector. This information is helpful to all people, particularly those travelling on unfamiliar routes.

Reference

Frost KL1, v. R. (2012). Wheeled mobility device transportation safety in fixed route and demand-responsive public transport vehicles within the United States. *Assistive Technology*, 87-101.