



14 July 2014

Dear Secretariat members

Review of the Disability Standards for Accessible Public Transport

Queensland Advocacy Incorporated congratulates the Department of Infrastructure and Regional Development (the Department) for releasing the Draft Report on the 2012 Review of the *Disability Standards for Accessible Public Transport 2002* (Cth) (Draft Report) and thanks the Department for the opportunity to make further submissions.

Queensland Advocacy Incorporated has based this response to the Draft Report on its extensive casework and other experience working with people with disability, and on our own observations, interactions and conversations with people with disability, many of whom have claimed discrimination in accessing transport services.

Yours sincerely

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Director

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1. About QAI

QAI is an independent, community-based, systems and individual legal advocacy organisation. QAI's mission is to promote, protect and defend, through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

We hold ourselves to account by including people with disability as paid staff, in our membership, and in key board positions. Our board members have experience in advocacy, institutional living, community legal services, private legal practice, legal aid, accountancy and community work. QAI is a member of the National Disability Advocacy Network of Australia (DANA) and Combined Advocacy Groups Qld (CAGQ).

As well as its traditional systems advocacy QAI provides individual legal advocacy to people with a disability at risk of human rights abuses, particularly around guardianship and restrictive practice matters, and assists people required to appear before the Mental Health Review Tribunal. We also provide non-legal advocacy to people with disability at risk from the criminal justice system by working with legal and community services that help the person with a disability remain in the community.

We acknowledge that our comments in this submission were developed collaboratively with a number of advocacy organisations and people with disability around Australia.

Comments on the Recommendations

Queensland Advocacy Incorporated supports the recommendations made in the Draft Report. The report recognises that the effectiveness and efficiency of the *Disability Standards for Accessible Public Transport 2002 (Cth)* (Transport Standards) are vital for people with disability to engage and participate in the community, and promotes the benefits of accessible public transport to the broader community, including by way of contribution to the labour-force and planning for our aging population.

Recommendation 1 — National reporting on compliance

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

Queensland Advocacy Incorporated endorses the recommendation that the Australian Government, jointly with state and territory governments, establish a national framework for reporting on compliance by 30 June 2016.

We add that there must also be a Federal Government commitment to funding for the upgrading of public transport infrastructure. Without such an approach many local government bodies will be hard pressed to meet standards and to carry out their reporting obligations. There may need to be more formalised assessment of the various states and territories' compliance with the program and roll out as it appears that some are not meeting the agreed schedules. The process of developing details needs to include time for informed review and comment by the industry and then finalisation by June 2016.

Recommendation 2 — Modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, commences a process for updating and modernising the Transport Standards

Queensland Advocacy Incorporated endorses the recommendation that the Australian Government, jointly with state and territory governments, commences a process for updating and modernising the Transport Standards. This work must 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.

Recommendation 3 — The complaints process

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

Queensland Advocacy Incorporated endorses this recommendation, but in addition we would like to see the boosting of funding to disability advocacy organisations and to anti-discrimination bodies to enable people to proceed with complaints. Anecdotal evidence suggests that the vast majority of potential complainants never act because they are afraid to do so, because they may have internalised the offence caused by the lack of accessibility itself, as we saw in many of the people who use wheelchairs who spoke to us of their experiences with airline policies, and are frustrated by the fact that they need to complain in the first place. There *must* be standing for representative complaints on behalf of individual people with disability- it is not just that single individuals must take on the burden of complicated, costly and time consuming complaints processes.

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.

Queensland Advocacy Incorporated endorses this recommendation, but we add that the issue is not just whole of journey, but whole of service: part of an accessible system is not only accessible infrastructure but equality of opportunity in employment for every transport role that a traveller is likely to interact with or depend upon along the way. Governments must do more to comply with disability employment targets so that people with disability are just as much a part of the provision of transport as they are as clients of public transport systems.

Again, acceptable standards need to be developed for all aspects of transport systems such as ticket booths, waiting rooms/spaces, seating and reception counters.

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.

In addition we draw your attention to the fact that every state and territory currently has a different taxi subsidy scheme, creating inequities across the nation that cannot be justified. A user on one side of a state border has very different taxi entitlements to their neighbour who lives across the road but in another state. The current subsidy arrangements should be replaced by a national subsidy framework that guarantees every taxi user the right to have the same mobility as anyone else.

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.

This is one of the areas of most urgent need. Our consultations for the Aviation Access Forum review on the '2 wheelchairs per flight' policy of some airlines suggests that some people who use wheelchairs are unable or unwilling to contemplate long distance travel because of past bad experiences.

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