



ACT HUMAN RIGHTS COMMISSION

Australian Capital Territory

Disabilities Transport Access Secretariat
Road Safety and Transport Access Branch
Department of Infrastructure and Regional Development
GPO Box 594
Canberra ACT 2601

Dear Secretariat

The ACT Human Rights Commission made a submission to the 2012 Review of the Disability Standards for Accessible Public Transport, a copy of which is attached. I would like to provide extra information in response to the Draft Report released in May 2014.

Taxis

In our submission, the Commission noted the review of the ACT taxi industry commissioned by the ACT government in 2010. As noted in our previous submission, the ACT government introduced a centralised 24/7 Wheelchair Accessible Taxi (WAT) management and booking service in 2012. The Commission has not received feedback from people with disability on how this new service is operating. We also have not received any more information on a number of other recommendations made in the Taxi Review Report.

Public Transport

ACTION is the ACT government owned and managed public transport provider. As an ACT government agency, ACTION has obligations under the ACT *Discrimination Act 1991* and *Human Rights Act 2004*. As the ACT does not have an intra-city rail system, buses are the only public transport available in the Territory.

Since its earliest submission the Commission has received complaints in relation to the lack of connecting footpaths to bus stops, an issue that was raised in the 2010 Auditor-General's review of ACTION, and on the ticketing system called 'MyWay' in its application to the availability of wheelchair-accessible buses.

1. Footpaths – a complaint was recently received from an elderly woman who had difficulty accessing her nearest bus stop from her home as there was no footpath. This meant she either had to walk over uneven ground or walk on the road, both options putting her at risk of injury. The ACT government has stated that it would address this issue as soon as practically possible.
2. Wheelchair-accessible buses – the Commission received a complaint from a man who uses a wheelchair and who was finding that he was sometimes paying double for his trips on a bus, due to the limited availability of wheelchair-accessible buses and the application of the new 'MyWay'

ticketing system. As part of the system patrons may transfer from one paid service to another for free within 90 minutes. The lack of wheelchair-accessible buses has resulted in delays in transferring of more than 90 minutes, resulting in an additional charge. While a wheelchair user can apply for a refund of this additional amount after their trip, this is inconvenient and it is unlikely that many customers would take the time to do so. The complainant in this matter wanted bus travel to be free for wheelchair users in Canberra, noting that there are at least two other jurisdictions where this is the case (Victoria and WA). The Commission was unable to conciliate this matter. Free travel on ACTION buses would address this issue, as well as negating the need for wheelchair users who are unable to swipe MyWay cards the embarrassment of asking strangers to assist them to pay a bus fare.

3. Tagging on and off – the MyWay card requires passengers to both ‘tag on’ and ‘tag off’. If a passenger does not tag off they are charged a default fare on top of the fare for the trip. This may disproportionately affect people with cognitive disabilities, including intellectual disability, dementia or acquired brain injury. The requirement for bus users to remember to tag off to access the cheapest fare available for each trip may therefore raise issues of both direct and indirect discrimination.

I note that the ACT government provides free travel to visually impaired customers and their attendants. The ACT government also recently announced that travel for people aged between 70 and 75 years would now be free (previously it was free for passengers over 75 years). While this move is welcomed, I recommend that ACTION review its policy with a view to considering which other groups are disadvantaged when accessing buses in Canberra and for whom free transport would be appropriate. It may be that there are others adversely impacted upon who have not yet been identified. This should lead to a more nuanced and proportionate policy and would accord with ACTION’s obligations as a public authority under the *ACT Human Rights Act 2004*. The Commission would be happy to assist in this process.

Yours sincerely



Mary Durkin
Disability and Community Services Commissioner
A/g Discrimination Commissioner

30 July 2014