

AUSCRIPT AUSTRALASIA PTY LTD

ABN 72 110 028 825

AUSCRIPT

Level 10, MLC Court, 15 Adelaide St BRISBANE QLD 4000

PO Box 13038 George St Post Shop BRISBANE QLD 4003

Tel:1300 308 420 Fax:(07) 3503-1199

Email: orders@auscript.com.au Website: www.auscript.com.au

TRANSCRIPT OF PROCEEDINGS

THE ALLEN CONSULTING GROUP

REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT

**HEARING CONDUCTED AT: SOUTHBANK
23 PALMER STREET
TOWNSVILLE**

DATE: 31 JULY 2007

MS SKILBECK: Okay. We might start. Welcome, everyone, to our Townsville hearing for the review of disability transport standards. The schedule for this morning is we have three speakers, with half an hour or a little more, to speak, each, if they wish. Beforehand, I will just make a few introductory comments about how we're running the hearings. We expect to hear from two speakers, break for morning tea around 10.30 and hear our last speaker; so that is the schedule for the morning.

But, briefly, I am Melissa Skilbeck. My colleague, Kathleen, is in front of you, and her niece is behind us. We're from The Allen Consulting Group. We're doing a review of the disability standards, as they relate to transport, for the Minister for Transport and Regional Services. Our report will be provided to the Minister in December. This is the first five-year review after the standards were put in place in 2002. We're reviewing the extent to which those standards have been effective in approving accessibility to transport for those with disabilities, and remembering that compliance with the standards is staggered over a significant period of time. But the first milestone points to 31 December this year.

In running the review, we have established a website which we encourage you to look at, if you can. We have the issues paper on that website. We will have the draft report when we have completed it. The transcripts to this hearing will appear there in about a week's time, and so the transcripts from all the previous hearings. Opportunity to make written submissions exist until 24 August, and all submissions will also appear on that website. This is one of roughly 17 hearings that we are doing, one in each of the capital cities and seven regional centres around Australia.

It's an opportunity for us to hear from people, to have a more of an informal chat, and understand the points people are making, in addition to the written submissions that we will receive. Along the way, I might ask a few questions, too, if that's okay with those who are speaking. For those who are not speaking and are here to observe, please don't speak over the people who are speaking at the time. The degree of formality that we do have to the hearings is entirely so we can make sure we have a transcript that is complete. So we need to know who is speaking at any given point in time, and the transcript needs to have identified the person and their organisation that they're representing, if that is the case, before speaking.

The microphones around are for the transcript. They won't amplify the voice but, nevertheless, they're still important for the transcript, so if you do speak from the audience, Kathleen will grab the roving microphone and do a bit of an Oprah for us all, so that we do catch all your words. We have copies of the issues paper here, if you would like.

Other housekeeping matters, we have coffee and tea out the front, as you're aware, and the toilets are further along the hallway, past this room, as well. So with that, welcome to everyone, and our first speaker is Max and Anita Murray. So Max, if you'd like to - how would you like to arrange it? Okay. Anita will speak first. Please.

MRS A. MURRAY: Yes?

MS SKILBECK: Yes, please. Just so the microphone catches you.

MRS MURRAY: Panel members, submission givers and observers, good morning. My name is Anita Murray. My husband, Max Murray, was injured as a passenger in
5 a car that rolled outside Boulia in north-western Queensland on 10 August 1980. Max's injuries included a dislocation of his vertebrae at level C6 and C7. This instantly changed the way we lived our lives. Max was transported by the Flying Doctor to the Princess Alexander Hospital in Brisbane, where he remained for 12 months.

10 He lost his title of Professor Max Murray, Head of Department of Animal Nutrition at James Cook University, and a husband, and got a new title: disabled. And me, I can be found under section 1.24 on page 13 of the Disability Standards for Accessible Transport, Public Transport:

15 *Carers, assistants and service animals. Some passengers may need to be accompanied by a carer, assistant or service animal. A service animal is an animal trained by a recognised individual or agency, and is not subject to a fare. A carer or assistant should be prepared to pay a fare.*

20 Glad we got that sorted out. However, there is an "us and them" attitude. Max asked me the other day for a phrase to describe the feeling, a full participation in all aspects of living. I immediately went to our reference books on human rights, social role valorisation, and was shocked to find that it was very much an "us and them". I've
25 included a list of the disablers in my submission, in an appendix, which I will hope will give an understanding that disability can be in the form of an aunt with multiple sclerosis, or a grandmother who has suffered a stroke. The point is, that it is all "us".

30 However, we are paying our taxes instead of drawing on welfare, and we need transport to travel to our commitments within Australia. I've got three points that I would like to raise for the review. One, ramps and accessible taxis. To my eyes, there's a conflict of safety. The first one, section 8.6, "Maximum load to be supported by a boarding device". This weight is 200 kilograms.

35 Section 6.4, "Slope of external boarding ramps". This includes dot point C as in 1 in 4 assisted access. The standard quoted is AS3856.1 (1991). The more recent update of AS3856.1 is 1998, which has a note to clause 2.1.8.E which states that:

40 *This gradient must be essential under some circumstances -*

or "may be" – sorry -

45 *may be essential under some circumstances, but that this gradient should be avoided. A 1 in 6 gradient is the preferred maximum gradient for assisted access.*

Perhaps the disability standards for accessible public transport could update to current standard. However, perhaps it would be preferable to remove 6.4 .C as

loading a 200 kilo person plus chair, at a one in four or one in six, could be a workplace health and safety issue for employee and customer. Loading and unloading on a steep ramp is a worrying episode for some drivers, and not so strong enough to push the chair on ascent and also have difficulty to control the chair on descent. I've had personal experience of that, and we thought we were going to lose Max, spearing head first into the concrete.

Okay. Two: The next point is Operator, Driver Training, Quality of Travel, Accessible Taxis. Perhaps for inclusion into the disability standards, for accessible public transport. To consider the development of competencies/course and teaching resources which are for the student, facilitator and assessor, to train the people in the industry, in order to, one, appreciate the effects of each disabling condition of their customers. Two: develop driving techniques which do not cause damage to person or mobility device. Three: provide input to manufacturers of mobility aids, to achieve safe tie-down points on these mobility aids; eg. electric chairs and scooters. Four: to create professional pride for their job. And Five: to assist them with their bookwork, ie, subsidised fares for intrastate and interstate customers.

The third point I would like to bring to your attention is section 9.3 minimum head room and section 12.5 vertical height of doorways. To bring forward the timeline to increase the height of head room and vertical height of doorways in taxis. The present dimensions restrict some people in wheelchairs from accessing some models of accessible taxis. Max sits tall in the saddle at 1420; very hair-raising, sometimes. The direct result of this is a serious time delay to reach a destination, such as the airport, or business appointment, or speaking at a conference, as one attempts to rebook the taxi service on short notice.

Regulation of registration of the model of accessible taxi needs to be established to ensure that the vehicles conform to required dimensions for accessibility by wheelchairs. That's the finish of my report, thank you.

MS SKILBECK: Anita, could you just explain to me which taxis – what area of Queensland you are using taxis in, just so - - -

MRS MURRAY: Sydney.

MS SKILBECK: Sydney. Sydney. Okay.

MR MURRAY: Any time we've been there.

MS SKILBECK: Right. Okay. Okay. But primarily you are doing work in Sydney, that - - -

MR MURRAY: Oh, yes. We are working regularly in Sydney.

MS SKILBECK: Right. Okay. Thank you very much, Anita. And Max will speak now.

MR MURRAY: Well, thank you for the opportunity to speak here. I hope you will forgive me using – and I hope you will forgive me for facing this way, because this way I can see you and I can see the screen. So I want to speak in – on three matters. First, a small introduction, or at least my written report will be in that way.

5 And then, how I find the industry five years from the beginning, and then some wrap up comments. But – and they are the points I will address under the five years on, this morning. And this is where I thought I was starting, really is to say that this submission is by me, about me. It is not by any organisation, or meant to represent any organisation and they are personal experiences.

10 I think, to start with saying that it is so easy to find negative things to talk about, I would like to say that I think the DDA Standards on accessible public transport, has been a major step forward. I think that I am seeing only good come out of it, despite the enormous disagreements that took place getting the standard to where it is. So all

15 in all, I feel good about it. Anita mentioned ramps in taxis. Because of operator – lack of operator skill, I have been left at the bottom of the ramp unable to be loaded. I weigh less than 90 kilos dressed; my wheelchair weighs 23 kilos. I have also been bloody tipped off the ramp sideways by a lady who really shouldn't be doing the job.

20 The thing about transport conveyances is that they are, generally speaking, of short life, given that this standard is undergoing a 30 year review. And therefore, are regularly upgraded, and I think the standard has done a good job in writing that upgrade into the allowances. This, however, is not the case with infrastructure and many premises, which tend to be – have a life of 50 to a hundred years. And so, this

25 is where most of the problems lie, that are, I see, very difficult to overcome. And it is on public record that the building industry has been extremely active in its objection to providing access for people with disabilities. And that objection continues today, in the face of the success which the transport standard has had. And I really don't know how long it will take Australia to rip itself out of the past.

30 So - transport achievements. We have improved access to new infrastructure, there has been a steady improvement in access to existing infrastructure. The use of part 2 for new building work is, in my opinion, a major plus for this standard. As a bloke who doesn't fit into AS1428 part 1, by any standard existing at the moment, I am

35 extremely disappointed at the amount of opposition the industry is providing to adopting that standard. Now, I am talking, now, about the building industry, not the transport operators, or owner/operators. Now, the use of part 4, for new building work, and it's the 1992 edition, is, in my opinion, another plus.

40 Despite the total objection, on sound grounds, from the people with mobility disability, the Standards Australia introduced in the 2002 review of this, a TGSI, that's tactile ground surface indicators, on the slope face of kerb ramps. I know blokes that have run off kerb ramps by being taken off track by these things, and broken legs. I have certainly been taken off track with these, and end up running

45 over the kerb and not the base of the ramp, and I was just lucky that I didn't tip out of my wheelchair, or I would probably have suffered the same fate.

I've seen guys being pushed by carers up these ramps and end up doing the same thing under controlled - controlled by an assistant, so there's no doubt in my mind that it is totally unnecessary. It functioned well in the 1992 standard, and I was - I think that that is another - the use of the '92 standard is another plus for the standard
5 tarmac. So what are my recommendations on infrastructure? Continued referencing of the 1992 AS1428-2, until such time as any upgrade to part 1 incorporates all the requirements for accessibility from 1992, part 2.

10 MS SKILBECK: How about that?

MR MURRAY: Even better. Right. Now, they'd go for a continuing referencing of part 4 1992, and to ensure that any upgrade of part 4 also incorporates other requirements of the 1992 addition. Now, there's a 2001 edition of part 1. It doesn't - it still is discriminatory. There's a 2002 edition of part 4, and it is quite
15 discriminatory against people with mobility disabilities. Okay. What about the interface between the conveyance and the infrastructure? Anita spoke about this, and so I won't spend time there, but it's - we wrote our reports independently, so I've said some of the things she's said, and that is that ramps that exceed 1 in 8 are not safe for either a person with a disability or the assistant, and extreme care needs to be
20 taken in those situations where it can't be avoided.

Okay. In case you haven't guessed, I think that one of the worst standards referenced in this DDA standard is 3856-1. I think that that needs to be re-written. It says that in notes, notes are not mandatory, but it needs to say it in a mandatory fashion, that
25 1:8 is the maximum grade for any boarding device, and that, you know, we obviously realise that when the grade of a road is not dead-level, there will be times when a ramp designed to be 1 in 8 will provide less. And therefore, we're seeing taxis coming out now that not only kneel at the back, but they lower the whole back of a section of the vehicle. And so a deployed ramp provides more like a 1 in 12
30 gradient, and this gives you a lot more flexibility when circumstances aren't ideal.

The bit about access to tides, I don't think there's anyone here dealing with water conveyances at the moment, but for the point of view of the standard review, it is my opinion that section 6.5 is ambiguous, and it can be taken as meaning that the
35 requirements are between 80 per cent of high tides and 80 per cent of low tides; in other words, 60 per cent of all tides. And I think that that is not what is expected, and I think that if you delete all reference to high tides, then - which normally would not be providing access up to the vessel, although I can see times when you might want to get to a higher deck, but I think that if you delete high tides, then that leaves
40 us with 20 per cent of low tides, and that would be right.

Now, the other thing is there are zones in Australia where tides - tidal change is massive. Now, I think those circumstances need to be identified. Codes and standards in Australia identify zonings for all sorts of reasons: cyclone regions or
45 energy efficiency reasons. And if we can do that for something like the building code, then we should be able to do it very easily for the transport standard, and I would certainly urge that. Okay, taxis. One could get excited about taxis. The biggest problem with taxis - and I haven't written it on this slide - is the attitude of

all involved, and until such time as you use taxis frequently enough to be known by name, and you ring up and say, "I'm Max Murray," and your mobile appears in front of the operator, then you will have to run the gauntlet, convincing all that you actually do need an accessible taxi, and you're not just having them on.

5

So - and it goes from there to the drivers, the - usually the latest arrivals in town. They haven't got a clue where they're going, and in the southern cities, they don't speak our language, and fortunately, they're only there for a short time, but they're usually replaced by people with the same difficulty. So the taxi industry is not a good one to have to rely on. But having said that, once you have got yourself together and you are known, and then you can get service through a central booking office. Except if you're in Melbourne. You will never get a taxi in Melbourne, no matter how you try. So you ring up one of your mates and say, "What mobile number should I use?" And he says, "Ahmed's go this number. Maybe use it." And in that way, you can get personalised service, with one problem: you arrive once every bloody year, and these guys have got their regulars several times a day. So you do have to factor that into your schedule.

20

Okay. The biggest problem with every code and standard, no matter what it's referring to in Australia today, is the fact that we're using anthropometrics based on an American study of military personnel in 1970. Now, having said that, I realise that Bails did the first bit of research in the Western world on people with disabilities, and so there is research, which has been criticised from certain sectors. It's still the only data we've got to rely on, and that's what AS1428 part 1 and 2 are based on, and given that the Human Rights Guidelines expect us to provide for 90 per cent of Australia, not 80 per cent, then I think we have to be - we had better start looking seriously at the anthropometric data we use.

25

Now, we've got Bails' data on a limited number of Australians with disabilities, but we've also got similar data on able-bodied people sitting in wheelchairs from Pheasant 2001 in the UK. There's a lot of work going on in Europe at the moment, but none of that is in front of us. I brought with me, if you want it, a recent study, published 2005, on a considerable number of disabled people with mobility disabilities in the US. It is the latest and best data we have, and it clearly shows that the English-speaking world, the peoples, are increasing, quite significantly, in stature, and so that's some data worth having, and worth studying.

35

I don't agree with all their recommendations, as a bloke who lies in that upper five per cent. But it's a lot - but what it shows is that pales as data for the - to include 90 per cent of people really is the one to use. We should not be going anywhere near the 80 per cent level. Okay. And to the metric section, 9.5 - 9.3 it talks about wheelchair space. That depends on the size of the wheels that people use. The - if you use 26 inch wheels instead of 24 inch wheels, you've already added another inch to the length of the chair that you're sitting in. So we are talking minimal head room needed it pointed out that I sit 10 millimetres taller than that, and so a lot of the taxis in Sydney I have to bend my head to sit in. And this is a - not a problem until such time as we take off quickly and I go backwards, and of course, hit my head.

45

So fortunately that's going to be upgraded. I think that upgrade to 1500 mm should be brought forward to this review. I think that the need is current and it should be brought forward to this review. 11.5 talks about the height of doorways. I am very stiff in my spinal column and I have real difficulty bending to 1400 because I'm
5 restrained. I have to be restrained or I'd fall out. Now, innumerable times I have to have my restraint removed and held in the wheelchair by Anita while the operator loads me through the door. And I don't think that that is desirable, and I think, once again, the increase in the height of doorways to 1500 should be brought forward to this review.

10 Now, passenger restraints are generally adequate, they just have to be used. They - taxi drivers are notorious for putting one restraint back and front instead of two, and also saying, "Well, you've got a belt on. You don't need my seatbelt," and you have to argue the case all the way along again. But the guys know the rules, they're just
15 trying to cut corners. So there's a long way to go in training: yes, please. Buses and coaches: I haven't had a lot of experience with these but I guess the situation is - with the conveyance is starting to improve as operators bring more vehicles on line, and I think the requirements for the vehicles - especially if we get the 1500 introduced - and this is really only a problem with small commuters - it's not a
20 problem with the larger 45-seaters, or the over-the-road coaches.

They - the thing about over-the-road coaches is that the number with accessible ramps and accessible hoists and tie downs is extremely limited. I have had the pleasure of using one of these and it was a very good experience - in fact, I lie - I've
25 had two experiences; one in Melbourne and one in Perth and it was a very good experience. The - so I'm not really all that worried about bus and coaches as conveyances, nor the allocated spaces. I think the restraints are totally inadequate, there's none. And my neighbour, who uses a wheelchair - recent trip to Brisbane, used one of the accessible buses and the driver was either trying to be ahead of time or thought he was behind, and on one corner she just slid straight off her wheelchair.
30 First of all, her wheelchair turned round, and then she slid off it. So the - she may still have slid off it had the wheelchair been restrained.

And so we do have a need for some innovative thinking with regards to restraints. I
35 mean, we all know about the horror rides at Dreamcity - what is it; Dreamworld down the coast. You hop into these mainly adrenalin pumping machines, and you know, pull down and a gadget comes over your shoulders and they cross at the waist, you know. This would not only keep you in place, it would keep your wheelchair - I mean, we've got brakes on our wheelchairs, but that's like putting the Woolies
40 shopping bag in the middle of the isle and expecting it to stay in one spot. We've got people here from country towns, and these people have a special problem as supply of suitable conveyances - they're usually second-hand, and they're usually made not accessible as the primary source is getting rid of them to bring in accessible ones.

45 So I think the review might care to mention that; the particular difficulties that non-metropolitan areas face with buses and coaches experience. Trains: trains are a dilemma. Their accessible platforms are still few in most towns and cities. The level of access to trains provided by platforms varies greatly from totally inaccessible to

spot on, and this is always a worry. The number of trains with accessible spaces is getting better at a rapid rate. But I guess, the trains would be on time for the updates, but I feel they're a little bit inadequate at the moment. Passenger restraints are generally not provided in trains. And then, there's the problem of access throughout the train.

I know that a lot of Queensland trains were based on doorways of 700 mill and passageways of 700 mill. We've just accepted that many wheelchairs are 800. I can tell you that mine is around about 730 wide and the – I was over in the UK on one of their fast trains and a bloke – one of the railway operators damn near broke my chair getting it in, but he did by wriggling it sideways, and eventually got me into the carriage. Returning about May – two months later – I was unable to access the carriage. Fortunately, no-one important was present at the time and I rode in the – just inside the door foyer, which was not air-conditioned or heated, as it is over there.

And about halfway along, a conductor come along and said, "What are you doing here?" I said, "Well, I can't get in there." He said, "Well, you shouldn't be on the train at all." I said, "Thanks, mate. Can I go the rest of the way?" Anyway, trains are a - long distance trains have got a way to go, but that's probably the result of the 30 years for updating.

Ferries - my experience with ferries is limited to Magnetic Island and Brisbane. My experience in Brisbane has been very positive, both accessing the pontoon and accessing the ferry and manoeuvring on the ferry. They were River Cats, and everyone uses the River Cat, primarily to go on a picnic, but a lot of people use them as commuters, and they work very well. My experience over to Magnetic Island was good. My experience coming back was at the change of the - low tide, whereas I went over on the high tide, and my only access to the ferry was to the top deck which was level. Of course, once I got back to the city, there was no access away from there, and being lifted and manhandled over the side was an experience I don't want to repeat. So, once again, I think that I look forward to the 2031 or '2, or whatever, it is, experience.

Okay, aircraft. Aircraft, to me, are a good news story. I haven't had a lot of trouble, and part of the reason for that is I don't do very much regional travel, and I have been travelling exclusively on Qantas since it was TAA in the early sixties, and I know nearly everyone that I come in contact with - all the staff - by their first name, up and down the eastern seaboard, and some of the people in Hobart and Perth and Adelaide. I don't know anyone in Darwin. But my experiences generally have been very good till the OH&S came in and somehow or other, with James Strong gone, Qantas has started to lose its way and I think anyone who reads the newspaper or who listens to the bloody news would be aware of this, and I do not enjoy the travel experiences today like I did five years ago.

They've introduced a new boarding device which is okay for those who use it - by that I mean the operators. The experience by those who are lifted varies from those who like it to those who hate it. I hate it intensely, but I appreciate the need for addressing OH&S problems. It doesn't accommodate my stature. I always have my

head bashed against the bloody overhead luggage compartment getting into a 737, which is the only aircraft that Qantas flies out of here. I don't recognise Jetstar as an airline. And the other thing is, there's a lot of difference between the airlines and their philosophies, and the thing is that these - I think that this means that your experiences are different with the airline you use.

Qantas has recently undergone a policy change with regards to the mobility aids that they carry, and I've travelled all over Australia in a 717 and then they introduce this crazy requirement last year for the size of wheelchairs that they would load. It was all based on the weight of electric wheelchairs. It had absolutely nothing to do with manual chairs, yet they applied it across the board, and have not had the good grace to remove it totally, but it's now - my wheelchair which has been loaded on to 717s virtually since they entered this - since they changed from DC9s, they - I - they now no longer will - if it's wearing a Qantas badge, they won't load my wheelchair onto it, which means I don't travel on that aircraft at that time.

So, there are a lot of holes in here. I said there are a lot of negative things. Generally speaking, airline travel - it's got good infrastructure, it's got good interface, it's got good people, and it's got bad management at the level - at some of the top level of the big operators. So, I don't think we'll get around that, or it might improve now that we still own Qantas.

Okay, next one. Okay. My recommendations there are: apply current answer anthropometric knowledge on Australians to all review recommendations. Okay. The wheelchair and scooter manufacturers should be required to provide tie-down points on all mobility aids sold in Australia. Now, these - there are standards - Australian standards that describe - prescribe the requirements for mobility aids. It would be very easy for this review to recommend those standards, demand tie-down points on all mobility aids sold in Australia.

Okay, next. Okay, customer services. I think the problem here is fairly simple. We still need a - generally speaking, look, it's good. Generally speaking, people - operators and staff are not agro and there's a lot of room for training and especially in industries with high turnovers, such as taxis. Okay. My recommendation: more training is recommended for service operators, service providers and booking service personnel. And thank you for your patience.

MS SKILBECK: Thank you. Thank you very much, Max, and you've covered - you've filled in a couple of gaps for us. I would actually appreciate that 2005 paper, if you can leave it for us. That would be great.

MR MURRAY: Yes, I will do that.

MS SKILBECK: Thank you very much, Max, and Anita. Thank you. Cynthia.

MS BERTHELSEN: Thank you, everyone, for inviting me along this morning. I'm Cynthia Berthelsen. I come from Gayndah, which is a small community west of Bundaberg, west of Maryborough, what have you, and I have done this at very, very

short notice. I was only asked this at the end of last week, so I have done no research and this will be solely from my experience as a family member. I'm a councillor on the Gayndah Shire Council, soon to be the North Burnett Regional Council, and I have a family who, at first glance, you would wonder what I've landed with. I have
5 a son who is a below knee amputee and who has vision problems. I have a husband who has rheumatoid arthritis and has had since mid-20s. I have an 85 year old mother who has mobility and vision problems. I have a 92 year old father who uses a scooter as a - to get around, and I have a sister who suffered polio at the age of four and is now suffering from post-polio syndrome. Nobody knew that when they asked
10 me to speak.

That all sounds negative, but it's not. We all live quite happy lives, but we do encounter all sorts of various problems throughout our getting about in the world. I - as a councillor, I have never studied the standards - I have to admit that - and I rely
15 entirely on the advice of the experts when we need to discuss the ins and outs of it. I get extremely frustrated because the standards do not meet with the realities of life. We have so many silly little things that are done every day, and decisions that are made within council that I find so frustrating because the standards say one thing, so therefore we must comply with the standards, but reality doesn't meet with them.

20 We have as an example, an accessibility situation over the kerb at the taxi rank. Sounds great. The gradient's not too bad, but it's got two little posts at the top of it, no handrails, and quite unintentionally, I managed to walk my son over one of those little posts. His vision is adequate, but not good, and it takes a long time for him to
25 adjust his vision. Now, the posts are inappropriate, and they should not be there, and they don't meet standards.

But they are the sorts of little things that sneak into public life. They're too low. There's no handrails. You know? They've got everything against them, but it
30 wasn't until that I said, "Okay, you're right now," when I put him on the footpath, that I didn't think to say, "Well, look out for the post," and he fell over it, and local governments do not intentionally set out to be stupid, but there are times when that is the best way to describe some of the actions that happen.

35 Access to that taxi is important. My son doesn't use it, but my family - other family members do, and so do many, many old people within our community. Gayndah's a small country town; under 3000 population. We have more aged people than we have young people - not quite, perhaps, but that's where we're heading - and because of the lifestyle, we're attracting retirees, we're not attracting the young. The youth
40 go elsewhere. And when you talk to other regional centres, we don't know where "elsewhere" is, because they seem to be gone from everywhere.

And as a result of that, we're going to become more and more aware of the vision side of life, the lack of ability to find the doorways and what have you, and the
45 mobility. Max brought up about the size of the wheels and the scooters. Something else that is going to become more important, I believe, in buses and taxis, is the tie-down, and we are also going to have to have ability for people who ride scooters. Those people can get on and off those scooters, so they can get

into the taxi, but the taxi needs to be able to take the scooter with them, or the bus needs to take the scooter; so that when they get off at the other end, they've got mobility again.

5 So that is something else that I don't believe is being well-addressed. I might be ignorant in that, but I don't believe that, from my observations. We, in Gayndah, are very lucky. We do have a taxi, and okay, that may sound a strange statement to make, but there are a lot of communities very close by who do not have a taxi, and that is something that - there isn't the business there, so government is going to have to subsidise, or we're going to have to find some way of not penalising people who
10 are unfortunate enough not to be able to drive themselves.

At the present moment, in town, I am lobbying very hard, and look like possibly getting, assistance for yellow cabs to be able to put in a disabled-accessible taxi; at
15 the present moment, it's just an ordinary car. And the same with the bus. We have - now, we have three bus runs to the coast out of Gayndah a week. Up until recently, we had none whatsoever. Now, in itself, that doesn't sound such a big drama, but with the change of everything that is going on around us, especially in health, all the services are along the coast in the bigger centres, so, therefore, our residents require
20 transport to the bigger centres to be able to get help.

Now, the public transport buses that have been put in, are that, public transport, they are not for health. So we have not only the issue of getting people to the services and the doctors that they need, but we've got to be able to get disabled people there, and
25 it is creating problems. The HAC and respite bus situations have recently changed; the requirements have changed there, and they're not allowed to do the runs out of the town that they used to do; so therefore, we have a concern coming up as to how do we get people who need disabled transport from places like Gayndah to places like Bundaberg, where they can get treatment and health.

30 The bus service that we have at the present moment has no disabled access whatsoever, and we are working very much on the fact that we are hoping, in the near future, to upgrade the bus, and in this, we hope, Max, we will be getting a new one, and not a second-hand one, with side-loading disabled facilities. The Council
35 budget this year provides for a disabled accessible bus stop, and the Queensland Transport Department have agreed to pay half the cost of that bus stop. So therefore, if they're going to pay half the cost of a side-loading bus stop, we consider that they're serious about the side-loading bus as well. But we're talking about small buses here. We're not talking about big coaches.

40 And, once again, size and tie-down becomes a concern, because of the wide variety of aids and wheelchairs and what-have-you, that we'll be using. But getting back onto the vision side of things, most places where they provide guides and signposts for disabled people that is done in Braille does not recognise the fact that most of the
45 people in - all of the people who have vision problems in my town, have acquired their vision disability later in life; their fingers are never going to learn Braille. Therefore, we need to have some sort of system by which people are able to

recognise by touching the sign, that it's a toilet, and not a well. You know? It's not a warning sign, that it's somewhere they need to go.

5 So we need to look very carefully at how we put signs on doors and features like that, because on our newly updated disabled toilet at our Town Hall, it has got the Braille underneath the disabled sign, but I experimented the other day, and it just doesn't mean anything to me, and I dare say to somebody who has spent all their life cutting timber or what-have-you, their fingers are going to be less sensitive than mine; so therefore, they're not going to be able to quickly learn how to do it.

10 We're moving into an age of people who are going to expect things as normal. At the present moment, in our backyard, most of the people who need help have grown up in an era where you do it for yourself. You don't expect somebody else to do it for you. But that may be an attitude, but it's not fair, and we are going to be now, moving into a group of people, the "Baby Boomers" who are going to expect, as they age, they're going to have these things laid out as normal. So it's very essential that we continue to improve, and not just do it in the cities. We've got to remember that there are people in the bush who need the same facilities and the same freedom as people in the cities.

20 My son has had a pancreas-kidney transplant, and we spent some months in Sydney, at Westmead Hospital, and there, we were very impressed with the service that we got when he was using both a wheelchair and a mobility scooter on the trains. Everywhere we needed to go, we had easy access on and off the trains. But once we got in the train, we were at the whim of the pull and push and shove and what-have-you, of the driver; if he was a smooth driver, it was fine; if he jerked and stopped, well, you bounce all over the place.

30 So I don't know how you put restraints into trains to make it easy for someone like that to travel. However, we have never tried to travel long-distance, and I would imagine somebody who was actually confined to a wheelchair permanently, would find it very difficult to travel long-distance in a train. While you are just travelling for an hour around suburbia, you can sit in your chair and you can look sideways and you can just roll in and out the door, but you can't move anywhere else in those trains. And I have no answer for that, and as I said, I have never tried to travel long distance, so I can't see what they provide. And getting to your destination is one thing; getting what you need - getting in and out of the places is another. The challenge is sometimes not getting there, it's what you have to do afterwards. And I know the building codes say that all buildings must be disabled-accessible. Many of them think they are, but they're not.

45 If you're travelling on your own, self-propelling yourself in a wheelchair, you have wet wheels on the wrong surface, just a little lip that gets you in and out of a doorway is enough - of a sliding door, is enough sometimes to prevent, if you're not really strong, to be able to get yourself in there. That doesn't look very much like a barrier, but it is a barrier in many cases, and there are a lot worse barriers around than that sort. The gradient in which you have to get in and out and the idea - and my son is probably a little bit less heavy than you, but not much. It's quite a challenge to

push and pull someone around in a wheelchair. But having got someone in a wheelchair - and I'm guilty of forgetting this myself - I push out of the sun into the shade and say, "Right, we're here." Then we'll get up and trip over something, simply because it's inappropriately placed, because his eyes haven't adjusted to the sun. And that's - as a carer, I'm sometimes a little bit too casual about that.

But I also believe that it's a requirement for the builders, the providers of the services, to be aware of the fact that not everybody can see. They may be looking at the wheelchair accessibility, but they don't look at the vision impaired or the vision damaged. It's not necessarily the blind, it's the people who are, sort of, in between seeing and not being blind. And that is a real gap that - tactile roadways create problems for other people. They can trip somebody who shuffles. You get somebody who cannot lift their feet well, and it's so easy to trip and slip on some of these things. I don't believe there's an easy answer, and it's better than having nothing at all, but sometimes the floor that is supposed to guide can be a dangerous trip, it really can.

Plane travel. Well, yes, it creates its problems, if you are unable to get in and out of your chair, and you sometimes have the embarrassment of having to wait until they find you a chair, because Glen - when he travels, his chair goes in the hold and he gets loaded through - the plane provides the chair to get into the aisle. It's okay. We get there. That's no problem at all. But for someone who had to do it all the time, I can imagine - and somebody who was unable to leave their chair, it would be a major problem. For us, it hasn't been. We've had quite good travel with that.

But something that - and this is public transport in a different - from a different angle, is the use of scooters. Most people who use scooters are usually past car drivers, and my father is a real example. At 90, we finally convinced him that he was not safe on the road, so we bought him a scooter, and he's not safe on the road now. And we need to somehow or other convince the powers that be to provide enough funding for suitable pathways so that those scooters can be encouraged to stay off the road. Because in the past, to get to point A to point B, you went up this road, that road, and that somewhere else.

Now, there's not always a grassed footpath that allows them to easily traverse those roads, so they get out on the road, instead of finding a new route, and they travel the same way as they did. It's dangerous. One of these days, a truck is going to run over my dad, because simply, he can't see any reason why he can't stay on the road. We need to convince - somehow, I don't know how - these oldies that they are pedestrians, once they get on a scooter. They're no longer road users; they're pedestrians. And that is something else. Now, that may not come into public transport, but it is still part of public moving around, and it is a transport system - a situation, as such.

And the access to the buildings - and please, I'm not trying to knock Gayndah. Don't think I am. But some years ago, Council decided that they needed to provide access to the Council chambers, so at the present moment, you - if you don't know how to get in - as we did not know how to get in here, David climbed up the stairs,

because we didn't know where the lift was - you go to the administration building, which has only a little lift to get in, and they all tell you to go round the back, up past the car, and hopefully the car won't be parked too close to the rail so that you will be able to get past it, and you can go to the back door of the Council chambers. The
5 door is difficult to open, so everybody who comes out of it bursts out of it. They push out of it, so hopefully you won't be there, trying to negotiate the door as you get in.

10 Now, there are people who cannot see any harm in that. They consider the disabled do have access to that building. True, they do, but I don't believe they've got appropriate access. And that's only just one example. There are many places, even at transport depots, and what have you, where you've really got to find how to get the wheelchair up the ramp or how to get somebody up the lift. Because it's not only
15 people getting up ramps - you take my husband. He can't walk very far, so therefore, we need lifts so that he can get up and down. So we - you know, we've got to realise that there are accessibility problems, not only getting on and off the vehicle, but it's also getting to the venue and from the venue. I'm not going to have much more to say. I think Max has covered so much more of what I was going to put in there, so
- - -

20

MS SKILBECK: Can I ask you something, Cynthia?

MS BERTHELSEN: Yes.

25 MS SKILBECK: Just to clarify, what is the taxi situation in your town? Is there - are there - is there one accessible taxi currently - - -

MS BERTHELSEN: No, no.

30 MS SKILBECK: - - - or that's the one that you're negotiating with - - -

MS BERTHELSEN: Yes. We have a taxi cab, which is an ordinary car.

MS SKILBECK: Okay.

35

MS BERTHELSEN: And with the - with the aid of subsidies, and what have you, coming - some of it is coming out of Blueprint for the Bush - we are endeavouring to get an accessible taxi.

40 MS SKILBECK: So that will be the second taxi for the town?

MS BERTHELSEN: It will replace the one we've got.

MS SKILBECK: Oh, okay.

45

MS BERTHELSEN: Yes. Can't have too many. We don't have the business, really, for it.

MS SKILBECK: Yes, okay.

MS BERTHELSEN: We're also seriously looking - well, we've applied for - we're very serious about it - looking for funding to subsidise that taxi from within Council,
5 so that we don't lose it altogether. Because that's what's happened in other towns, they lose their taxi because of no business. So we are looking to be able to get the funding to buy taxi time every day - - -

10 MS SKILBECK: Right.

MS BERTHELSEN: - - - when people who need to go to doctors or who are financially disadvantaged, or what have you - - -

15 MS SKILBECK: Yes.

MS BERTHELSEN: - - - will be able to get it for a lesser cost. And it also creates problems in communities like ours - our town is fairly small. I live eight kilometres out of town, which in Brisbane, wouldn't mean anything, but for the taxi to come out to me, I'm considered a rural run. I'm not considered a town run. So you know,
20 they look at things from different rates.

MS SKILBECK: Yes.

MS BERTHELSEN: And it probably doesn't cost any more from my home to town
25 than it would from the same distance in Brisbane, but the taxi looks at it differently.

MS SKILBECK: Yes.

MS BERTHELSEN: And my son has used the taxi to help. He does have - my son
30 still has a drivers licence during the right time of the day. His vision is such that he can drive through in bright lights. He can't drive in dull or - - -

MS SKILBECK: Right.

MS BERTHELSEN: - - - rainy situations or after dark. So he's not completely
35 unable to get about himself. But these things usually don't get better. As he progresses through life, his vision is going to deteriorate, so therefore, people of my age group who have children, who are in their forties, who have problems, look to what's going to happen when we are no longer able to care for them. And the same
40 with my mum and dad. They are so fiercely independent, they do not want to be helped. They want to do everything themselves. And it is getting more difficult, because of the inability to provide the services, that they can help themselves. And just because we are 3000 people who choose not to live in a big centre, I don't
45 believe we should be deprived of that freedom. So - - -

MS SKILBECK: Thanks.

MS BERTHELSEN: Thank you for that.

MS SKILBECK: Thank you very much, Cynthia. Thank you, too, to Max and Anita. We'll have a short morning tea break until about a quarter to 11, and then we have a final speaker, Mr Ross Maxted. So we'll reconvene here at 11.15 - sorry, at 10.45.

5

ADJOURNED

[10.32 am]

10 **RESUMED**

[10.52 am]

MS SKILBECK: Okay. Welcome back, everyone. We might recommence. We have our final speaker today. We have the Far North Queensland Tour Operators Association. Three representatives. I know of Ross Maxted, president of the association – would the other three please introduce yourselves, describe your roles and provide us with your comments, thank you.

MR MAXTED: I'm Ross Maxted. I'm president of the Far North Queensland Tour Operators Association and have involvements representing a business, Tropical Horizons, as well, in Cairns. And my role is to present, in some sort of oral form here today, the points of view that we feel, as operators, that we need to make to the review. I will let my colleagues introduce themselves, on my right and my left.

MS SKILBECK: Thank you.

MR DIXON: Gordon Dixon, also part of the executive of Far North Queensland Tour Operators Association. And we run a company in Cairns called Down Under Tours. So we're heavily involved in the tourism industry and have quite a vested interest, of course, in disability access.

MS SKILBECK: Excellent.

MR DOWNEY: My name is David Downey. I'm the coach operations manager for Quicksilver connections which is a company that operates outer reef cruise day operations and day tours and, as part of that, Quicksilver operates a coach fleet of some eight large vehicles and two small ones and that's my role within that company, is managing the coach fleet as part of the transfer services. And Quicksilver is also a member of the Tour Operators Association. So we're here to support the submission - - -

MS SKILBECK: Thank you.

MR DOWNEY: - - - by the group.

MS SKILBECK: Great. Thank you very much. Ross.

MR MAXTED: At the outset, I'd like to acknowledge the objectives, of course, of the Disability Discrimination Act and the need to translate those objectives into action within all aspects of our community as best and as practicable as possible. The association commends the government of the development of the standards as well as honouring its commitment to its five-yearly review process. And in that process we, as an association, identify that there is clearly a balancing act that must be undertaken in relation to cost of compliance with the benefits to the community. This balancing act is acknowledged and that's why we're here.

10 The association's main concern is with the compliance to accommodate the needs of those persons with a moderate to severe mobility impairment in the context of road-based regional tourism operations. The association puts to the panel that the cost of compliance is considerably higher and the likely demand for access is significantly lower than is reasonably expected from the drafting of the initial standards. Regional tourism operators are a very discrete group and the impacts of compliance are likely to have quite universal effect on them. Regional tourism operators should be, in our submission, excluded from the scope of application of the disability standards dealing with the mobility impaired.

20 The alternative is, regrettably, to expose operators to the uncertainty, the risk, and the cost involved in the ad hoc process of applying for exemptions and or unjustifiable hardship exemptions or allowances and that will entail, of course, submissions to commissions, Commonwealth commissions, appeals to Administrative Appeals Tribunals, and or the use of judicial review or, alternatively, visiting tribunal hearings ad nauseum for each individual identified issue. The five points that we need to make really come under five headings: cost, demand, difficulties of implementation, clarification of terminology, and unjustifiable hardship exemption.

30 Far North Queensland Tour Operators Association has 23 active members providing a diverse range of tours from the 4-wheel drive adventure tour to Cape York, into the gulf savannah, by coach service in and around Cairns, to adventure, to crocodile parks, to Skyrail and trains in the Cairns area. All of those tours have the need to cater for a wide range of community members. And, at the outset, it's clear that, from my involvement with the association and from the gentlemen that sit either side of me, who have cumulative, many years experience in the coach industry, all operators do their absolute best to practically cater for mobility-impaired persons.

40 However, there comes a point where the dilemma is how is this going to be implemented on a private basis? Of course, a lot of operators have achieved exemption, namely, small aircraft under 30 seats, charter, a whole range of providers are exempt. So the criteria that – the five criteria that I outlined don't even apply to them, curiously, but that was policy. I think it's important to remind myself, if nothing else, that the terms of reference of this review are certainly to ensure that the standards, where they have been applied, need to check whether they are being properly implemented.

45 However, there's also another part of this review which, I think, is important, which is to assess the need, scope 4(b) under terms of reference – to assess the need for any

amendments to the standards and, (c) to make recommendations for any necessary amendments to the transport standards. Scope 6, to consider the adequacy of the current structure and processes as well as the suitability of other approaches in achieving the purpose of the standards. (d) to assess the extent to which unjustifiable
5 hardship or “equivalent access,” as it’s defined, provisions are being utilised by service providers and or operators. And, finally, in scope 6 in the terms of reference, in assessing and recommending necessary amendments to the transport standards the review panel will, among other things, identify amendments for each part of the transport standards, identify costs and benefits to stakeholders.

10

So I’m not – and I think the association is here, clearly, to put that part of its case to the panel review because it is definitely part of the terms of reference. So if I can go through the five headings as it pertains to our operators and our members. The cost of compliance. Well, regrettably, if it was easy we would simply install those
15 facilities. Why wouldn’t we? Why wouldn’t our members want to do that? Our members have no particular emotional or other problem with complying with legalities, but there comes a point where significant costs are going to be incurred.

20

And on 31 December 2007, the standards prescribe, although it’s not an offence to not comply with them, but it’s a standard that 25 per cent of all defined conveyances will have to comply with a particular target. This means that, for example, the cost of modifying a vehicle for, say, one member who is using a large coach, for want of a better word, would be as much as \$70,000 per vehicle. With smaller coaches, and you might have seen them, the tourist coaches, the Rosa, the Mitsubishi Rosas and
25 the Toyota Coasters that drive around Queensland.

25

MS SKILBECK: How many seats, are they the 15?

30

MR MAXTED: 21 to 20. That would be \$25,000 per vehicle. It’s not just the cost of actually putting that facility in the vehicle, the conveyance, because there are, of course, maintenance costs and there are other associated costs involved in making sure they are being operated safely and continue to operate safely. But it’s the loss of opportunity for the, regrettably, the seats that have to be taken out. In, for example, a 21-seater coach, the number of seats that we submit will be lost are four, reducing the
35 coach to 17. And in a 51-seater coach, it would reduce them by – number of seats lost are eight to 45, to have a dedicated space for wheelchair accessibility. So there is a significant loss capacity in the case of where dedicated space is required. In the Toyota Coaster you lose a capacity of 19 per cent, and in respect of a 51-seater coach, you lose a capacity at 15.7 per cent.

40

MS SKILBECK: Ross, in – with, for the coach, the eight seats, is that due to more than one wheelchair capacity, or is it - - -

45

MR MAXTED: Yes.

MS SKILBECK: You’re assuming two there?

MR MAXTED: Yes. Yes. Because it wouldn't be worth putting one in because the difference between putting the one and the two in is quite - - -

MS SKILBECK: Small.

5

MR MAXTED: - - - marginal.

MS SKILBECK: Okay.

10 MR MAXTED: So when you put one in and you've taken that out, you might as well put the second one in.

MS SKILBECK: I see. Okay.

15 MR DIXON: That's - - -

MS SKILBECK: Have any of your operators - - -

MR DIXON: - - - with anything over 38 seats.

20

MR MAXTED: And – yes.

MR DIXON: Anything over 38 seats must accompany – they must – the standard is you must - - -

25

MS SKILBECK: Have two.

MR DIXON: - - - supply two spaces.

30 MS SKILBECK: Have many of your members or yourself actually converted existing stock in that way? Have you found those costs?

MR MAXTED: We've got - - -

35 MR DIXON: We haven't actually converted one.

MS SKILBECK: Yes.

MR DIXON: We've got the quotes here from from Coachbuild in Brisbane - - -

40

MS SKILBECK: Great.

MR DIXON: - - - that does it professionally.

45 MS SKILBECK: Thank you.

MR MAXTED: Have to be done professionally.

MS SKILBECK: Yes.

MR MAXTED: And it has – can't be done in Cairns.

5 MS SKILBECK: Okay. There's no-one available.

MR MAXTED: As far as all of my inquiries are concerned, it would have to be done in Brisbane.

10 MS SKILBECK: Okay.

MR MAXTED: So if I – so you've got the costs of the installation, you've got the loss of the seats and then you've got the - of course, the loss of opportunity to the provider to have the income from that, which is not insignificant. The opportunity costs of seating loss, when you extrapolate that out over a year, could be anywhere for a smaller operator who is converting a small coach with its fleet, to say – doing it with one vehicle – you've got a opportunity cost to the business – the lost seats would be, on our estimation – this is research that's been done by the 20/20 research group in Cairns for us - - -

15

20 MS SKILBECK: Okay.

MR MAXTED: I'll just outline that in a moment – would be twenty-four thousand – sorry, that's the cost to the business – would be somewhere between 84 to 25 \$168,000 per annum. That's just the gross cost.

MS SKILBECK: Yes.

MR MAXTED: We engaged a research group, 20/20, to help us make this submission. So with our 23 members we canvassed those, and as you can understand, these – all these members are competitive people competitively seeking the same work, the same income, and those members had to – you know, we require them to cooperate on commercial and confidence issues. So we engaged a third party to handle the inquiry so that there would be no ability for me, or any of these gentlemen to see my figures or their figures and they've put them together. This is how we get to our figures. Of course, this association is going to be making a written submission.

30

35

MS SKILBECK: Wonderful.

40

MR MAXTED: And those figures will all be supplied.

MS SKILBECK: Great.

45 MR MAXTED: But I'm here just to give, sort of, an outline of - - -

MS SKILBECK: Yes.

MR MAXTED: Yes.

MS SKILBECK: No, I appreciate that. Thank you.

5 MR MAXTED: So what we're saying is that there are – there is the costs of the
actual provision, there's the loss of opportunity in the seat reduction. But not just
that, there's the loss of opportunity to the broader economic community. For
example, some operators travel to far northern Queensland in remote communities.
10 The 20/20 group was able to find one operator who was part of an independent
government study into the impact in the increase of national park camping fees five
years ago, which calculated that that operator contributed approximately three-
quarters of a million dollars throughout the remote communities it visited as part of
its tours, both through direct spending and the spending of the – its individual
passengers.

15 With growth of the business over those years, the figure would not be estimated,
according to 20/20 group, in excess of 1 million annually, with multiplier effects
likely to be significant. Given that the operators will incur – the costs they will incur
in complying with these standards, some may opt to shut down as it become
20 uneconomic for them to continue, or just simply raise their service charges to a level
which is - quite frankly, could be unsustainable. There is a lot of pressure on tour
operators at the moment, with fees and charges for a lot – range of things - insurance
- and some of the margins are quite low in terms of net profit. So it can be quite a
considerable burden for some of these remote providers to engage in this work.

25 Now, Adventure – I'll get on to what – Adventure Travel, but that in itself is a
difficulty. So it's – it can't just be said that because they go to a remote community
that they are exempt under the operator's guidelines.

30 MS SKILBECK: Can you give me a – just of your 23 members, what's the range of
size of the operations in terms of vehicles or - - -

MR MAXTED: Gordon can deal with it. I'll let Gordon answer that one.

35 MR DIXON: You got someone like ourselves at DownUnder Tours, that have a
fleet of – in Cairns, around 50 vehicles ranging from the your – you know, probably
15 small ones – 20-seaters up to your 53-seaters. There's a couple of operators of
that size. Then, you've also got a large range of smaller operators that the – the
tourism industry tends to attract a lot of people that sort of are lifestyle-type people
40 who see it as a nice way to make an income, to be showing people around a nature
based tourism industry. So you've got - the majority of tour operators in Cairns are
the smaller – 10 vehicles and under.

MS SKILBECK: Okay.

45 MR DIXON: Majority are the small vehicles, as in 20-seaters, and they do a range
of specialised products from, you know, Cape York tours, Cape Tribulation,

Cooktown, Undara Lava Tubes. So the majority of the industry is made up of the
- - -

MS SKILBECK: Smaller operators.

5

MR DIXON: - - - smaller-type operator.

MS SKILBECK: Okay. Thank you very much.

10 MR DIXON: So – yes.

MR MAXTED: And it has saying that not only is it just a cost relating to fitting –
you know, equipment into vehicles. If for example, one or two operators say that
they just can't comply because of the cost involved, and the unjustifiable so-called
15 hardship that they would allege that is main entail, then they would have to go
through this economic exercise that we, as an association, have done - which is not
inconsiderable costs - and engage, not – accounting, legal and other support services
to make such an application to a government body. And then, there would be no
certainty as to outcome, because some of the decisions are made administratively,
20 and those decisions are then reviewable by persons - - -

MS SKILBECK: Yes.

MR MAXTED: So whether or not – it just goes on and on, and the cost involved in
25 that in itself should not be overlooked. The recommendation that we made on that is
that the report should quantify – or your report, with respect – if I might respectfully
submit, your report should quantify the economic social costs involved in regional
tourism. And also the report should, in our respectful submission, also say that it
should fund – the government should fund, or make tax concessions available –
30 something available to operators to achieve these public policy-dedicated outcomes.

There are various provisions scattered all through the Tax Act relating to specific
provisions that accelerate – for example, IT equipment, film and industry that
accelerate various contributions from the private industry to achieve public outcomes
35 – public policy outcomes. While this is a public policy outcome and if the
government is serious about achieving public policy outcome, then they ought to be
dedicating some sort of concessionary treatment or funding, or something, to enable
this to be achieved and not simply, with respect, to kick it into the private small
business area.

40

MS SKILBECK: Okay. Thank you.

MR MAXTED: It's just too onerous. If I move onto demand, of course, there is a
level of demand; it's just the actual level of demand that's relevant. One of the
45 major concerns that our members have in relation to the modifications required is
that the actual marketplace doesn't indicate that there's a huge level of demand.
We're not a public passenger service going from point to point, dedicated, so we're
limiting ourselves to those people who are travelling for a purpose of a holiday or an

event into far north Queensland, which is predominately, as you might appreciate, is an adventure-based area. You're going to the reef. You're going swimming, snorkelling, you're walking. You know, you might be hang gliding. You're doing a whole heap of things. You're hot air ballooning, white water rafting. The whole
5 area speaks of naturally-based enjoyment.

So that, in itself, can modify the demand. We have done some calculations, based on the results that we asked our members on, who was participating. In aggregate, the number of mobility impaired passengers carried amounted to 0.015 per cent of the
10 total number of passengers carried in the last year.

MS SKILBECK: Can I ask - - -

MR MAXTED: In the raw numbers - - -
15

MS SKILBECK: Yes.

MR MAXTED: - - - of the 1.1 million passengers carried, only 170 were mobility
20 impaired.

MS SKILBECK: To what extent – just to get my head clear on what the capacity to service mobility impaired customers may have been at the time. For those operators that do have rolling stock – I guess it's boats as well as busses, primarily – that could provide service to mobility impaired, how well used were those particular services.
25

MR MAXTED: Well, that's the next set of figures that I was going to provide you.

MS SKILBECK: Oh, beautiful. Wonderful.

30 MR MAXTED: Just one moment, .0035 per cent for the dedicated.

MS SKILBECK: Okay. To what extent are those sorts of service marketed? As you said, the primary market theme would be adventure travel.

35 MR MAXTED: I can hand you over to Gordon who can tell you. He actively markets the product that he provides.

MR DIXON: As operators, we are limited in what we can offer to the mobility
40 impaired. Places like Cape Tribulation, there's just nothing up there; national parks, that type of thing. Mossman Gorge, for instance, you can't - - -

MS SKILBECK: You can't access it.

MR DIXON: You can't access it via wheelchair. However, Kuranda, which is
45 second only to the reef, it does have the capacity to take the mobility impaired. You've got both the Skyrail and the train that have that facility and provision. We, in 2002, purchased a proper wheelchair vehicle and we've had that in the fleet and we have actively marketed that worldwide and right across Australia, and it's in our

brochures and it's on our website and it's actually on the website of Wheelie Easy
Tours as well. So it's definitely out there and, if you like, we carry with all our
services and all our fleet, somewhere around 800,000 people per annum. And we've
only had the requirement of that vehicle for 30 people per annum, which gives us
5 that .0035 per cent when you look at our capacity - - -

MS SKILBECK: Is that 800 - - -

10 MR DIXON: - - - of our total fleet.

MS SKILBECK: The total fleet. Oh, okay.

15 MR DIXON: If you look at the capacity available on that vehicle on a daily basis,
it's about four per cent.

MR MAXTED: David Downey can also give some information based on what
capacity they have in respect of the use of vessels to the reef.

20 MS SKILBECK: Oh, fantastic.

MR DOWNEY: Quicksilver operates – the large vessel has a capacity of 440
passengers, operates on a daily basis, and that vessel was commissioner 12 years ago.
It's been operating for more than 10 years, and the usage – and that vessel does have
wheelchair access, has wheelchair accessible toilet facilities and, on the roof, on the
25 pontoon, there is a wheelchair lift, providing access to the water. So it provides the
infrastructure that allows people to undertake those activities. And the usage, to
date, is about .01 per cent of 150,000 people a year. About 150 year utilise that –
people in wheelchairs visit the reef on that vessel.

30 MS SKILBECK: Okay.

MR DOWNEY: So in terms of the use of our coach fleet, our coach fleet is, of
course, not the only way that people get to our product, which departs from Port
Douglas. Quicksilver operates its own coach fleet as part of the transfer services that
35 are offered.

MS SKILBECK: Yes.

40 MR DOWNEY: So while the coach fleet does not carry all of those passengers, it
certainly carries a significant proportion of them. But the usage of those facilities on
the vessels, as I say, operates currently at about .01 per cent.

MS SKILBECK: Okay. Thanks.

45 MR MAXTED: So with respect, those numbers would indicate that the 25 per cent
requirement is unreasonable. That is: the 25 per cent compliance rate for vehicles of
conveyance is just unreasonable, given the experience of a wide range of operators
and including the 23 that we've canvassed.

MS SKILBECK: Okay.

MR MAXTED: I might also make mention, which our written report will also do, that one operator actually acquired, from 2003 to 2005, a wheelchair accessible bus.
5 The operator acquired that bus with 16 – it had 16 seats plus three wheelchair accessible spaces, with a view to capitalising on what he perceived as a gap in the market in Cairns/far north Queensland. Despite marketing its services throughout the period, the business did not receive any inquiries at all for the bus during that time and he sold the bus at a loss, as no other operators desired to purchase it and he
10 had no reason to continue to own it. Hopefully, I will be able to provide you with some more detail in my written submission.

MS SKILBECK: That would be great.

15 MR MAXTED: Another concern is, of course, that once there's a prescription for 25 or however many percentage points there are for every operator to have disable conveyance, it will dilute the available marketing demand that there may be. So example, if one person decides to invest, it may assist some of their cost because there are one or two that do it, and can say, "Well, we do it, and we've got the capital
20 and finance to do it, so we'll do it." And that's good, because that will mean that they will probably have an experience, what you might call, you know, a bank of experience of people that can actually - as this gentleman was saying, as I was listening to him, there are some people that are very experienced in providing transfers, and he has confidence and understands, because they seem to understand
25 him as a bit of simpatico going on. But if you actually break it all down to a whole heap of different people providing the service, some may never have - - -

MS SKILBECK: Dissipates if you - - -

30 MR MAXTED: - - - a disable transfer in six months, and they struggle to do it because they haven't got the experience and the expertise to feel comfortable, and so there's a nervousness and an apprehension, and then the two don't meet, and then there can be difficulties. So, you know, making a prescription for everyone to do it is, in some ways, not the answer, I think, as this gentleman was saying, although he'd
35 like - you know, he knows some taxis he knows that he's good with, and that sort of thing. And there could be a recommended provider, rather than for Government to come in and whip people into doing it. There will be those that will actually decide that they do that well, and they are comfortable in doing it, and they've got the experience to do it.

40

MS SKILBECK: It comes with specialisation.

MR MAXTED: Yes, so I think it's sometimes the case that the market can work these things out, with respect. Maybe it's a bit of encouragement, as well, required.
45 Also, another piece of information that we're able to source is from Tourism Queensland itself, and all I can say is that there's a flyer that Tourism Queensland puts out. The source is the Disability Tourism Fact Sheet, Tourism Queensland. It hasn't got a date on it in this - my hardcopy here, but - which says that the majority

of people who are mobility impaired tend to use their self-driving as their point-to-point transfers, and they drive their own car. This is the most cost-efficient and convenient, as it provides transport that they can use once at their destination, and constantly at their destination, rather than have to rely on the ad hoc public transport or the taxi service or - so they gear themselves up for their own transport, because at least then they know they've got it and can manage it. That comes out of - - -

MS SKILBECK: So this is - - -

10 MR MAXTED: - - - Tourism Queensland.

MS SKILBECK: Okay. So this is a survey that they've done of tourists? Okay. Thank you.

15 MR DIXON: They have their own information that they hand out - - -

MS SKILBECK: Okay.

MR DURRANT: - - - on disability access.

20

MS SKILBECK: Great.

MR DURRANT: And that was just an article that was in it.

25 MS SKILBECK: Thank you.

MR MAXTED: So the recommendation that we would like to see flow is an exemption for the 25 per cent of all fleet conveyances for non-scheduled route services. We just don't see that that is sustainable. Then if I might turn to the next point, which is the difficulties of implementing these standards. One of the difficulties in implementing standards is a practical point. Trailers are often carried on small coaches to take luggage, particularly on the Mitsubishi Rosa and charter Coasters you'll see in Cairns Region, Port Douglas; you'll see trailers sitting on the back of coaches.

35

MS SKILBECK: Yes.

MR MAXTED: With some of the configurations of the retro fitting, or even new fitting, of fully disabled access to these Coasters and Rosas, it will be from the rear of the vehicle, while once you've got - therefore, you've got a trailer on board on the back, it means a disconnection and re-connection of the trailer each time.

40

MS SKILBECK: Yes.

45 MR MAXTED: That causes some significant practical problems. One of the major hurdles that I can perceive, from all of the discussions I have had with our operators and others as well, is that the facilities at the various destinations that we travel to, as I outlined, mainly we're going to places in National Parks, or places where people

want to see nature-based tourism, or nature-based events. This means they come up hard against Queensland Parks and Wildlife Service. Queensland Parks and Wildlife Service, from my inquiries, am only able to provide two sites in the area which are fully compliant for wheelchair access.

5

MS SKILBECK: Okay.

MR MAXTED: And this is Barron Gorge in the Barron Gorge National Park near Kuranda - not in Kuranda, but near Kuranda.

10

MR SMITH: Yes.

MR MAXTED: And Curtain Fig in a national park in the Tablelands. So when we take, as Gordon pointed out, people to Mossman Gorge, Cape Tribulation, all the beaches along the northern Daintree National Park area, if we step them down there, or we put them on some - take them into a waterfall on the Southern Tablelands, I'm sorry, but - - -

15

MS SKILBECK: You can't access.

20

MR MAXTED: - - - there's no - all they have - regrettably have to do is either, remain on the coach, or just watch from a distance. There is no national parks access to most. The large majority of 99.9 per cent of the sites. So we've got a great coach facility to take people there, but then when we get there, there is nothing they can do. The private operators - oh, yes, some of them have - there's some access, like the Daintree Discovery Centre north of the Daintree River. It's fully wheelchair-accessible, and a lot of self-drivers drive there, but that's a private operation. The government hasn't done the same. Kuranda Skyrail is compliant, and some of these provisions. So - - -

25

30

MS SKILBECK: It's a very - it's quite a mix in - - -

MR MAXTED: It's very mixed, and so therefore, yet again, to acquire - require 25 per cent of all our conveyances to comply when, regrettably, when they get to the location to which they have chosen to see, they can't see it, is almost bordering on the misrepresentation. There's also another practical effect to the impact on the scheduling. Regrettably, it does take time to load and off-load. I wish it could be quicker but it's not quicker. The current methodology is it's generally hydraulic lift and, Gordon, you might like to talk about that.

35

40

But we estimate at least 15 minutes are required to get a disabled, fully disabled mobility-impaired wheelchair out of the vehicle into the ground securely and back up. And that, when we've got schedules, like, we've got lunch and our ferry to meet and we've got a window with Queensland Parks and Wildlife, some of our permits say that you can only visit that place between 11 and 12 so that it staggers everybody, so there's not just one big rush at a certain time of the day.

45

MS SKILBECK: So is that something, and I suspect Gordon can answer this - - -

MR MAXTED: Yes.

MS SKILBECK: Is that something that you manage, specifically, for your converted service that you specifically market for mobility-impaired? You've
5 actually adjusted the schedule as well?

MR DIXON: The, as I said, the Kuranda product is a lot easier because it's really just a case of a couple of transfers.

10 MS SKILBECK: Right, okay.

MR DIXON: Two transfers, we take you to the train and load you on the train. There's only two trains of a morning, two of an afternoon.

15 MS SKILBECK: Right.

MR DIXON: And then with Skyrail it's constantly running so, again, but we have allocations and times that we have on the train and also on Skyrail, we have our own – as you can imagine, so everyone can't turn up there at the same time. So from that
20 point of view, it's quite easy to manage and to run, but what Ross is referring to with the Cape Tribulation day, as an example, it's a 14-hour day. It's about nearly 400 kilometres by the time you get to Cape Tribulation and back again. You're probably on and off the vehicle in excess of 10 times.

25 MS SKILBECK: Right.

MR DIXON: So, you know, it would make it very, very difficult if, at every stop – and there's only one driver-guide on one vehicle.

30 MS SKILBECK: Right.

MR DIXON: So to get someone on and off that vehicle 10 times would another couple of hours - - -

35 MS SKILBECK: To the schedule.

MR DIXON: - - - to the day or it would restrict the access to some of the attractions that are up in that area. And also you have a time slot for your lunch, you've got a time slot for your Daintree River cruise, you've got the Daintree Ferry is a time slot.
40 The Discovery Centre, and what you try and do is you try and avoid each other so that everybody. So it appears that everybody is getting an unique experience, that they're the only people up there. And we do it quite well, I think, as operators.

MR MAXTED: We do it as obviously as we can.

45 MR DIXON: A bit of smoke and mirrors happening.

MS SKILBECK: Yes. Yes, gorgeous.

MR DIXON: So from that aspect it would put a - - -

MR MAXTED: It would reduce the quality of the tour.

5 MS SKILBECK: Yes. Yes, I understand.

MR MAXTED: And that would impact, I think, even on those who were subject to disablement, would say, “Well, I wish we could have just done this quieter without so many people.” And then if we start arriving all at the one time at the wrong time,
10 then, getting wheelchairs though these little tracks even though they all be a bit wide – some of the, like in the Discovery Centre, or wider, you’d have a problem if there was too many in. That’s why there’s a - - -

MS SKILBECK: It reduces the experience.
15

MR MAXTED: That’s why there’s a rotation of people.

MS SKILBECK: Yes. I understand.

20 MR MAXTED: So our recommendations there, in respect of the difficulties of implementing standards, that the smaller coaches to be compliant should be reviewed in the context of the broader need of passengers and their luggage. The association suggests that small coaches not operating route services be exempt from the standards. Our other recommendation would be the requirements of the standards
25 should be reviewed and timeframe for compliance be extended to match the likely compliance of attractions.

MS SKILBECK: I see, yes.

30 MR MAXTED: Where tours visit attractions that are in the adventure category, though the tours themselves may not be defined as “adventure travel” the vehicle should be exempt. And I will get onto adventure travel in a minute. And the last recommendation under that heading would be that regional and land-sea transport
35 tour operators be granted exemption from having to provide 25 per cent of their vehicle fleet with dedicated, allocated spaces on tour vehicles where those vehicles are used predominantly for tours.

MR DOWNEY: I’d just like to comment, to reinforce that and perhaps summarising the last few comments. There’s a very distinct and substantial difference in public
40 transport as it applies to the root services, regular urban services, and the infrastructure that is required to accommodate that kind of transport and those transport tasks as opposed to tours and tourism-based transport operations. In the work that I do in my capacity, our work, our coach fleet, with some minor exceptions, we do a little bit of charter work, but it is to carry our passengers to our
45 vessels for our tour product. One of the areas of discussion and comments – or the arguments that sometimes is raised is that we are not really public transport because people need to book and ring up and make a reservation. In the same, I guess, the

same definition or the same classification of limousines, etcetera. Where, whilst they come under the Transport Department's definitions and guidelines or criteria - - -

MS SKILBECK: For safety exactly.

5

MR DOWNEY: - - - as a public transport service, physically, what we do is not just go along and people can't just stand by the side of the road and say, "I have a right to get on your bus," or, "You operate a service that provides me with that right." People want to travel on our tour product then we provide some transport services to go with it. So, yes, I'd just like to emphasise the fact - - -

10

MS SKILBECK: Make the distinction.

MR DOWNEY: - - - that - - -

15

MR MAXTED: There's a distinction.

MR DOWNEY: - - - there's a real distinction between the so-called public transport services that are part of tourism-based products and the public transport services that are provided in areas.

20

MR MAXTED: I failed to make a point under the difficulties which is important and I heard it made, inferentially, by the gentleman who presented before me. The lack of support staff in the field is highly relevant. We are operating, generally speaking, tours with one driver-guide. Those driver-guides are pretty experienced people but we must comply with occupational health and safety, that term that you hear time and time and time and time again. And, of course, you're always going to get somebody who's going to be more enthusiastic than another to assist as an employee. Some are going to say, "Occupational health and safety," others are going to say, "No, I'll do it."

25

30

But then when they do it and they injure themselves then we've got responsibilities and we've got to say, "Why did we allow this to occur?" Well, we physically can't provide, as a cost structure, an independent person to assist in that situation. The driver-guide, like in a big coach, normally, he or she might have 40 or 50 passengers in a large coach. In the smaller it's 24, up to 24 in a Rosa. So it's just not possible for one driver and one driver-guide to, with respect, "care" in that loose term, for a person being moved on and off a small coach and also care for the other 21 and 22 because there's a real duty of care there as well.

35

40

And there's a heightened, with respect, there's a heightened duty of care for the person possibly disabled - maybe - it's an assumption I make, but there maybe some heightened duty. And that then, you know, adds to the burden of the driver-guide to try and look after others. Now, if his or her attention is diverted and some mishap occurs because of the attention being given to the loading or off-loading then that person would say, "Well, you didn't provide me with the duty of care that you owed to me. And while you were doing that I strayed onto a footpath or a path and got knocked by some particular vessel, or I slipped and fell." So it becomes really

45

difficult, let alone, I suppose, whether or not the lifting themselves and the caring is another issue. So that really does also impact on our responsibilities in terms of tour operators.

5 So now I return to the fourth point, which is clarifications of the definitions that relate to us as operators to comply with the standards. Regrettably, these standards were somewhat, respectfully, poorly drafted. The definition of “adventure travel” is not properly defined. It’s – they try to get around the difficulty, the drafters, of – it’s not legislation and it’s not regulations, this is, if I might say, these are standards that
10 are promulgated through the process of the public service and through the bureaucracy after reporting and community consultation and then are taken up to the relevant Minister for his or her signature. So I don’t – the view that I’ve had for some of the legal team that we’ve had a look at this is that it hasn’t had the rigour of critical Parliamentary analysis.

15 MS SKILBECK: So the definition of – just to be clear – the definition of “adventure travel” that you’re particularly referring to exists in which instrument?

MR MAXTED: In the standard.

20 MS SKILBECK: In the actual standard?

MR MAXTED: Mm.

25 MS SKILBECK: Right.

MR MAXTED: And then there’s a guideline as well.

MS SKILBECK: Correct, okay.

30 MR MAXTED: And whoever has written the guideline.

MS SKILBECK: Okay.

35 MR MAXTED: Again, it’s not – it’s not gone through Parliamentary process and it’s gone upwards through a level of - - -

MS SKILBECK: Is there a particular point of difference with the definition. Is it it’s specificity? It doesn’t match - - -

40 MR MAXTED: Yes.

MS SKILBECK: Okay.

45 MR MAXTED: It doesn’t match.

MS SKILBECK: Okay.

MR MAXTED: There's one version that's slightly different to the other.

MS SKILBECK: Okay.

5 MR MAXTED: Very slightly, marginally, but then again it highlights that it's not a consistent approach.

MS SKILBECK: Thanks.

10 MR MAXTED: The definition of "adventure travel," as I said, is not properly defined. But even if one assumes that it is capable of some clear definition, the adventure travel exemption in the standards does not apply to the "extent that the service operates to move the public from one location to another distant location." I'll read that again because you're looking puzzled.

15

MS SKILBECK: Yes. Thank you.

MR MAXTED: And I agree, it took me – "the extent that the service operates to move the public from one location to another location is not exempt." So, for
20 for example, hot air ballooning which I've discovered since I've taken on this brief and this role is that hot air ballooning – a mobility-impaired person is unable to travel in a hot air balloon under CASA, the Civil Aviation Safety Authority, regulations. However, the hot air ballooning works by the fact that a coach pulls up in the early morning – 4 o'clock in the morning or some ungodly hour, picks the guests up, puts
25 them in the coach, drives them way out, sometimes, to the Atherton Tablelands into the hills where the convections and the currents are great.

MS SKILBECK: Yes.

30 MR MAXTED: They get on board at 5 o'clock in the morning and away they go. Now, technically, the adventure travel clearly exempts the ballooning. It says, "ballooning," hot air ballooning is exempt. Well, the fact is it's exempt anyway under CASA regulations, but it, defines, hot air ballooning and it also defines white-water rafting. Well, pretty obvious. But the travel to the white-water rafting in Tully
35 and the travel to this hot air ballooning is not exempt. So hot air ballooning companies and white-water rafting companies still have to have 25 per cent of their coach vehicles compliant under the regulations, as drafted by politicians, and put people on board these coaches, in compliance, but they don't have to put them on the white-water rafting exercise, nor do they have to put them in the balloon. Now, there
40 may be a reason for this. There may be that some persons legitimately want to view people going down the white-water and view that or see them going scooting up into the sky or coming to the ground and rolling in the basket at the end, I don't know. But the reality is that it's incongruous, quite frankly.

45 MS SKILBECK: Okay. Thanks, yes.

MR MAXTED: The “pre-book service” definition also requires some degree of clarity. It’s absolutely clear to Dave, myself, and Gordon that we are definitely, all of us - - -

5 MS SKILBECK: Pre-booked.

MR MAXTED: - - - a, in our tour operations, a pre-booked service.

10 MR DOWNEY: And pre-paid.

MR MAXTED: And pre-paid. But, you know, it would be nice to know precisely how you fit what’s called a definition of “pre-book service.”

15 MS SKILBECK: All right.

MR MAXTED: And, in many respects, some parts of – my other business that we run, and Gordon and Dave in some of its charters and you’re exempt entirely.

20 MS SKILBECK: By definition, yes.

MR MAXTED: So if you get a group of bird watchers who go on take the coach for the day, they pay one fare, that’s it, they’re exempt. So we don’t have provide a compliant coach. So it would be good if we could have the definitions tidied up. The recommendations there are that the operation of adventure travel exemption under the standards needs to be clarified. That regional land and sea transport tour operators be granted exemption from having to provide 25 per cent of their vehicle fleet with dedicated allocated spaces on tour vehicles where those vehicles are used predominantly for tours. And that’s the recommendations we seek there. We also seek an exemption as per the regulation at statement 6.9 of 1999. The regulation impact statement at 6.9 of 1999 – just one moment – allowed three stages. It was on Crown Counsel legal advice, I think..

25 MS SKILBECK: Is this the staging of the implementation of - - -

35 MR MAXTED: Yes, this is 1999. But they recommended a particular form – if you could just give me a moment I will just try and find it. I’m sorry, apologies for shuffling papers.

40 MS SKILBECK: It’s okay.

MR MAXTED: I had it somewhere – anyway, it’s paragraph 6.9 - - -

MS SKILBECK: Yes. Okay, we will look it up.

45 MR MAXTED: - - - of the recommendation of 1999 allowed various recommendations – or, actually, recommended various situations occur.

MS SKILBECK: Stages.

MR MAXTED: Three stages. And one was that there be a schedule which was allowing coaches to be modified in accordance with a different schedule. None of these recommendations in the 1999 RIS has been taken up. It's just been left. Even though it was recommended – I think Allen's did that review then.

5

MS SKILBECK: Yes.

MR MAXTED: So then there's a further recommendation at – well, it wasn't a recommendation, it was a recommendation that was adopted at 6.7. 6.7 related to limousine and hire cars and the recommendation which was agreed and adopted was as limousine and hire cars do not operate on the same basis as taxis, and are pre-booked services, and often a unique service, there is a strong argument that it would not be practical or viable to have the draft standards apply to them as they would apply to a standard taxi. On this basis, and following detailed discussion with state and territory transport officials, we recommend that Ministers consider removing provisions relating to limousine and hire cars from the draft standards.

Now, why do I highlight that? Because here it says: "There is a strong argument that it would not be practical or viable to have the draft standards apply to them as they would apply to a standard taxi," because they were offering a unique service and are pre-booked. Well, that's what we do, that's exactly what we do. So – and in 1999 there was also the recommendation at 6.9 which just got lost. So our submission as an association, is 6.7 and 6.9 in terms of your terms of reference should now be looked at as to why did this get lost? What happened? Something happened.

25

MS SKILBECK: Or didn't, in the case.

MR MAXTED: And it seems to me that it got lost in the drafting.

30 MS SKILBECK: Okay.

MR MAXTED: Now, the recommendations that flow from the unjustifiable hardship exemptions are – sorry, from the - - -

35 MS SKILBECK: The terminology.

MR MAXTED: - - - clarifications were that regional land and sea transport tour operators be granted exemption from having to provide 25 per cent of their vehicle fleet with dedicated, allocated spaces on tour vehicles where those vehicles are used predominantly for tours.

40

MS SKILBECK: Okay.

MR MAXTED: And, finally, the point that I made was the unjustifiable hardship exemption from the standards.

45

MS SKILBECK: Yes.

MR MAXTED: It's possible and quite probable that a large majority of cases that relate to justifiable hardship or exemption application would be based on the grounds of cost. As we saw in the case that was in 1999-2000 in Cairns, but that went for many days. But that would be the largest area upon where you're probably likely to
5 found a foundation for that sort of claim. However, it seems regrettable that a decision of the Human Rights and Equal Opportunity Commission in Re Infinity (Gold Coast Proprietary Limited) on 27 June 2000, decided that an economic loss or cost ground would not provide grounds for unjustifiable hardship application to the commission.

10 That seems to me to be fairly hard. And that's a commission's view, it's not a court. A commission is not a court. A commission is a commission responsible to government and it's not like separation of powers, it's responsible to the Minister for the day.

15 MS SKILBECK: Administrative, yes.

MR MAXTED: A court is not responsible to the Minister for the day, it's only responsible to the Attorney, but in respect of that I think that's a harsh interpretation.
20 But, also, of course, the standards themselves say – the guidelines say that that as well and reinforce the decision of the commission. So with respect, we that to also be reviewed with a view to allowing an unjustifiable hardship application be made on cost grounds. And, again, 6.9 of the 1999 review is relevant there and the recommendations there are relevant and 6.7. Also the unjustifiable hardship
25 provision and exemption applications have been reviewed by one of our legal persons who have also come to the view that despite interrogating the commission's website and reviewing all the material on justifiable hardship he cannot locate one case that's granted an exemption.

30 MS SKILBECK: On that ground?

MR MAXTED: On that ground. And also is unable to locate a clear grant of an exemption for five years without any qualification. Recently, in Hervey Bay, an RSL applied for an exemption for their small little commuter bus that went
35 backwards and forwards picking up some elderly - - -

MS SKILBECK: RSL members.

MR MAXTED: Yes, an RSL – some people. They were concerned about
40 compliance. They made application to HREOC for exemption. It went before – well, it didn't go before anyone, it was considered by the commission and the commission then asked the jurisdictional committee which helps HREOC make the decision, and the jurisdiction committee, comprising of all the transport officials for the states and territories said, "Yes, it should be exempt." And they got the
45 exemption from the committee. That was part of the evidence to the commission. However, the person that made the decision – the senior executive officer in the commission, then overruled the committee's decision and said that he was not

satisfied that it couldn't be – this little bus couldn't be used for some other purpose and it should comply.

5 Now, I don't know whether that RSL has taken that on appeal or not but then again, it shows that, here we are, we had the jurisdictional committee, which was appointed by the Federal Attorney General back in 2004, to assist HREOC making decisions came to the view that the Harvey Bay RSL should be exempt. They got the expert report from that committee and the HREOC senior executive officer decided, no, that there was other grounds. So this is the uncertainty upon which our members have to
10 operate. And no member would be wanting to run the gauntlet of commissions and costs and legal costs that may be involved in these sorts of applications.

MS SKILBECK: Okay. Thank you very much.

15 MR MAXTED: That, sort of, concludes the view. There's just one other point that I would make. That when this was reviewed, I think, before the standards were implemented – the 1999 review estimated over a 20 year the implementation costs were going to be about \$3.7 billion. Neither in the 1999 review or the 2002 RAS review were operators such as the Far North Queensland Tour Operators
20 Association, which have a huge input into the economic viability in far north Queensland of this sort of business, were we consulted, in the sense that we didn't have any input. And it's only become clear with the effluxion of time and the promulgation of various things to our members - - -

25 MS SKILBECK: How significant - - -

MR MAXTED: - - - the significance of it. And these matters were raised inferentially by, I think, the Bus Confederation of Australia - - -

30 MS SKILBECK: Bus operators, yes.

MR MAXTED: - - - in 1999. My thoughts, looking at the material, were then that the review panel came to the view that on both RISs that these things can be dealt with – “these things” meaning applications can be dealt with by the HREOC.
35 Unjustifiable hardship, let them take it to HREOC. But the reality is that they have gone to HREOC for exemption and they have gone to HREOC for unjustifiable hardship and on each occasion have drawn a blank. And the system, with respect, therefore, isn't working as they thought they would in 1999 and 2002.

40 MS SKILBECK: Okay. Thank you very much to all of you, to Ross, Gordon and David. And I look forward to the material that you've put together for the submission, too, and that will be a great contribution to our review. So thank you. And as I mentioned earlier, the transcript for this hearing today will appear, we hope, within the week. It was going to be provided to us within a week, we will clarify it
45 and put it up on the website which is ddatransportreview.com.au. We are open for written submissions until 24 August and look forward to those by you all. Thank you very much for your contributions today. It helps us out enormously to actually

hear from people and have the opportunity to ask questions, and I thank you all who have spoken and those who have stayed to listen, as well. Thank you very much.

5 We have a little bit of time, so if you'd like to make some comments we will get a microphone to you, if you don't mind, Max. The Oprah microphone is over there.

MR MURRAY: Well, I listened intently – my name is Max Murray, sorry. I listened intently to the last presentation and I think these guys have got a real argument. And starting with the comment that the current drafted standard is poorly
10 written I would have to agree entirely. I do think that it did go through the Parliamentary process but it certainly didn't reflect that in its outcome. I think that there's a lot of room in the standard for improvement. I guess this is the situation with any review of codes or standards or even guidelines that occurs at an interval of time rather than continuous. And I think that by smartening up definitions you can
15 smarten up a lot of the problems that you refer to.

I am worried by the risk process that takes place with all these codes and standards. As one of the major beneficiaries of the outcome I certainly feel that my benefits have been vastly underestimated. The risk for the premises standard, for example,
20 considered that it was not possible to place any real dollar cost on benefits to people with disabilities and yet every day courts provide estimates of costs incurred as a result of injuries to one's pride through libel or slander and to pain and suffering if someone has their toe chopped off or break their neck, or have their neck broken for them. And I think that, really, it is – while the costs for providing are not
25 insignificant and the costs for providing are suffered by individuals, the benefits to individuals is immense. And in the case of this lack of availability, it is something that is incurred by the beneficiaries on an ongoing, daily basis.

So they are extremely significant. Now, I know it has an interpreted into dollars in
30 your pockets and I think that that's a function of the population that your catering for. And I don't think that we can pretend that the much bandied figure of 25 per cent of the Australian population is a reality when it's only a half of one per cent of the Australian population who use wheelchairs. That goes up a bit if you add scooters and, of course, that population is going to increase rapidly very soon. And I
35 think the best way to handle this, is from a review point of view, is through the recommendations put forward here in for a good hard look at definitions and a good hard look at possible exemptions and a good hard look at possible sources of support which the government might even be compelled to make.

40 And I think that I wouldn't like to see us lose sight of the whole purpose of the standard. And that is to provide access to an experience. I've sat for over 25 years at the bottom of stairs wondering how to get into buildings and not being able to. And I handle this by not going to a building that I don't know about. If I find that I have to go to that building, then I will do as much research as I can before I leave home.
45 And there are times when the – especially in the motel industry – where the best of questioning ends up with you having to go somewhere else.

So the disappointment and the cost incurred in that is also significant and the opportunity cost to people who might want to use your service is also immense. And these things are not costed in any risk. Now, I think the reason why I support your arguments is that you have to foot the bill on our behalf as individuals and that
5 makes it a little bit different to some of the bigger companies and I know that you guys are probably all companies, but if you are one man companies then it's significant and I just – I guess I'm looking for – I guess what I want to say is, at the end of the day, I would like to see that we don't lose sight of we're trying to provide access for people who are looking for it.

10 I mean, we talked about Skyrail. I was asked to be involved there. I said that I worked for money, they said that, "We're not prepared to pay you." So I said, "Well, that's good. And they met a bloke in the middle of the street and said, "How big is your wheelchair?" And as a result of that they all went over to France and brought
15 back the gondolas which do not fit in my wheelchair and in order to get around this, in order to provide the service, they bought a wheel chair was as big as they could get that would fit within their gondola. Now, they won't carry electric wheelchairs. If you're in an electric wheelchair, you've got to get into their wheelchair that's provided. And if you do get into that wheelchair you must leave it with them either
20 at the top or the bottom.

Now, that means that can't do the Kuranda Rail Skyrail trip even in their wheelchair and so they're – I mean, that's an experience which I have advertised verbally all over Australia. I think – I mean, I ran the gauntlet of getting into that chair. It was
25 not possible for my body to fit into that chair with the sides off. I chose to bring my own hoist along which I need to get in and out of bed in the motel, and to raise myself up and actually drop myself in so that I was – I plopped and squeezed between the two sides. And that's where I stayed for the day, till I returned, to get into the hoist to get out of it. Not quite satisfactory, but then again, the cost of
30 replacing all those gondolas and all the bloody supports for them which are only engineered for those weights is just not worth comprehending.

And so I don't think I've got anything more to say about that. But two things, I guess, Simon Darcey, you probably have his report. He rang 8000 people in
35 Australia who use wheelchairs and asked them of their experiences and – when did he publish that? Yes, but he published the results. They came out through the New South Wales Tourism Department I think. Anyway, Simon Darcey's figures. And they're worth looking at, you know, to see whether they support or don't support your arguments. The other thing is, I mean, there's no good providing a service
40 without advertising it. And you've said that you've advertised widely.

I think that there's a group in Hervey Bay – and we've talked about Hervey Bay – called, I think, Access For All and they've got a website. It's Access For All, I don't
45 know whether it's an association or an organisation or a dot.com and they are extremely active in advertising whatever they know about accessible tourism in Australia. And that would be worth investigating, Access For All. You know, however it is written, I'm pretty sure it's one word. And so it's no good a service being out there, of any sort, that's accessible if no one knows about it. And I find in

motels all the time. “We’ve got a room and no one has ever used it.” “But do you ever advertise it.” “No, we don’t advertise it. People are supposed to know we’re accessible.” And so they don’t even hit the radar. But thanks for your suggestions. I think they’re very real.

5

MS SKILBECK: Thank you, Max, for your comments.

MR MURRAY: Thank you.

10 MS SKILBECK: Sorry, Anita. Yes.

MRS MURRAY: I agree with – my name is Anita Murray, carer. I agree you guys do have a dilemma. When Simon Darcey published his PHD thesis a couple of years ago it certainly did show people want to travel. And, certainly, with the Skyrail
15 experience, once that was on train it was advertised as accessible. We belong to a lot of associations and all the magazines said, “Yes, Skyrail is in.” And people rushed up there and quite a few of them, of course, in electric chairs, found they couldn’t go and it was very disappointing for them. And with the disabled community in Australia, word travels very fast. There’s one accessible motel in Brisbane, so
20 you’ve got to book four months ahead if you want that motel. And in Sydney, 36 rooms out of about 4000 in the CBD are accessible. Once again, you’ve got to book ahead and heaven help you if the Olympics are on.

MS SKILBECK: Anita, do you know how many rooms would be accessible in
25 Cairns?

MRS MURRAY: Well - - -

MR MAXTED: We can find that. I know what it was in ’99.

30

MS SKILBECK: Okay. If you could provide us with - - -

MR MAXTED: Accessibility, no, I don’t know, but accessibility doesn’t equal use.

35 MS SKILBECK: No. No, I’m just in the same context as many of us - - -

MR MURRAY: I can tell you this, there were none in bloody three-star hotels, I can tell you that.

40 MR MAXTED: None.

MR MURRAY: Back in 1990, there were none in three-star hotels. There was one in
45 Australia, one room. And it had one room. I rang everyone that advertised that they were accessible, in the CBD. If they lived in bloody Cobar I didn’t ring them. You know, so if they were in a metropolitan area then I checked it out.

MS SKILBECK: Okay, thank you. Anita?

MRS MURRAY: As I said, with the disability community within Australia, everybody knows which motels are right. And as I was saying to you guys, it is a dilemma because Max and I contributed to the Australian Tourism Commission Review when they had it about 10 years ago and at that time we had people from
5 Japan, Britain, New Zealand, begging to come over in lots of 10, 20 people and we said, "There is no accommodation." The only place that has 12 rooms was the older YAL Hostel. It was very accessible and that was the only place. So I think what you guys have got to do is get up there, get those hotel and motel association guys and really lobby – I mean, it's not your job to do it – and this is where Max with a
10 disability premises standard is trying to get accommodation better. But I think until you do get accommodation up there you're not going to get the numbers.

MR MAXTED: And I agree that that's probably one of the points that you would be concerned about. But then the experiential side of your holiday is difficult as well
15 because of the, very often, the heavy nature – on the land particularly. So many of these places that everyone talks about in their mind, you know, that they want to go and see, regrettably, haven't – which are government controlled in permits, just haven't got the accessibility and that's, again, nothing that we can - - -

20 MR MURRAY: And they're all five-star outfits.

MR MAXTED: Yes.

MR MURRAY: In Cairns we got

25 MR DIXON: It's all part of the council planning now and there's been a lot of growth in accommodation in Cairns over the last five years.

MR MURRAY: Is that Cairns?

30 MR DIXON: This is put out by the Cairns City Council.

MR MAXTED: There's a new - - -

35 MS SKILBECK: Gordon, can you just – the heading is, "Access For All 2006."

MR DIXON: Access For All 2000 had a seminar for tour operators and hoteliers back, three weeks ago, as part of Disabled Access Week. And it was quite interesting to sit and listen, but the problem is that it, as you've rightly pointed out,
40 it's all and four and five-star. And there hasn't been a three-star hotel building in Cairns since about 1999 - '98, '99. So on that bottom level – not bottom level, the star rating level - - -

MS SKILBECK: The cheaper accommodation.

45 MR DIXON: The cheaper accommodation is not available.

MS BERTHELSEN: It's Cynthia Berthelsen. I want to raise that very issue with motel owners, builders, in the planning stage, and what have you, as to why they don't have more rooms that are disabled accessible. Perhaps, not designated only as disabled. It doesn't cost much more to put a shower in that you can roll into. It
5 doesn't cost much more to have a couple of handrails and the attitude was, "Oh, able-bodied people don't like to have a toilet with a handrail in it." I think they're in for an awful shock because we're becoming older and older and there are people, even myself there are times when you're feeling feeble at the end of the day, a hand rail wouldn't offend me. And I am quite sure that motel builders have got to realise that
10 it is a real advantage and it goes hand in hand with what you folk are doing. And I, too, support your submission. I really do.

In another part of my life I act as a volunteer with tourism and I am very well aware that most of the people who are in wheelchairs and what have you travel in their own
15 vehicles. Very few, or I don't know if I've ever come across a disabled person in a wheelchair coming from a tourist bus. It just wouldn't be possible because the ones who operate in our area, at this point in time, don't have accessibility. And in our own backyard, we have the same problem that you have, with when you get to the end of the journey the National Parks and what have you, do not have toilets or
20 places where people can move. They have people who can't move up and down the rocky pathways have to sit up on top and wait for the others. It's a whole package. It's not just a simple thing. And 25 per cent, to me, seems awfully extreme. I know it's the regulations but I do agree with you that we need to have that seriously looked
25 at.

MS SKILBECK: Thank you, Cynthia.

MR MAXTED: Thank you. We also find that the majority of people that travel with disabled person travels in pairs or with a carer. So we always then have to
30 make accommodation normally for the carer as well and try and do it – and that sometimes quite well if they're more mobile. It's particularly when there's a complete lack of mobility, if I can put it that way, that the problem becomes quite acute.

MS SKILBECK: Thank you everyone. Thank you for your comments. Thank you very much.

40 **ADJOURNED**

[12.12 pm]