



**Queensland
Government**
Queensland Transport

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

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Introduction

Queensland Transport provided a detailed submission to the five year Review of the Disability Standards for Accessible Public Transport 2002. This submission identified instances where practical examples of implementation difficulties had arisen associated with some areas of the Transport Standards. It reflected the concerns, opinions, feedback and technical insight of both our contracted operators and the department. It specifically:

- ♣ analysed those particular aspects of the Transport Standards that were identified through our consultation process as being unclear, impractical or that present technical or implementation difficulties;
- ♣ discussed other thematic concerns raised as a result of the Transport Standards; and
- ♣ provided where appropriate, detailed technical information and suggestions for improvements.

Queensland Transport is seeking to influence and support changes to the Transport Standards which will ensure that they are made practical and achievable without threatening the continuation of transport services of critical benefit to the people of Queensland.

Queensland Transport is disappointed with the outcomes of the review that have resulted in a draft report that does not immediately address any of the issues raised in the review process and of critical importance to transport providers, operators and regulators. Queensland Transport was of the view that the Consultants would have undertaken the tasks that the draft report now proposes should be done.

Additionally, Queensland Transport is totally opposed to the removal of exclusions for dedicated school buses and the draft recommendation that school bus services be included in the Transport Standards on a delayed compliance timeframe. This draft recommendation is considered to be totally impractical and unnecessary and demonstrates a lack of understanding of how the needs of students with a disability are currently being met in Queensland.

The draft report also remains silent on a number of areas covered in the responses to the original set of questions asked by the Consultants. The draft report falls short, in Queensland Transport's view, as it only proposes further work to be undertaken to provide the clarity and certainty that transport providers, operators and regulators are urgently seeking to successfully implement the Transport Standards.

Acknowledging this, Queensland Transport will now address the six 'Current Problems' and the nine proposed recommendations identified in Chapter 12 and 13 of the Draft Report prepared by the Allen Consulting Group on behalf of the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government in consultation with the Attorney-General ("draft report").

Issue 1 – Incorrect or inappropriate prescription in the Transport Standards

Links with **Draft Recommendation 1** - *APTJC establish a technical expert group to:*

- *Review technical amendments proposed by this review;*
- *Consider current exemptions as amendments to the Transport Standards when they expire; and*
- *Consider the feasibility of incorporating safety requirements into the Transport Standards.*

This group could subsequently be used to review technical issues as they arise, thus reducing the burden on the temporary exemptions process.

Queensland Transport's Response

Queensland Transport supports the establishment of an ongoing mechanism to provide expert technical advice regarding current and future proposed amendments to the Transport Standards.

However, based on past performance of cross jurisdictional committees with no specific funding, Queensland Transport has significant reservations about the capability of the proposed mechanism to deliver the required outcomes. A far better outcome would be achieved by the Commonwealth Government establishing a work unit to provide independent and expert technical advice regarding current and future proposed amendments to the Transport Standards.

It is emphasised that without leadership by the Commonwealth Government, there is little possibility of the desired outcome being achieved. Consideration of cross jurisdictional issues and the implications of differing legislation, as well as negotiation to a workable outcome are all required before a nationally agreed approach can be achieved. This leadership is required as a matter of urgency to address the long standing issues impacting on the credibility and the practicality of the Transport Standards in their present form. While it is imperative that the Commonwealth obtains practical advice from the states to achieve nationally workable solutions, it is up to the Commonwealth to provide leadership, guidance and advice in the implementation of its legislation.

It is important to note that the difficulties resulting from incorrect or inappropriate prescription in the Transport Standards appear in many examples and Queensland Transport has identified a number of these in its original submission to the review. Serious consideration also needs to be given to the current exemptions and exemption applications and whether these should be considered as amendments to the Transport Standards.

For example, in its original submission, Queensland Transport outlined the difficulties in relation to response times for the taxi industry and this subsequently formed the basis of an exemption application by the Taxi Council of Queensland.

The Responsibilities/Definitional Issues regarding Response Times - Part 2 of Schedule 1 of the Transport Standards advises a target date of 31 December 2007 in relation to response times, that is, response times for wheelchair accessible taxis are to be the same as for conventional taxis.

The legislation advises that the responsibility for this standard rests with radio networks and co-operatives. It needs to be noted that there are issues with this for the taxi industry in Queensland in that their call centres are the areas responsible for making bookings. However, management/call centres do not have any control over wheelchair accessible taxis in the taxi districts and as to who may or may not accept a 'job' and within what timeframe.

The issue comes back to whose responsibility it is if the booking area and management have no ability to force the taxi drivers to accept a booking, therefore making it very difficult to guarantee that response times for wheelchair accessible taxis will be the same as wheelchair accessible taxis by any target date. The taxi industry is very concerned that they are to be held responsible for something that is out of their hands should drivers decide not to take certain 'jobs' from the call centres.

Clarification is required about the responsibilities regarding the above situation where matters are out of the hands of call centre/management. The question that needs to be answered and clarified is what constitutes compliance under these circumstances. Queensland Transport considers that the taxi industry must consider how it may need to restructure itself in order to achieve compliance with this Standard should responsibility remain with radio networks and co-operatives..

Another example is that of the complex and comprehensive Australasian Railway Association's exemption application requesting exemption from 94 parts of the Transport Standards. Despite this application being lodged with the Human Rights and Equal Opportunity Commission (HREOC) in July 2005, it is still not finalised with 62 of the requests still requiring further consideration, not considered exemptions but rather requests for amendments to the Transport Standards or awaiting further information.

The Transport Standards need to acknowledge that there are mode specific issues and state specific issues that require documentation stronger than 'guidelines' and consideration should be given to restructuring the Standards along modal guidelines taking into account state-specific issues such as the narrow gauge rail in Queensland which make the implementation of the Transport Standards impossible. Providers, operators and governments require greater certainty before investments are made.

Greater emphasis also needs to be placed on equivalent access allowing operators to think more broadly about access issues and develop solutions that can be approved by an authorised mechanism. The present concept of equivalent access is vague and leaves operators with great uncertainty about the appropriateness of the chosen method to ensure that people are not excluded.

Many of the requirements in the Transport Standards have proven to be impractical and/or difficult to implement. The reality is that when an issue becomes too difficult, too costly or too impractical to deal with, it will be removed altogether. Some public transport operators and providers of premises and infrastructure have indicated that this may be their preferred approach. They advise that it is much simpler and less costly to remove a service rather than trying to make it comply with the Transport Standards. They also advise that even if they do spend the money required for compliance, no-one can tell them if it does indeed comply. For many, this is an unacceptable business risk.

Queensland Transport also considers that while this recommendation proposes to establish a technical expert group to review the proposed technical amendments, it is imperative that definitional clarity be provided to then enable the development of any such technical amendments. Again, in its original submission Queensland Transport presented a number of issues that require clearer definition, a summary of those is provided in Attachment 1. Furthermore, clarification is urgently required on a range of issues summarised in Attachment 2.

Preferred approach

Ultimately, Queensland Transport supports a fairer approach to compliance both for the passengers and the operators and providers. Like operators and providers, Queensland Transport, as custodian of the public transport system requires to be supported by a system that is practical and affordable. As such, the implementation of a centralised compliance body and associated compliance agencies responsible for informing, advising and ultimately certifying compliance levels is paramount to the success of achieving a more equitable transport system and one that provides clarity for providers and users alike.

A 'one size fits all' approach may not be the best means of achieving compliance. In some sectors of the transport industry, a co-regulatory framework may be able to deliver a far better outcome for users of public transport. In such a framework the regulatory function would be shared by industry and

government through the provision of Codes of Practice supported by legislation to enforce them. The Rail sector, for example, may be an ideal trial mode for such a mechanism.

Issue 2 – Uncertainty around implementation and compliance

Links with **Draft Recommendation 4** - *Modal sub-committees be appointed by APTJC to develop Guidelines under the Transport Standards by mode of public transport. These guidelines be developed in consultation with APTNAC.*

Queensland Transport's Response

While the Transport Standards have clarified the more general need for equity of access, they have also created a much higher level of uncertainty about what is expected of the transport industry in many different situations. An unacceptable level of confusion in the transport industry and for state governments has been created, due to the absence of clarity of exactly what a public transport operator's obligations are. The lack of any certification mechanism for compliance implies that transport operators will ultimately not know if they are compliant with the Transport Standards until a complaint is raised against them.

The 'one size fits all' approach to the Transport Standards has meant that there are several areas experiencing a lack of clarity, resulting in sectors within the transport industry assuming legal risk as opposed to any level of legal certainty.

The complex nature of the transport industry within Queensland, and Australia, that relies on a combination of private and public transport operators and providers is incongruent with the simplistic 'one size fits all' approach to the Transport Standards as they currently stand. Paradoxically, this simplistic approach creates a situation whereby the transport industry is faced with an absence of clarity with regard to their practical obligations under the Transport Standards.

Queensland Transport supports the acknowledgement in the draft report that there are mode specific issues that need to be addressed. However, Queensland Transport considers that the preferred option alone will not address many of the well documented issues around uncertainty of implementation and acceptable compliance levels with the Transport Standards.

Queensland Transport raises two issues that are not addressed by the preferred option, namely:

1. As previously well documented, without a significant difference in approach, definitions and whole of journey considerations, an additional set of guidelines could have the potential to be equally ineffective; and
2. The uncertainty of what actually constitutes compliance creates reluctance to invest significant funding by operators and service providers. The significant impact of cost implications, while the process remains complaint based, adversely impacts on the implementation of the Transport Standards.

Queensland Transport considers the adoption of 2c *Certification of compliance for planned conveyances or infrastructure* would provide the Commonwealth with the opportunity to not only exhibit leadership in educating operators and service providers in the interpretation and application of the Transport Standards, but would significantly improve the engagement and commitment of operators and service providers in meeting their compliance targets.

Queensland Transport considers that a certification process could operate in parallel with the existing complaints based process. Evidence of certification would be an important consideration in any HREOC mediation process and decrease uncertainty for both operators and complainants.

Issue 3 – Gaps in information for providers in operating accessible public transport

Links to Draft Recommendation 5 - *An APTJC sub-committee to develop a national scheme for labelling mobility aids based on the specifications in the Transport Standards and establish a clearinghouse of best practice examples of accessible public transport.*

Queensland Transport's Response

Development of a national scheme for labelling mobility aids

Queensland Transport strongly supports the development of a national scheme for labelling mobility aids based on the specifications in the Transport Standards. Queensland Transport considers that the progression of this issue is a matter of urgency.

Previously, a National Scooter Policy Working Group was convened as a sub-group. This group was chaired by Queensland with cross jurisdictional representation including a number of technical experts.

The final recommendation of the group was to seek the development of a comprehensive Australian Standard for the restraint of mobility scooters in accessible vehicles and to investigate the development of a certification and labelling regime. To progress these recommendations, the group sought funding for the employment of a Research Project Officer. Contributions required from the relevant jurisdictions (including the Commonwealth Government) were approximately \$14 000 per jurisdiction. This approach was rejected due to the lack of jurisdictional funding and a strong perception that a nationally agreed outcome would never be reached on this issue.

In February 2007 the matter was referred to the relevant national safety groups seeking advice. In March 2008, advice was received that APTJC would need to define a mobility scooter before consideration would be given to progress the matter.

The lack of cross jurisdictional cooperation and will to progress these issues to a nationally agreed outcome is not just frustrating for the stakeholders involved, but also has serious safety implications for the users seeking credible and timely advice on an important safety issue.

Based on this experience, Queensland Transport considers that relying on a committee with sub-groups at the level of APTJC to progress such complex issues will not be effective. The consequences of continued delays are too serious to support a proposal that relies on this structure.

Additionally, states have sought solutions to issues in the absence of a national approach. For example, Queensland is in the process of enacting legislation relating to assistance animals. The work that HREOC is now doing in this regard may or may not have an impact on legislation that is developed in Queensland or in other states.

A workable, national certification system for mobility aids able to be used on public transport is essential to provide certainty to mobility aid users (including their ability to use the aid within any state of Australia) and to public transport operators. Any system developed needs to take account of aids already in use, the fact that most aids are imported into Australia, and that many aids are subsequently modified to suit the user's particular needs/disability.

The review needs to consider the safety factors impacting on the use of ramps versus hoists for taxis and utilise that research to inform the Transport Standards. A clear, unambiguous statement needs to be made within the Transport Standards as to whether ramps are compliant with the Transport Standards when utilised for boarding taxis.

Establish a clearinghouse of best practice examples of accessible public transport

Queensland Transport supports the approach of sharing successful and innovative public transport initiatives.

However, Queensland Transport has reservations about the capability of the proposed mechanism to deliver the required outcomes. With the establishment of a small Commonwealth Secretariat this clearinghouse function could be effectively performed.

For instance, the Australian Family Relationships Clearinghouse is an information and advisory unit focussed on the enhancement of family relationships across the lifespan. It is funded by the Commonwealth Government through the Department of Families, Housing, Community Services and Indigenous Affairs.

Similarly, the Department of Education, Employment and Workplace Relations operates and maintains a clearinghouse which provides public access to departmentally funded research on various national programs. The objective of this clearinghouse is to support strategic national research projects and initiatives and it displays the Commonwealth Government's commitment to fund research that supports its legislation and program.

Queensland Transport would support the establishment of a nationally funded clearinghouse function to provide information and advice about the Transport Standards as well as best practice examples of accessible public transport.

Issue 4 – Reliance on individual complaints process to ensure compliance

Links to **Draft Recommendation 6** - *HREOC to be provided with powers to refer cases of breaches of the Transport Standards directly to the Federal Court.*

Queensland Transport's Response

The reliance on any complaints based mechanism to enforce the Transport Standards is not supported by Queensland Transport. Such a system is considered to be unfair to a range of stakeholders, as well as impractical and unworkable.

Queensland Transport supports a fairer approach to compliance both for passengers and operators and providers. A complaints based process means that Passenger Transport operators ultimately will not know if they are compliant with the Transport Standards until a complaint is raised against them. While they may expend large amounts of funds in the belief that they are making their infrastructure and services compliant with the Transport Standards, they may find themselves in a situation of having to defend their position in the Federal Court because a complaint has been lodged against them.

Many of the requirements in the Transport Standards have proven to be impractical and/or difficult to implement. The reality is that when an issue becomes too difficult, too costly or too impractical to deal with, it will be removed altogether. Some public transport operators and providers of premises and infrastructure have indicated that this may be their preferred approach. They advise that it is much simpler and less costly to remove a service rather than trying to make it comply with the Transport Standards. They also advise that even if they do spend the funds required for compliance, no-one can tell them if it does indeed comply. For many, this is an unacceptable business risk.

Add to this the possibility of having to defend their case in the Federal Court, the decision to remove public transport services altogether is understandable.

The implementation of a centralised compliance body and associated compliance agencies responsible for informing, advising and ultimately certifying compliance levels is paramount to the success of achieving a more equitable transport system and one that provides clarity for providers and users alike.

Issue 5 – Inappropriate exclusions within the Transport Standards

Links to **Draft Recommendation 2** – *The exclusions for dedicated school buses be removed and school bus services be included in the Transport Standards on a delayed compliance timeline.*

Links to **Draft Recommendation 3** – *Amend the exclusion for community bus services to include in the Transport Standards those community services whose purpose is to service people with a disability or older people.*

Queensland Transport's Response to Draft Recommendation 2

Queensland Transport is totally opposed to the draft recommendation to remove exclusions for dedicated school buses from the physical access provisions of the Disability Standards. In fact, Queensland Transport's position is that dedicated school buses should be excluded from all requirements of the Transport Standards.

A requirement for school buses to be compliant with the Transport Standards is completely unnecessary and impractical. Queensland already has in place a range of school transport services to meet the needs of all students. The cost to make dedicated school buses in Queensland compliant with the Transport Standards would exceed \$94 million. It is unreasonable to suggest that this cost is necessary when the needs of students with a disability are currently being met.

The current Disability Standards for Accessible Public Transport exclude dedicated school buses from some, but not all, of the Transport Standards. The parts of the Standard which are applicable provide only a small degree of accessibility, primarily to those students with vision impairment.

This means that all buses constructed since 2002 for use as a dedicated school bus are required to provide access to a restricted group of students with disabilities, that is, students with vision impairment.

There does not appear to be any logical, sustainable basis for this requirement to exist. Advice obtained from the Queensland Department of Education, Training and the Arts indicates that the incidence of vision impairment in students enrolled in Queensland schools is very small and only a very minor percentage of the total school population in Queensland.

Because the provision of education support programs for students with vision impairment is limited in terms of service provision to students enrolled in mainstream programs, there can not be any assumption that a dedicated school bus will, in fact, travel to a destination where an appropriate program is provided. It is for this reason that the Department of Education, Training and the Arts operates a specific transport assistance program for students with identified low-incidence disabilities.

Further, there appears to be little benefit in having buses constructed as dedicated school buses since 2002 comply with this requirement, when complementary infrastructure for students with a vision impairment may not exist at start of journey and end of journey points.

The bus service networks and bus stop locations which operate in these areas provide services to geographically dispersed groups of students and are subject to regular change, depending on the location of students' residences. It would therefore be unlikely that complementary infrastructure would be able to be delivered on a long term, sustainable basis in these areas, thereby defeating the purpose of having buses comply with the current parts of the Standards.

Queensland Transport funds a system of school transport services that provides the best fit for meeting the needs of all students in a large, geographically diverse state.

The recommendation to remove the exclusion does not recognise the existing system of dedicated school buses with regard to their type of operation, their operating environments, alternative methods of transport service delivery, associated infrastructure requirements and education service delivery.

In general, dedicated school bus services in Queensland provide transport for eligible school students to travel to their nearest state primary or secondary school. These services typically operate in rural and remote areas of the state, some provincial towns and cities, and in a number of corridor areas. They exist as a mechanism to provide access to education services for students who reside in a location where it is not viable for the state to provide a school facility.

The background to the recommendation assumes that requiring dedicated school buses to comply with the Transport Standards will provide access to education services for students with disabilities. The recommendation notes that recent trends have emerged for students to attend mainstream schools, with an associated reduced use of special schools.

While there has been increased enrolment of students with disabilities in local primary and secondary schools, this should not be interpreted as an overall method of service delivery for this group of students.

In some cases, local schools will be able to provide adaptive programs for students with disabilities, however, the assumption that all students will travel to the same location does not recognise that education programs located at the nearest school may not be appropriate to the needs of particular students.

Additionally, there are large numbers of students for whom travel on buses is not appropriate because of safety and other issues that may arise. For example, many students with autism spectrum disorder are unable to access passenger bus services because of a number of issues associated with their disability.

Queensland has utilised standard and wheelchair accessible taxis to transport students with disabilities to and from schools. Queensland Transport has also instituted a fleet of approximately 300 mini buses which provide transport services for students with disabilities. This fleet provides a high level of support for these students, in terms of accessibility, supervisory staff, in-vehicle communication systems and route scheduling. This group of students has high-level and complex disabilities, health issues and behaviours which preclude them from travel on dedicated school buses, or indeed, any form of mass transport.

This recommendation also does not acknowledge that an increasing number of students with disabilities are provided with individualised education programs which may require small session programs which are not aligned to the travel times of dedicated school buses. A number of students also have such high level and complex needs so that full day attendance is not appropriate for them. These students would also be unable to access dedicated school bus services, which by their nature operate timetabled services.

The travel of students with disabilities to and from school can form part of their overall learning experience. While it can be argued that this learning experience can prepare a student for travel in later life, this is only true for those students who are capable of this type of travel. For many students with disabilities, excessive noise, movement, colour, change of routine or travel time, or a change in the students travelling on the bus, may have a negative effect. Many schools offering programs for students with disabilities report that students who become upset by these matters lose a proportion of their educational program until they are able to cope or adjust to these changes.

It would appear that the underpinning assumption of this recommendation is that all school bus routes in regional and rural areas travel over the same roads as route services is completely inaccurate as school services are required to travel over a wide variety of highway, regional, district and local roads to service the areas where students reside and where schools are located.

In a limited number of cases, the school services and the route services may travel over common routes, however, the occurrence of this across Queensland is likely to be incidental. It is also

irrelevant if the upgraded bus stop infrastructure is not located near to both the student's residence and the school attended.

There are currently approximately 2000 contracted dedicated school buses in the Queensland school bus fleet. Approximately 1500 of these buses are large buses and the remaining 500 are light buses. At an estimated cost of \$40 000 per bus to make a heavy bus accessible, the cost of the heavy school bus fleet achieving compliance with the Transport Standards is \$60 million. Similarly, with an estimated cost of \$30 000 per bus to make light buses accessible, the cost for such buses to meet the Transport Standards would be in the vicinity of \$15 million.

This would result in a total cost of \$75 million to achieve compliance with the Transport Standards – with this cost relating only to contracted school buses operating in Queensland. There are estimated to be approximately 500 uncontracted school buses in operation throughout the State and these services are provided purely on a commercial basis. The total cost to bring the entire fleet to compliance would therefore be more in the vicinity of \$94 million – and these figures relate to retro-fitting of wheelchair lifts to existing buses only.

These costs do not take into account the loss of carrying capacity that would result. In some cases, the operator of the service would be required to purchase a larger capacity bus, or an additional bus. If it was assumed that an additional 25% of both light and heavy buses were required to provide sufficient capacity, this would result in an additional cost of \$188 million for heavy buses, and an additional \$206 million for light buses in Queensland. These costs assume that the current fleet is physically able to achieve compliance – it does not address the large number of ageing vehicles which can not achieve compliance, or that would be financially unsustainable to comply.

There is no doubt that if this draft recommendation were to proceed, there is a strong likelihood that some of the current school transport services would disappear. Operators would simply choose to close their services rather than make the significant outlay required for their current fleet to comply or to purchase new buses. This would result in reduced, rather than increased access, greater road safety risks and increased climate change issues.

In summary, Queensland Transport does not support the removal of exclusions for dedicated school bus services, based on:

1. the need being already flexibly met; and
2. the significant cost implications.

Queensland Transport's position is that dedicated school buses should be excluded from all requirements of the Transport Standards.

Queensland Transport's Response to Draft Recommendation 3

Queensland Transport does not support this recommendation to amend the exclusion for community bus services.

Many community transport providers of transport services to people with a disability or the elderly are volunteers or non-profit organisations that cannot afford accessible vehicles. Queensland Transport encourages communities to utilise compliant vehicles wherever possible when such targeted groups are involved, and is aware that some individuals would be unable to use non-compliant services.

Were vehicles in these circumstances required to be compliant with the Transport Standards, it is likely that such volunteer groups would opt to take the bus out of service as they would not have the financial wherewithal to modify the vehicle to make it compliant.

The application of the Transport Standards in this way would make the flexible use of existing services and infrastructure encouraged by Queensland Transport impractical, resulting in one less transport option for already transport disadvantaged individuals and communities.

In addition, there is confusion as to the types of vehicle that may be included when considering 'community transport'. For example, in some cases, small sedans and small people movers that fall within the definition of a 'car' are utilised for community transport purposes in Queensland.

There is also confusion regarding the meaning and differences between community transport services which has a definition within the Standards and 'Courtesy Transport Services' which is undefined within the Transport Standards. This issue was outlined in Queensland Transport's original submission to the review and was not addressed by the draft report.

This is the case with a number of other problematic definitional issues (see Attachment 1). Queensland Transport recommends, again, that the development and inclusion of an appropriate definition for a Courtesy Transport Service be included in the Transport Standards as it is one of the major areas of enquiry from operators and service providers in Queensland.

Similarly, where an operator, provider or government agency raises an issue that requires further clarification, it must be given clarity by the Commonwealth. It is simply not appropriate to ignore the request for clarity, even if it is only one operator or government agency who seeks it.

Issue 6 – Lack of standard compliance reporting framework and data on patronage

Links to **Draft Recommendation 7** - *APTJC develop a mandatory reporting framework for Commonwealth, State and Territory governments and implement the framework by end 2008.*

Links to **Draft Recommendation 8** - *The Australian Bureau of Statistics to include a question on public transport patronage in surveys of people with a disability.*

Queensland Transport's Response to Draft Recommendation 7

Queensland Transport supports a mandatory reporting framework. However, the significant issue remains that it is extremely difficult for jurisdictions to gather accurate data on compliance towards the transport standards from operators and service providers, as they are unclear about their compliance with the Transport Standards, unsure about the application of equivalent access and reluctant to disclose difficulties in implementing the Transport Standards for fear of criticism or complaint.

A mandatory reporting framework must be supported by the Commonwealth Government taking an active role in managing its legislation, including educating the community and providing easy access for those who wish to clarify issues. An improved approach could include:

- ♣ an intensive education campaign conducted by the Australian Government Departments responsible for this legislation; and
- ♣ the establishment of a Commonwealth Secretariat to field questions about the Commonwealth legislation from operators, owners of infrastructure and premises and from people with disabilities themselves.

This secretariat could also lead the development of a reporting framework. Appropriate consultation would need to occur to ensure that the information gathering was accurate, timely and used in a visible way to influence decisions. The refining of the reporting process would need to include consultation with the Australian Passenger Transport Group or similar body to ensure the information gathered not only provided a clear understanding of compliance towards the Transport Standards across Australia but that it also captured the needs of all public transport regulators, operators and service providers.

Queensland Transport's Response to Draft Recommendation 8

Queensland Transport supports this recommendation and considers it worthwhile to further explore the existing information available from the Australian Bureau of Statistics survey and ascertain whether the required information on public transport patronage would be obtained by the insertion of only one question.

Other Recommendations

Draft Recommendation 9 – APTNAC and APTJC agree a new consultative framework with additional responsibilities for both committees

Queensland Transport's Response

Queensland Transport does not support a new consultative framework with additional responsibilities for APTNAC and APTJC.

Queensland Transport believes that the Commonwealth Government must take the lead in implementing its legislation using APTJC and APTNAC as consultancy groups expressing the views of a range of stakeholders.

It is also noted that there have been a number of changes to governance arrangements at the national level since the draft report was released. These changes will no doubt have a significant impact on the recommendation in the draft report.

Queensland Transport is not in a position to detail resources that would be required to progress this recommendation until all recommendations and outcomes of this review are known.

Attachment 1

Queensland Transport Definitional Issues

Prior to the development of technical amendments, it is imperative that definitional issues and gaps be addressed. Queensland Transport presented a number of such issues (including suggested definitions) in its original submission, including clearer definition and interpretation of terms required, specifically in relation to:

- ♣ **Charter Bus** (large numbers of enquiries are received from Charter Bus operators wanting to know if they fall under the Transport Standards. There is no definition of a Charter Bus within the Transport Standards;
- ♣ **Part 1.23 - Public transport service** - As previously mentioned, a review of the definition for a Community Transport Service is required – particularly given draft recommendation 3 which deals with these services;
- ♣ Also as mentioned previously, '**Courtesy Transport Services**' requires a definition within the Transport Standards as it is currently undefined and there are many such services in operation in Queensland who are unclear as to their obligations under the Transport Standards;
- ♣ **Assistance Animal** – no definition within the Standards – although this issue is touched on within the review, no mention is made of provision of a definition;
- ♣ **Part 28 – Booked service** - Booked services on trains – no definition within Standards;
- ♣ **Part 28.4 – Accessible seats to be available for passengers with disabilities** - Unbooked services on trains – no definition within Standards;
- ♣ **Disability Aid** – no definition within the Standards;
- ♣ **Requirements for Mobility Aids** – while mobility aids are mentioned in a different context within *Draft Recommendation 5*, a list outlining the appropriate requirements and specifications of mobility aids requires development and inclusion within the standards that is, design criteria, manoeuvrability requirements, mass requirements, performance criteria – including braking, anchoring, stability, propulsion, batteries, wheels and gaps, ramps, operation and storage and working environment;
- ♣ **Part 8.1 - Boarding points and kerbs** - Nominated Accessible Boarding Point – no definition within the Standards;
- ♣ **Part 22.3 - Accessible sleeping berths (ferries and trains)** - Sleeping berth – no definition within the Standards;
- ♣ **Level crossing** – no definition within the Standards;
- ♣ **Equivalent Access** – 'unavoidable constraints' – whilst the Guidelines define 'Equivalent Access', they do not define what is meant by 'unavoidable constraints'.
- ♣ **Part 24 - Gateway and Checkouts** – Ticketing – clarification is required with regard to Stand Alone Card Interface Devices (SACIDS) and how they apply to the Transport Standards;
- ♣ **Schedule 1** to the Transport Standards – inadequate definition of what exactly 25% pertains to – an appropriate definition for the concept of a percentage compliance requires development and inclusion (an area of great confusion and has the potential to cause significant issues for providers and users of services);

- ♣ **Part 1.9 – Access Paths** – this is an inadequate definition – NOTE: The wording of Part 2.1 in relation to access paths is addressed within the draft report, but the description of what the consultants recommend that the wording be changed to is the wording that already exists that is, it already states 'allows unhindered passage', and the review is suggesting that there be a recommended amendment to change the wording from 'clearly defined' to 'unhindered'.
- ♣ **Part 1.21 – Premises** – inadequate definition. In addition, the distinction between premises versus infrastructure requires greater clarification as significant confusion exists in relation to these concepts;
- ♣ **Part 5.1 – When resting points must be provided** - the review is suggesting that an amendment be applied to this part which removes the requirement for resting points at airports where such points would be placed in 'unsafe' areas – what is meant by 'unsafe'? Needs clarification;
- ♣ **Part 6.2 – Boarding Ramps** – clarification and definitive direction on the appropriateness of ramps for wheelchair accessible taxis is required as this is a very significant issue that requires a clear decision. Additionally, more information is required as to the dimensions of boarding devices (taking into account weight, carers, batteries etc) for aircraft as this is confusing and lacks clarification for operators;
- ♣ **Part 7 - Waiting areas** – requires clearer definition for the concept of a waiting area;
- ♣ **Part 8.3 – Use of boarding points** – conflicting concepts surrounding boarding points and meaning of 25% compliance – clarification of position is required;
- ♣ **Part 9.1 – Minimum size for allocated space** - the review recommends that an amendment be applied to this part to prescribe a three dimensional space requirement for the allocated space in an accessible taxi – and similarly for Parts 9.3 and 12.5. Clarification is required as to what the three dimensional space requirement is;
- ♣ **Part 9.8 – Allocated spaces in aircraft and coaches** – it is unclear whether passengers travelling in their mobility aid are included in the statement 'an operator does not have to provide allocated space in an aircraft or coach if each passenger uses a fixed seat in the aircraft or coach – clarification of concept required;
- ♣ **Part 9.10 – International symbol of accessibility to be displayed** - Allocated space – international symbol of accessibility to be displayed – amendment suggested that inclusion of this requirement for such a symbol to be on display in wheelchair accessible taxis;
- ♣ **Part 10 – Surfaces** – unclear why wheelchair accessible taxis are not included on this list – clarification of information is required;
- ♣ **Part 11 – Hand rails and Grab rails** – unclear why grab rails have not been made mandatory on wheelchair accessible devices generally, but specifically for wheelchair accessible taxis – clarification of information and concepts is required;
- ♣ **Part 14 – Stairs** – requires a new clause that outlines the minimum requirements for elderly assistance stairs in Wheelchair Accessible Taxis – the review mentions this aspect, but unsure if the issues are the same as mentioned previously;
- ♣ **Part 15.6 – Stops to be offered if accessible toilet not provided (coaches)** – concepts require clarity;
- ♣ **Part 16.4 – Accessibility symbol to be visible on accessible buses** – inclusion of coaches in the definition is required;

- ♣ **Part 17.7 - Taxi registration numbers** – the review establishes a requirement for lettering on the inside and outside of taxis, but doesn't address the issue relating to signs that advise of the use of security cameras or other mandatory signs within a vehicle that is, they should be in raised lettering on the inside of each passenger door;
- ♣ **Part 33.1 – Date for compliance with these standards** – clarification of concept/definition required;
- ♣ **Part 28.1 – Notice of requirement for accessible travel** - Inclusion of wheelchair Accessible Taxis on this list;
- ♣ **Part 28.2 – Period of notice of requirement for accessible travel** - clarification of concepts required.

Attachment 2

Queensland Transport Clarification Issues

A summary of issues that require clarification and decisive action are as follows:

- ♣ **Waiting area allocated spaces/seating for small bus stop shelters** – the reality is that the Standards' requirements are impractical for this size shelter, and inconvenient to commuters;
- ♣ **Waiting areas** – the Standards inform that if a waiting area is provided, a minimum of two seats or 5%, and two allocated spaces or 5% must be available for passengers with disabilities. This would mean that all bus stops, regardless of size or usage, require the above seating and allocated spaces. This requirement is not clear and impractical as not all bus stops provide seating for either people with or without a disability.
- ♣ **Bus stop topography** – for bus stops located on hills/slopes that are greater than the requirements detailed in the Standards – but is still safe. There are many stops like this in our communities that would need to be removed, which would impact on general commuter access to public transport.

This may be perceived as discrimination to the majority of commuters;

- ♣ **Illumination of general displays** – clarification regarding the requirement of lux levels or contrast determined for internally illuminated signs. Is the illumination level of internally illuminated displays as per the Standards that is, 250-300 lux for general displays, or does this type of internal illumination of displays revert back to the minimum 30% contrast between graphics and background colour, as per signage Standards. Various interpretations are being investigated for this – with some believing that 250-300 lux is required – resulting in confusion and perhaps inappropriate sign displays.
- ♣ **Bus stop access paths/boarding points/tactile ground surface indicators** – where there is the ongoing issue of non-existent access paths to the waiting areas. Compliance has been determined by the Standards for waiting areas and boarding points, resulting in large amounts of funding required, and the facility still not accessible due to the lack of access paths from surrounding locations. The result may be that bus stops in certain areas may be removed.

In addition, we have the situation that dedicated school buses are required to meet a range of Standards relating to wheelchair accessibility, including Part 2.6 – Access Paths – and yet are currently excluded from the 26 provisions relating to physical access on the conveyance itself for example, allocated spaces, boarding ramps, boarding devices and so on. This doesn't appear to be logical in its application. As mentioned previously, school bus stops are often not at the same location as public transport bus route bus stops.

- ♣ **Real time display requirements (infrastructure)** – further clarity is required in relation to the provisions/exemptions required if real time information is provided at public transport locations (including suburban bus stops). Generally, if real time is provided, it is in the form of visual displays at public transport locations with limited audible information at stations and no audible information at suburban bus stops. The result is that any audible information would incur noise pollution complaints from surrounding/adjacent residents. If audible real time display is not provided, would it be considered discrimination to visually impaired persons, and what is the solution? This uncertainty could result in large amounts of funding to meet requirements at non-compliant facilities;
- ♣ **Real time display requirements (conveyances)** – further clarity is required with regards to the provisions of passenger information displays and the inclusion of audible announcements on buses. Are audible announcements considered non-discriminatory to all passengers and if not should audio loops be provided for visually impaired persons throughout the vehicle or can a

designated location be identified for audio loop provisions. The result of uncertainty is again, that large amounts of funding is spent to meet what is thought to be the current requirements;

- ♣ **Real time display requirements (internet, SMS, and so on)** – if real time data was published on the internet, or supplied via SMS, is the same information provided at publishing stage to be supplied in audio or other formats? Further clarity is required.
- ♣ **Long distance buses** – In relation to long distance bus services pick up/drop off points at a multitude of very small community locations throughout regional Queensland – some are only utilised when passengers have pre-booked the service. It would be extremely impractical to make all of these stops 100% accessible and it is likely to result in a reduction in the number of stops along the route. This could restrict tourism travel and trips to visit friends and family for some individuals.

An option for consideration could be to ensure compliance once a stop is servicing a minimum number of passengers per year – as long as equivalent access provisions are applied should a person with a disability require the use of such a point. Alternatively, certain stops may be identified as requiring 100% accessibility where this is required by the community.

- ♣ Queensland Transport recommends **Part 9.8** be reconsidered to allow an operator exclusion from this provision in a coach if each passenger uses a fixed seat. Coach operators have been observed to be using this provision to force passengers to use a fixed seat in the coach rather than remain in their wheelchairs – which some passengers find unreasonable as they are often unable to travel in fixed seats for any length of time.

Coaches, like buses, should be required to provide the relevant number of allocated spaces for wheelchair bound passengers. On that note, clarification is required as to exactly how many allocated spaces coaches are required to provide as Part 9.4 makes it clear for buses, but part 9.8 does not specify the number in relation to aircraft or coaches. Some coach operators are taking this to mean that they are not required to provide any spaces, and that all wheelchair bound passengers must be required to be seated in fixed seats – or not be permitted access to travel on that mode.

- ♣ Queensland Transport provides ferry infrastructure in relation to recreational boating facilities only. However, some landings are still used by public transport operators – some with consent and others without. To convert the infrastructure to meet the Standards would require significant funding – on the unlikely chance the environmental department would make huge concessions and allow wave protective structures to be added to the facilities. There are many other infrastructure owners in the same situation where the construction of a mini harbour would be required to comply with the Standards.

Alternatively, the operators could be refused access and the structure revert back to recreational use only – however, this would mean that operators would have no viable alternatives in the short term and questionable capacity to build their own infrastructure in the long term. The marine provisions of the Transport Standards for recreational infrastructure (that may or may not be used on the odd occasion for public transport purposes) require greater consideration given the issues and funding involved.