

Submission into the
Review of the
Disability Standards for Accessible Public Transport 2002

Anti-Discrimination Commission Queensland
August 2007

1. Jurisdiction

The Anti-Discrimination Commission Queensland (ADCQ) is responsible for administering the Queensland *Anti-Discrimination Act 1991*. The Commission works to promote fair treatment and equality of opportunity and to protect people from unlawful discrimination and public vilification. One of the functions of the Commission is to foster community understanding and acceptance of human rights principles in Queensland. It is in this capacity that the ADCQ makes a submission to this review.

2. Background

In 2004 the ADCQ established a suite of Community Advisory Committees to provide strategic advice on matters relating to reducing discrimination in Queensland and supporting vulnerable communities. One of these committees is the Disability Advisory Committee. The membership of the Disability Community Advisory Committee includes experts from relevant organisations. Since 2004 the Commission has established effective working relationships with members of the Committee and their respective organisations. Certain members of the Committee met at the ADCQ's premises on the 6 August 2007, to consider the questions posed in the Issues paper of the Review of the *Disability Standards for Accessible Public Transport 2002* (refer to Attachment A). This submission has been compiled by the ADCQ but it relies heavily on the advice, information and experience of expert members of the Disability Community Advisory Committee present on that date.

3. Questions for Stakeholders

The ADCQ has compiled a response to the questions that the members of the Disability Community Advisory Committee made comment upon. Due to time constraints at the consultation meeting, a response has not been provided to all questions. The questions that have been responded to were those of higher priority for those present at the meeting.

Questions for All Stakeholders

1. *Has the accessibility of public transport improved since the introduction of the Transport Standards?*
 - *How has accessibility to conveyances (eg, trains, buses, trams, ferries, taxis, aircraft, etc) changed? Can you provide examples?*

Response

Disability Advisory Committee members advised that there are more accessible buses and taxis than were previously available.

Taxis - Although members commented that there were many more accessible taxis than previously, there were still problems in obtaining an accessible taxi at peak times of the working day, such as during school runs and the working day rush hours. It was reported that some drivers of accessible taxis were not aware of how to safely anchor wheelchairs, and there was a need for greater awareness and training of drivers.

Buses - It was reported that though there were more accessible buses than previously, there was a need for more training and education of bus drivers. For people catching

accessible buses who use wheelchairs, many drivers are not familiar with how to use lifts and equipment, and customers had to instruct drivers on what to do. It was also reported that bus drivers sometimes got angry with people with visual impairments that waved down the wrong bus due to their visual impairment.

Airlines - Members reported that people requiring to use wheelchairs, were having serious difficulties with a number of airlines in booking tickets and in accessing air services. It was reported that one major airline consistently was 'indifferent' to the needs of people with disability and particularly those who used wheelchairs. This was having a serious impact on people with disabilities in regional areas where the choice of airline is limited. Members concurred that another major airline had a deal of internal confusion about the airline's requirements for people with disability, and particularly what the airlines' requirements were for people who used wheelchairs. This often resulted in people needing to be on the phone for exceptionally long periods of time in order to get their needs met. Alternately, sometimes people were told there were no difficulties at the booking stage, only to find serious difficulties at the time they presented at the airport to catch their booked flight.

One major airline was reported to be performing much better than others in dealing with people with disability. It was stated that the staff of the airline concerned would genuinely listen, confer, consult and negotiate with the person with disability both at the time of booking and at time of travel.

Ferries - Members stated that generally there had not been a lot of improvement in access to ferry services, but the exception was access to the Brisbane Citycat service, which members stated was very good.

- *How has accessibility of information (eg, maps, timetables, announcements, etc) changed? Can you provide examples?*

Response

Buses - A member of the Committee representing people who are deaf or with hearing impairments reported that people with hearing loss have difficulty in communicating with bus drivers. Particularly in the tourism sector, people with hearing loss cannot benefit from the tour commentary provide by bus drivers, as there are no hearing loop systems in tourist coaches.

- *How has accessibility of infrastructure (eg, access to stations, stops, ports, piers, airports, interchanges, etc, as well as access to co-located facilities such as toilets, waiting rooms, and food and drink, etc) changed? Can you provide examples?*

Response

Bus stops - In 2007 Disability Services Queensland with the Queensland Disability Council conducted a regional review of Accessible Bus Stops. Many bus stops, particularly those in regional areas are still not accessible.

Railway Stations - The committee were of the view that noticeable improvements to access issues had been made at Queensland railway stations in the last five years.

Taxi Ranks - There were concerns that people with disability were required to access taxis in dangerous areas. The view was expressed that there was a lack of clarity and specification in the standards and guidelines as to what precisely was required for a taxi rank to be considered accessible.

2. *Have these changes matched your expectations of the implementation and uptake of the Transport Standards?*

- *Do you consider that the changes have matched (1) the compliance requirements and (2) your expectations?*
- *If the changes have fallen short of your expectations, can you provide examples?*

Response

Nil

3. *Do you consider that the level of compliance required at the end of the first five year period is sufficient to have had an impact on accessibility?*

Response

The members stated that while the level of compliance has had an impact on accessibility at the end of the first five years, improvements are still very patchy. There is very little coordination between transport modes at the present time, and one inaccessible break in a journey had the consequence of making the whole journey inaccessible. There is a problem in planning a journey at present, in finding out whether there are any inaccessible points in the journey. Predictability was said to be as important as accessibility in this regard.

4. *To what extent do you consider current data on accessibility are reliable? Can you provide examples of problems with data that you are aware of?*

Response

The members were not confident that current data on accessibility was reliable.

5. *How could reporting of accessibility data be improved for future stages of the implementation of the Transport Standards?*

Response

Members felt that a standardisation of reports, and formalised compliance reporting by both public and private sector service providers would improve the reporting of accessibility data. It was also suggested that the development of a uniform tool at a National level to measure compliance that could be used by all sectors at a grass roots level would be of great benefit. Individual service providers and local government councils all trying to develop their own methodologies of measuring compliance was considered to be ineffective and inefficient.

6. *Are you aware of examples where improved accessibility of public transport has led to increased patronage?*

Response

Nil

Questions for Public Transport Users

7. *Has the introduction of the Transport Standards helped you better understand your rights as a public transport user? If yes, in what ways has it done this?*

Response

Members stated that there would be great variance across the sector of people understanding their rights. However in general it was thought that most people with a disability would have a poor understanding of what was required, and the dates that compliance was due to occur.

8. *Are the Transport Standards and the accompanying Disability Standards for Accessible Public Transport Guidelines 2004 (No.3)(the Guidelines) a sufficient source of information on your rights as a user of public transport, or have you needed to consult other sources? What other sources have you consulted? How did you find out about these sources?*

Response

The members were of the view that the costs associated with obtaining the Standards from Standards Australia, and the technical jargon in the standards were impediments to consumers. Some members were aware of and had utilised the guidelines, but the view was expressed that more information could be put into the guidelines and matters could be more clearly explained. It was suggested more extensive development of the guidelines as a public document for the use of the members of public who have a disability would be helpful.

9. *Are you aware of other users of public transport who appear to be unaware of their rights or obligations? How could this lack of awareness be addressed?*

Response

See answer to 8 above.

Questions for All Stakeholders

13. *Are there areas of the Transport Standards that you consider unclear in terms of the adjustments operators and providers need to make? Please specify*

Response

The view was expressed that where the term 'direct assistance' was used in the standards there was not sufficient clarity in what this term means. How this term interrelates with workplace health and safety requirements was seen to be an issue,

and it was suggested some clarity and solutions needed to be explored about this requirement in the standards.

14. *Have the exemptions allowed under the Transport Standards (as specified in the previous chapter), reduced the clarity of obligations under the Transport Standards?*

Response

Nil

15. *To what extent do the Transport Standards allow operators and providers a choice of ways in which they can demonstrate compliance?*

Response

Nil

16. *Where Australian Standards or other technical requirements are specified, are these appropriate? Please provide examples where you believe the use of Australian Standards is not appropriate.*

Response

Nil

17. *Are there requirements that have proven to be impractical or difficult to implement? If so, please specify.*

Response

Nil

18. *As a public transport user, are there areas of the Transport Standards where you consider that a more specific requirement for compliance would improve accessibility?*

Response

Taxi Ranks - There were concerns that people with disability were required to access taxis in dangerous areas. The view was expressed that there was a lack of clarity and specification in the standards and guidelines as to what precisely was required for a taxi rank to be considered accessible.

Accessible coaches - The view was expressed that there is uncertainty as to what an 'accessible coach' is, and there is not enough specificity to know when a coach is accessible under the standards.

See also comments to question 13 above.

19. *Do you consider that the requirements in the Transport Standards have been applied consistently across different modes of public transport?*

Response

Nil

20. *Will any current areas of inconsistency be addressed through the future stages of implementation of the Transport Standards?*

Response

Nil

21. *Do you consider that the current exemptions granted are appropriate? Should these exemptions be reduced over time?*

Response

Nil

22. *In implementation of the Transport Standards, have the requirements led to a relatively consistent standard of compliance across all modes of public transport? If not, where are the major differences in approach?*

Response

Nil

Certainty of process Questions for All Stakeholders

23. *To what extent do the requirements in the Transport Standards address all of the accessibility requirements for people with disability? Are there gaps in the coverage of requirements?*

Response

Nil

24. *Does the compliance timetable provide for a gradual improvement of accessibility over the 30 year implementation period? Are there aspects of this timetable that present compatibility problems? How could these requirements be improved?*

Response

Nil

25. *Are providers meeting their obligations across all aspects of accessibility, which ensures compatibility?*

Response

Nil

26. *Do the requirements of the Transport Standards need to more explicitly recognise the potential other regulatory constraints that impede the capacity of transport providers to deliver the objects of the Transport Standards?*

Response:

Nil

27. *How well are the current arrangements for making complaints about accessibility understood by the public?*

Response

Nil

28. *Are the current processes sufficiently responsive to complaints, or requests for information or advice on the Transport Standards?*

Response

Nil

Attachment A

Attending organisations represented on Disability Advisory Committee

Organisation
Brisbane City Council
Queensland Positive People
Queensland Advocacy Incorporated
Multiple Sclerosis Society of Queensland
Life Tec Queensland
Disability Council of Queensland
Better hearing Australia/Deafness Forum
Cerebral Palsy league of Queensland
Spinal Injuries Association