



**Queensland
Government**

Queensland Transport

Submission

Review of the Disability Standards for Accessible Public Transport 2002

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Introduction

Queensland's transport system is a complex and inter-linked system of transport infrastructure and services. It is created and operated by the actions of all levels of government and private providers. A well-functioning transport system contributes to the quality of life of all Queenslanders and helps create a strong economic environment leading to increased employment, safer and more supportive communities as well as supporting ecologically sustainable development.

Queensland's statistics

- Over 1,730,000 square kilometres (km)
- 7,400 km of coastline, 13,350 km including islands
- Over four million residents

A snapshot of Queensland's transport system

- Almost 9,800 km of rail corridor
- 181,000 km of road network
- Over 130 airports
- 20 ports
- Over 5,000 accredited transport operators
- Over 47,000 authorised drivers of public transport
- 39 performance-based urban bus contracts (23 in regional Queensland, 16 in the south east)
- 1,260 school bus contracts
- Two air service contracts
- 23 taxi service contracts throughout Queensland
- Over 3,000 licensed taxis throughout the State
- 15 long distance scheduled bus routes providing 50 regional and remote communities with access to essential services in larger population centres
- 26 transport disadvantaged communities receive essential services through the rural and remote air service network
- Over 2.71 million licensed vehicle drivers
- Over 3.7 million registered vehicles
- Over 203,000 registered recreational vessels
- Over 5,700 registered commercial vehicles

Queensland Transport's vision

Connecting Queensland: People, places, goods and services...an integrated and innovative transport system that improves the economic, social and environmental well-being of all Queenslanders.

Delivery of our vision can only be achieved through partnerships and alliances across government, industry and the community.

Public Transport Services

Public Transport services improve the lives of Queenslanders by connecting them with each other, and to opportunities, by removing the barriers to access and mobility. This output also aims to provide the community of Queensland with a high quality public transport system through the facilitation of services provided by private bus and ferry operators, Brisbane Transport, Queensland Rail (QR), the taxi and limousine industries and remote and regional air service operators.

Through its Passenger Transport Division, Queensland Transport develops policies for efficient, sustainable and flexible transport services that remove the barriers to access to passenger transport services. The Division also assists local government-owned transport operators, private bus and ferry operators, taxi and limousine companies and regional air operators in the provision of public transport services to Queenslanders.

TransLink is an agency of Queensland Transport that brings together 18 public transport operators, including Brisbane Transport, in a single public transport network across south-east Queensland. It is one of the largest public transport networks in the world. TransLink extends from Noosa on the Sunshine Coast to Coolangatta on the Gold Coast and west to Helidon.

TransLink's partners include Brisbane City Council, QR, QR Citytrain, south-east Queensland regional bus companies and south-east Queensland local governments.

Purpose of Submission

Queensland Transport has identified numerous instances where practical implementation difficulties have arisen associated with some areas of the Transport Standards. Departmental correspondence has also highlighted significant confusion about the interpretation of the Transport Standards.

This submission aims to reflect the concerns, opinions, feedback and technical insight of both our contracted operators and the Department. Encompassing the demands of passengers, providers and policy makers, it will:

- specifically analyse those particular aspects of the Transport Standards that have been identified through our consultation process as being unclear, impractical or that present technical or implementation difficulties;
- discuss any other thematic concerns raised as a result of the Transport Standards; and
- provide, where appropriate, detailed technical information and suggestions for improvements.

The submission will respond to the questions of relevance in the Issues Paper, in the order in which they appear in the Issues Paper.

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.

Achievement of Public Transport Accessibility

1. Has the accessibility of public transport improved since the introduction of the Transport Standards?

The Queensland Government is committed to making public transport accessible. Queensland Transport has been working closely with public transport operators and providers of public transport premises and infrastructure to meet the requirements of the Disability Transport Standards.

Since 2002, the Queensland Government has spent or committed in excess of \$220M to meet the requirements of the Transport Standards. This funding includes:

- \$24M for accessible buses
- \$4.8M for accessible taxis
- \$10M for accessible bus stops in the TransLink area
- \$27.7M for accessible bus stops in regional Queensland
- \$113M for upgrade of Citytrain stations and rollingstock
- \$19M for modifications to the tilt train fleet and
- \$15.7M to upgrade Traveltrain stations

To date, all Government funding associated with the implementation of the Transport Standards in Queensland has come from the State Government. The Commonwealth Government has failed to provide any funding to assist with the significant costs associated with the implementation of the Transport Standards. The Commonwealth Government has ignored its responsibilities to ensure that its legislation is implemented and instead has relied on state transport authorities and the transport industry to carry out this task. It is imperative that this review address the role of the Commonwealth and its obligations to contribute towards the costs of implementing its own legislation.

- **How has accessibility to conveyances changed? Can you provide examples.**

Buses

Queensland Transport's Accessible Bus Program was introduced to help bus operators achieve compliance with the Transport Standards. The Accessible Bus Program offers financial assistance for eligible bus operators who are willing to purchase wheelchair accessible buses. It also provides operators with some assistance and incentive to invest in new technology.

In regional Queensland, there are 90 accessible buses out of a fleet of 201. State Government funding has been provided for a further 25 buses which are currently under construction. These buses will progressively enter service by the end of the 2007 calendar year. At that point there will be 115 accessible buses of a total fleet of about 210. This compares very favourably with the number of accessible buses in Queensland prior to 2002, when Queensland had a total of 19 accessible buses.

Within South East Queensland, TransLink reports that 47% of 1631 urban bus services are accessible.

The Government's next generation long distance bus contracts will include a provision requiring operators to comply with all Commonwealth and State laws, including but not limited to any Transport Standards formulated pursuant to the *Disability Discrimination Act 1992 (Cth)*.

Taxis

Queensland Transport has actively worked to increase wheelchair accessible taxis (WAT) through the release of new WAT licences. Since 1998, 259 WATs have been introduced into Queensland.

Queensland now has the largest percentage of WAT fleet in the country with 14.15% or 434 wheelchair accessible taxis out of 3,068 taxis across the state as at April 2007.

The Queensland Government has also provided a one off funding injection of \$4.8m to eligible taxi operators to introduce WATs into approximately 80 small communities in Queensland that currently have no wheelchair accessible taxis.

The Accessible Taxis Queensland Program is unique. It is the most comprehensive program dedicated to putting wheelchair accessible taxis into regional communities ever undertaken in Australia, in terms of funding commitment, number of vehicles and geographic range.

Trains

Citytrain

The accessibility compliance program for Citytrain has been funded by Government to a total of \$167.8m through four projects to date:

- \$8m initial funding approved in the mid 1990s;
- \$46.8m approved in 1999 as part of the original Citytrain TSC funding;
- \$7m approved in January 2004 as part of the MetTRIP funding; and
- \$106m approved in May 2004 for the upgrade of Citytrain stations (\$60m) and Citytrain rollingstock (\$46m).

Citytrain currently operates a fleet of 159 trains with 152 being wheelchair accessible.

Traveltrain

The 2006-07 budget provided \$19m for modifications to tilt train fleet and the design of modifications to the traditional fleet.

This included \$7.8m to refurbish the electric tilt train fleet. It is anticipated that by 31 December 2007, the four tilt trains will be largely compliant within the provisions of the narrow gauge Queensland environment.

• *How has accessibility of information changed? Can you provide examples.*

The easy access to information about transport services is an essential part of public transport travel. The TransLink website is the main portal for people in South East Queensland to access, via the internet, information regarding travel options and timetables. The following projects are in progress or completed to improve accessibility for people with a disability:

- Action is underway to ensure the TransLink website follows Queensland Transport standards on accessibility for users with screen readers (95% complete).
- The TransLink website has a page devoted to accessible services and accessing up-to-date information (100% complete).
- The National Relay Service (TTY and modem) users can access public transport info on 13 36 77 or directly on 61 7 3369 3377 (100% complete).
- A public transport guide to be printed later in 2007 will include information on accessibility for people with a disability. It is a passenger information strategy which will include accessibility considerations.

- TransLink has developed an information brochure "TransLink Travel for Seniors" which is presented in larger print. TransLink is developing another brochure containing information of specific interest to people with disabilities.
- Queensland Transport has developed an information booklet which is published on its website, entitled 'Important Information for public transport operators and providers of infrastructure and premises – for compliance with the Commonwealth Disability Standards for Accessible Public Transport 2002'.

• ***How has accessibility of infrastructure changed? Can you provide examples?***

Bus stops, interchanges and taxi ranks

The Queensland Government provides grants to local governments for the development of transport infrastructure for the provision of passenger transport infrastructure in regional Queensland on an equal contribution basis. Queensland Transport has secured additional grant funding totalling \$27.7m over the next 17 years to assist local government in meeting accessibility obligations under the Transport Standards. Of this amount, \$3.815m will be made available each year for the period 2006-07 and 2007-08, after which \$1.435m has been allocated each year until 2022.

Queensland Transport is also assisting local governments through the provision of a recommended state-wide standard compliant bus stop design and technical advice. This will ensure accessibility needs are addressed in a consistent way across regional Queensland.

TransLink administers the Station and Stop Infrastructure Grant which provides Government funding of \$10m over four years for the construction of new DDA accessible bus stops in the TransLink area.

Meeting the 2007 accessibility target has required a level of planning and investment far exceeding previous levels of intensity. To get maximum benefit from this investment, Queensland Transport engaged a consortium from the disability sector to identify areas of greatest need. This consortium consisted of Disability Council of Queensland, Spinal Injuries Association, Queenslanders with Disability Network and Guide Dogs Queensland.

Using established networks and community engagement activities, the consultancy identified the needs of those who would most benefit from improvements to accessibility. This information has allowed Queensland Transport to prioritise improvements, and to ensure that all works carried out meet users' needs.

Train Stations

A total of \$167.8m has been allocated to the accessibility of Citytrain stations over the past ten years through the 'People with a Disability Access Compliance Program- Citytrain'.

The Citytrain network has 143 stations with 52 (36%) providing wheelchair access to, from and between platforms without assistance. A further 53 (37%) are wheelchair accessible to, from and between platforms with carer assistance.

Since 2002, \$15.7m has been committed to the upgrade of Traveltrain stations, with the North Coast, Great Northern and Central Western lines largely complete. The South Western line is scheduled for completion in early 2008.

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?**

In many cases Queensland's public transport system has met or exceeded the compliance requirements for accessibility of conveyances, infrastructure and information due to the commitment of and funding provided by the State Government.

- **If the changes have fallen short of your expectations, can you provide examples?**

Consultation with transport operators and providers has highlighted the impact of several external factors which have impeded the implementation of the Transport Standards. The current 'building boom' being experienced throughout Queensland has made it increasingly difficult for transport operators and providers seeking to comply with the requirements of the Transport Standards to do so in a timely and cost effective manner.

As only a limited number of Citytrain carriages can be taken out of service at any one time, it will not be possible to complete all the required works by December 2007. In interpreting and applying the Transport Standards, there have also been design challenges associated with QR's narrow gauge width and the age of the rollingstock which QR continues to find ways to solve.

One of the major expectations not met through the introduction of the Transport Standards, is the introduction of a level of certainty for operators and providers. Industry consultation has reflected widespread confusion about the interpretation and implementation of many aspects of the Transport Standards. This will be discussed at length in the response to question 13.

Another major expectation that has not been met throughout the introduction of the Transport Standards is the effective dissemination of information about the Transport Standards by the Commonwealth Government. This point is further discussed in the response to question 12.

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

Currently there is no data available concerning the perceptions of users about the impact of the first level of compliance. From public consultations undertaken in regional Queensland in 2006, it was confirmed that accessibility issues prevent the use of public transport by the majority of people with a disability. It is anticipated then that removing some of these barriers, coupled with campaigns to raise awareness of this, will encourage people with a disability to exercise their rights.

Queensland Transport recognises the importance of a staged approach to transport accessibility. However, much of the effectiveness of compliance with the first milestone will depend on the application of whole of journey considerations. Meeting compliance targets associated with the first five year period has been a major challenge and, as expected, difficulties in aligning and co-ordinating the targets regarding related aspects of the Transport Standards for example, buses and bus stops have been experienced. Servicing such a large state as Queensland has created an even greater challenge in this regard.

Although there are significant difficulties in interpreting the Transport Standards and a lack of certainty resulting from the absence of a certification mechanism for compliance, the legislative requirements of the Transport Standards have necessitated operators to address barriers in some way. This may mean that alternate access provisions have been used rather than a literal interpretation of the Transport Standards. From the point of view of the user, this may be sufficient for their purpose. Ultimately of course, people with a disability are best placed to address this question.

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

Percentage of compliance

All State and Territory Transport Ministers agreed on 19 May 2000 that progress reports on the implementation of the Transport Standards (both at a national and State/Territory level) would be compiled and publicly released.

Compliance reporting is prefaced upon the notion of 'percentage of compliance.' However there is a lack of understanding sector wide with regard to the concept of 'percentage of compliance'. The Transport Standards do not define the notion of 'percentage of compliance,' and as such, much confusion has arisen as to what it actually means.

The HREOC website advises that: "the 25% target deals with services rather than with fleet percentages, so that potentially an operator with less than 25% fleet accessible could still meet the 25% service accessibility targets by making the obvious decision to use the newer and better accessible vehicles more intensively than the older and less consumer friendly inaccessible vehicles in the fleet".

Whilst this advice appears to make sense to transport operators for their conveyances, it raises two subsequent concerns:

- It is not legally enforceable, as it is simply 'advice' not legislation; and
- The definition of percentage of compliance as it pertains to infrastructure and premises still remains unclear.

Example Case - Bus Stops

The requirement for 25% of bus stops to be compliant by 31 December 2007 can be interpreted as meaning a number of things. It could be interpreted to mean that on a certain service or route, 25% of bus stops should be compliant, essentially implying that some passengers would be unable to exit at some stops. Conversely, 25% could pertain to bus routes or services generally, implying that 25% of bus routes would be wholly compliant.

The concept of percentage compliance further becomes problematic as most bus stops are used by several bus routes and bus companies. Additionally, bus stops in Queensland are not always centrally managed by councils. For example, in some regional areas, universities and shopping centres manage their own bus stops. The issue becomes even more problematic when not all bus stops are signed. Some bus stops on long distance bus routes are landmarks such as service stations and are not necessarily marked with a sign to signify that it is a bus stop.

In the cases outlined above, the Commonwealth has provided no guidance as to what percentage of compliance means or how it should be measured.

Example Case - Long Distance Rail

The example of long distance rail services within Queensland highlights the conceptual difficulties associated with requiring percentage compliance. Similar to the example of bus stops, it is unclear whether percentage compliance is defined as being overall or service by service.

As a practical example, the Brisbane to Cairns service is operated by two train types – tilt and traditional. Tilt trains are largely compliant and provide three of the six weekly return services which equates to 50% compliance for the service. The traditional fleet which provides the other three Brisbane to Cairns services does not meet the requirements of the Transport Standards.

To further complicate this concern, the Transport Standards lack clarity and definition with regard to what constitutes a transport service. If a service were to be defined as origin and destination points, issues with regard to a variation in the type of rollingstock would then come into question that is, does variation in rollingstock matter? If a transport service in this instance is defined as a 'train', 25% could mean 1 in 4 trains needs to be accessible in the relevant areas of compliance by 31 December 2007 – with 100% of trains required to meet the relevant standards by 31 December 2007 that is, alarms, belongings, booked services, food and drink services, hearing augmentation, information, lighting, priority seating, signs, symbols and furniture and fitments.

The above examples are just two out of the many Queensland Transport have encountered across all modes of transport.

Current Reporting Requirements

The current reporting requirements are exceedingly onerous and expensive. As prefaced above, the data that the current reporting framework has produced is premised upon a general lack of understanding with regard to the concept of 'percentage of compliance'. Within Queensland, the compliance reporting process has been hindered by difficulties surrounding data verification and collection. Throughout Queensland's development of the 'traffic light report' over the past years, the following concerns have arisen:

- Many transport operators are reluctant to share accessibility information as they are concerned that they may be penalised if services are not accessible. Some transport operators are unaware of the workings of the complaint's mechanism, as well as the separation between State and Commonwealth governments in dealing with this issue.
- Despite efforts to design a user friendly online reporting mechanism, the reporting framework is still a very large and time consuming task for operators. As a result, many organisations fail to respond.
- Of the organisations that have responded, many give contradictory or vague answers, some saying that areas of direct relevance to their businesses are 'N/A'. This is due to the complex nature of the survey which is necessitated by the complex compliance reporting requirements.
- The resultant data is subsequently not reflective of the entire state's level of accessibility, instead being indicative of the number of operators that decide to respond from year to year, and their level of insight with regard to the Transport Standards.
- The cost of reporting on compliance, particularly to the state government transport authorities, but also to industry operators, has not been taken into account. State government transport authorities are responsible for designing the survey instrument, identifying all public transport operators and owners of infrastructure and premises, distributing the survey, collecting the data, following up on the lack of responses, analysing the data received and formulating the data into a traffic light report – all without any funding from the Commonwealth Government.

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

The Transport Standards need to be revised to incorporate modal specific definitions of what 'percentage of compliance' means in practical terms. Such a revision would improve consistency of approach with regard to levels of compliance, as well as improving future stages of compliance reporting. While a clear definition of 'percentage of compliance' will not in many cases change the work in progress, it would allow for better business decisions and risk assessments to be made.

Further, reporting of accessibility data could be improved by the development of a consistent, national approach to reporting. Such an approach would allow operators in each state to follow the same procedure to report on compliance. This consistency of approach would also allow consistency in reporting formats. The current variety of formats on the HREOC website makes it difficult for the reader to compare jurisdictional data.

The current approach also means operators who operate in more than one state or nationally must complete a range of different surveys or other data collection mechanisms which have been determined on an individual basis by state transport authorities. A national approach to reporting would ensure that each state is comparing the same data, and that transport operators are reporting in the easiest possible manner, thus increasing the number of operators who respond to the requests for compliance information.

It is understood that SCOT agreed in March 2006 that individual members should forward their jurisdiction's element of the Transport Standards Interim Reporting Framework to their respective Minister(s) for consideration and noting, including advice that they handle their respective reports in 'a way that suits'. SCOT noted the report format could include additional narrative to describe the priorities of each jurisdiction.

ATC noted, in May 2006, that considerable progress has been made by all jurisdictions towards implementing the Transport Standards and noted the difficulties that jurisdictions have had in obtaining the data and their concerns over the accuracy of the Reporting Framework.

There also needs to be clarity about when this data is to be collected by, what specific period it relates to and when it needs to be with DOTARs for on-forwarding to HREOC for publication on their website.

If the Commonwealth Government is serious about the implementation of the Transport Standards and the need to report on compliance, Queensland Transport suggests that the requirement for mandatory reporting for transport operators and providers on an annual basis be written into the Transport Standards.

6. Are you aware of situations where improved accessibility of public transport has lead to increased patronage?

Queensland Transport has no data about increases in patronage as a result of the increased accessibility. From public consultations undertaken in regional Queensland in 2006, it was confirmed that accessibility issues prevent the use of public transport by the majority of people with a disability. It is anticipated then that removing some of these barriers, coupled with campaigns to raise awareness of this, will encourage people with a disability to exercise their rights.

However, it should be noted that recording data about patronage numbers of people with a disability is impossible, as well as contradictory to the spirit of the Transport Standards. Queensland Transport is of the understanding that the Transport Standards are premised upon creating access to transport for those members of society with a disability in a way that is at all times respectful, non-confrontational and unimposing. Recording the patronage numbers of people with a disability would appear to undermine the very equity of treatment the Transport Standards set out to achieve.

In addition to this, the range of the term 'disability' implies that many disabilities may be hidden. The reporting of passengers with a disability would result in the further marginalisation of those passengers with significant mobility impairments.

Clarification of rights and obligations

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?

Queensland Transport cannot comment on behalf of public transport users.

8. Are the Transport Standards and the accompanying Disability Standards for Accessible Public Transport Guidelines 2004 (no3) (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 have you found out about these sources?

Queensland Transport cannot comment on behalf of public transport users.

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

Queensland Transport cannot comment on behalf of public transport users.

10. Has the introduction of the Transport Standards clarified your obligations as a public transport operator or provider? If yes, in what ways has it done this?

Feedback has highlighted that, in many cases, whilst the Transport Standards have promoted a more general need for equity of access, they have also created a much higher level of uncertainty about what specifically is expected of the transport industry. 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.

Issues are so ambiguous and uncertain that stakeholders, particularly State Governments feel the need to obtain legal advice in the absence of any assistance from the Commonwealth Government. This results in diverting funding away from other state government services to pay for legal advice to assist in interpreting Commonwealth legislation. These significant costs to State Governments could be avoided by removing the ambiguity from the Transport Standards and giving greater certainty as to what constitutes compliance.

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.

In the absence of any Commonwealth Government advice and assistance, transport operators and owners of premises and infrastructure rely on state transport authorities to address their confusion and provide clear guidance about what their obligations are under the Transport Standards. This comes at a significant cost to State Governments that are not resourced to provide advice on Commonwealth legislation.

Complaints Mechanism

Aside from lacking certainty and clarity with regard to the practical obligations of transport operators and providers, Queensland Transport considers that attitudinal discrimination against persons with a disability can result as a by-product of the nature of enforcement of the Transport Standards through a complaints mechanism rather than certification regime.

The complaints mechanism governing the enforcement of the Transport Standards has been cited throughout consultation as further confusing the obligations of transport operators and providers. Queensland Transport has encountered numerous instances where transport operators and providers view the Transport Standards as not being relevant to their business operations or 'optional' because, as far as they are aware, they don't have any passengers with disabilities within their communities who would lodge a complaint.

Anecdotally, there would be many persons with a disability who have genuine issues regarding the level of accessibility available to them on all transport modes, however there would be a reasonably large proportion of this group who are dissuaded from lodging a complaint, for many reasons. These reasons may include a lack of awareness or knowledge of the process, lack of support to make a complaint, a feeling that it would result in a personal burden which would take a long time to resolve, fear of reprisals from respondents and so on. In small communities, it is likely that there is a perception that a person who complained could be singled out as a trouble maker.

The notion of enforcement through the means of a 'complaints mechanism' constructs the 'complainer' as the adversary. This means that aggrieved passengers with a disability (many of whom are socially, transport and financially disadvantaged) are obligated to 'complain' to remedy breaches of a legislated 'right' to equity.

Uncertainty then results, as operators and passengers with a disability essentially remain unsure of precisely what operators' obligations and passengers' enforceable expectations are until a negotiated settlement or quasi-judicial determination is made.

Suggested alternative approach

A fairer and more practical approach must be introduced. Primarily, operators and providers need to be made clear of their requirements. Ultimately, Queensland Transport supports a fairer approach to compliance both for the passengers and the operators and providers. As such, the Commonwealth Government must implement a centralised compliance body and subsequent compliance agencies responsible for informing, advising and ultimately certifying compliance levels. This is paramount to the success of achieving a more equitable transport system and one that provides clarity for providers and users alike.

As a public transport operator, it is imperative that Queensland Transport is supported by a system that is practical and affordable.

11. Are the Transport Standards sufficient or have you needed to consult with other sources? What other sources have you consulted? How did you find out about these sources?

The general nature of the Transport Standards implies that other sources must be consulted on many occasions. Subsequently, Queensland Transport assumes this role as a source of information for many transport operators and providers within our state. Queensland Transport is itself, however, also a transport provider, that also needs at times, to consult with other sources.

Other jurisdictions, action groups and committees

Queensland Transport has membership of, participated in and implemented a variety of committees and action groups in an effort to create an environment where consultation, sharing of experiences and problem solving may take place in a positive way. These groups include:

- Queensland DDA Taxi Reference Group;
- Queensland Transport Rail Accessibility Steering Committee;
- Passenger Transport DDA Reference Committee;
- National Scooter Reference Group for the Safe Carriage of Mobility Aids in Taxis;
- National Reference Group for the Safe Carriage of Mobility Aids in Buses;
- Australian Passenger Transport National Advisory Committee;
- Australian Passenger Transport Jurisdictional Advisory Committee;
- Accessible Tourism Advisory Group;
- Access Reference Group; and
- Disability Action Week Steering Committee

Regional Queensland Public Bus Stop Project

In order to improve accessibility to bus stop infrastructure throughout Queensland, Queensland Transport commissioned the Regional Queensland Public Bus Stop Project. To prioritise grant funding and to ensure that each Queensland Transport intervention was well executed to meet the deadline, detailed guidance was sought from the disability sector. A consortium arrangement was subsequently developed with members from the peak bodies representing the disability sector in Queensland. The consortium members included the Spinal Injuries Association Inc, Queenslanders with a Disability Network, Disability Council of Queensland and Regional Disability Councils and Guide Dogs Queensland.

Earlier this year, the consortium provided Queensland Transport with a report on consultations, with feedback on key findings from community consultations with the disability sector. The report identified four general areas of challenge, the first of which was the need for specialist skills to interpret the Transport Standards specific to location. The report also stated that many Local Government authorities were unfamiliar with the Commonwealth legislation and its implementation timeframes.

To further assist Local Government authorities in working towards the 31 December 2007 targets, Queensland Transport developed a best practice Public Transport Infrastructure Manual and designs for bus stops and shelters. While this will encourage and provide uniformity for accessible and compliant public transport infrastructure across Queensland, it has come at a considerable cost to Queensland Transport. Extensive legal advice, again at significant cost to the State Government has needed to be obtained due to the insufficient detail as to what constitutes compliance in this area in the Transport Standards.

Extensive legal advice in addition to direct correspondence with HREOC

Queensland Transport has sought extensive legal advice on a number of occasions about the implementation of the Transport Standards. This advice has been expensive and has not been sought in regard to Queensland Transport's role as a public transport operator, but rather to guide operators who have not been able to gain advice by alternate means.

Whilst seeking legal advice is not unusual for Government, much of the legal advice sought was with regard to matters that could be very simply clarified through the inclusion of more in-depth and clear definitions within the Transport Standards. Examples of such definitional ambiguity have been outlined in the table included in the response to question 13 of this submission.

Suggested alternative approach

The Commonwealth Government needs to take an active role in managing its own legislation. This should include 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 an 1800 number within these Departments to field questions about the Commonwealth legislation from operators, owners of infrastructure and premises and from people with disabilities themselves.

In addition, were the Commonwealth Government to develop some kind of enforcement of the Transport Standards that is, a compliance rather than a purely complaints based mechanism, it would necessarily have far greater involvement in this legislation and the practical implications of its implementation within the community.

12. Are you aware of other operators and providers of public transport that appear to be unaware of their obligations? Can you provide examples? How could this lack of awareness be addressed?

Lack of awareness with regard to practical obligations

Queensland Transport is aware of the importance of, and its obligation to provide equity of access in its provision of transport services within Queensland. However, the general and often non-prescriptive nature of the Transport Standards results in many situations whereby the practical and specific obligations facing transport operators are often unclear.

One example where transport operators and providers appear to be unaware of their obligations can be reflected in the large number of new, inaccessible vehicles on the road in Queensland despite the requirement for all conveyances brought into services after 2002 to be accessible and compliant with the Transport Standards. This would suggest that the Commonwealth Government has failed to make conveyance manufacturers, such as bus builders, aware of their practical obligations under the Transport Standards.

The role of conveyance manufacturers in providing vehicles that comply with the Transport Standards needs to be further considered within the scope of the review and subsequently reflected within the Transport Standards. The current situation reflects a lack of sufficient, if any, educative activity from the Commonwealth Government since the Transport Standards were introduced.

Lack of awareness with regard to general obligation to comply with anti-discrimination law

Queensland Transport receives numerous enquiries from members of the transport industry who are unaware of both their specific and general obligations under anti-discrimination law. They are also unaware or confused about the roles and responsibilities of HREOC, DOTARS, the Commonwealth Attorney General's Department and the state transport authorities in regard to the DDA and the Transport Standards.

Queensland Transport's consultations suggest that many transport operators and providers are unaware of their obligations as they perceive transport legislation as generally administered at a State Government level. As an addition to this, the Act's association with anti-discrimination law appears to be confusing for many. Anecdotal evidence suggests that transport operators and providers don't immediately associate anti-discrimination law with the technical specifications for transport operators as highlighted within the Transport Standards. Clearly these misconceptions need addressing.

With reference to the more general enquiries Queensland Transport has received from within the Queensland transport industry, many operators and providers are unaware of the fact that the Transport Standards:

- is Commonwealth subordinate legislation;
- supports the Commonwealth Disability Discrimination Act 1992;
- is governed by a complaints mechanism, and as such, isn't 'enforced' or certified by any government organisation; and
- relies on a complaints mechanism that is administered through HREOC.

Whilst information is provided on HREOC's web page, many transport operators and providers don't visit this site intuitively, as they are unaware of the Transport Standard's direct link with HREOC. Further, it is important to note that whilst HREOC may be able to provide 'advice' with regard to the interpretation of concepts outlined within the Transport Standards, it is important to reiterate to the transport industry that such advice is not legally enforceable and thus could be contradicted in a court of law at a later date. Again, this leaves everyone, including public transport users, with a level of uncertainty regarding what aspects of the Transport Standards mean in practical terms.

Lack of awareness about the responsibilities of government

A general view held by many sectors of the transport industry is that it is Government's responsibility to fix and fund the problems that have arisen for them as a result of the Transport Standards. This view has come about because of:

- confusing and contradictory legislation;
- the lack of clear direction from the Commonwealth; and
- a lack of clarity about the obligations of industry to take responsibility.

Clear statements about who is responsible for meeting the requirements of the Transport Standards are required.

Lack of awareness with regard to the dispersal of information and advice

There is also a general lack of awareness within the Queensland transport industry with regard to who the appropriate contact for requests for information or advice about the Transport Standards actually is. There is an absence of a comprehensive or centralised collection of information about the Transport Standards designed specifically for members of the transport industry. As a result, Queensland Transport, as a state transport authority has found itself taking on this role by default.

In effectively planning and managing a sustainable, safe, efficient and equitable transport system, Queensland Transport currently informs industry stakeholders about matters relating to the Transport Standards and how they affect the industry in Queensland. As it currently stands, Queensland Transport is also in many instances, the primary contact point for relevant members within Queensland's transport industry as a whole with regard to the Transport Standards. Whilst it is important for Queensland Transport to share information with stakeholders and consult with those impacted by the department's decisions, the department is in many instances being asked to act outside of its jurisdictional responsibility, consulting with members of the transport industry impacted by decisions made by the Commonwealth Government, through the Transport Standards.

Queensland Transport has subsequently developed two information books with regard to the Transport Standards in an effort to address the lack of knowledge about the Transport Standards demonstrated by many of our stakeholders. However, it needs to be reinforced once again that the legislation in question is Commonwealth legislation, not State legislation, and as such, education campaigns and answers to enquiries should be predominately referred to the Commonwealth or to HREOC.

Important Information for Public Transport Operators and Providers of Infrastructure and Premises

Due to the 'one size fits all' approach to the Transport Standards, it is extremely difficult to offer advice to our stakeholders, especially in light of legal negligence considerations. Queensland Transport wrote the above named publication to assist industry to increase their awareness and knowledge of their obligations under the Transport Standards.

After gaining extensive legal advice following a variety of specific enquiries, Queensland Transport ceased the distribution of hard copies of the booklet earlier this year. Queensland Transport has kept this document online so it can be constantly updated as new information comes to light.

In addition to the assistance that Queensland Transport already provides, Queensland's transport industry representatives are usually referred to the Human Rights and Equal Opportunity Commission website. Many transport operators have noted that it is counter intuitive to consult with HREOC about their needs within the transport industry, as opposed to a transport specific source.

The HREOC website states that "The Commission's role is to work in partnership with industry to achieve the access which the Commonwealth Government legislated for in the DDA in 1992". Whilst officers from HREOC have been regular attendees at mainstream transport conferences, their information has been less than specific and they have completely missed the smaller transport operators, many of whom remain unaware of their obligations under the Transport Standards.

Five years after the DDA was legislated, Departmental consultation and correspondence highlights that very few transport operators know what HREOC is, or the role it plays in the implementation of the Transport Standards.

Disability Discrimination Act 1992: A guide for the Queensland Bus Industry.

As a joint initiative, the Queensland Bus Industry Council (QBIC) and Queensland Transport produced a publication called 'Disability Discrimination Act 1992: A Guide for the Queensland Bus Industry'. Again, the purpose of this publication was to assist bus and coach operators to understand and fulfil their obligations under the Transport Standards, and, more widely, the DDA.

Community, Courtesy and Charter transport services

Queensland Transport has received numerous enquiries from operators of courtesy, community and charter services wanting to know their obligations under the Transport Standards. Correspondence and consultations have highlighted that many courtesy, community and charter service operators are mostly unaware of their obligations because they do not clearly fit into one category of transport service. They offer services that are essentially mixtures of courtesy, community and charter services. Further adding to the confusion is that in some rural and remote communities, community transport services are provided using sedans, small people movers and other vehicles that fall within the definition of a 'car'.

In December 2006, Queensland Transport, in association with the Local Government Association of Queensland (LGAQ), released the information documents: "Community Based Transport (CBT) Queensland Toolbox" and "CBT Qld Guidelines" for communities interested in developing CBT services.

In Queensland, community-based transport (CBT) services are different from traditional community transport services. Traditional community transport usually meets the needs of a particular target group, be it a rural or regional community as a whole or a specific section of a larger community. CBT on the other hand is unrestricted in the sense of being available to multiple client groups for multiple trip purposes, if not fully available to the general public for any purpose.

QT is currently in the process of developing a policy statement promoting the development and delivery of sustainable CBT solutions which complement mainstream public transport and, wherever possible, utilise established local transport services/infrastructure.

Similar to traditional community transport services, timetables, fare structures and vehicle type are tailored to the users of a CBT service. Services typically operate only on-demand, door to door and/or on fixed routes and at certain times/days and services are not limited to short or long distances.

Community-based transport solutions use community car/s, community bus/es (e.g. council, RSL, club, shopping centre bus), taxis (e.g. subsidised fares for specific users/trips); and brokering of existing commercial services/vehicles.

Many of these services are staffed by volunteers and run as not-for-profit services, provided by goodwill towards transport disadvantaged members of the community.

Queensland Transport acknowledges that within every community there are transport needs for some individuals and/or groups where the private vehicle or conventional public transport systems, commercial bus services or taxis are not suitable or available options. CBT solutions are needed to service the transport needs of the community in these instances. CBT solutions provide access to recreation, shopping, education, medical care and social services as well as providing a source of social contact for potentially isolated people in a community, for example the disabled, rural youth or elderly.

Queensland Transport understands first hand that those members within the community who are classified as transport disadvantaged, also often suffer a disability. Queensland Transport is however concerned that, in the absence of any clear exemptions or mandate for compliance within the Transport Standards, that many such valuable CBT services will stop operations so as to mitigate any possible legal risk, resulting in one less transport option for already transport disadvantaged individuals and communities.

Although it may be possible for operators to argue the unjustifiable hardship defence, it is difficult to expect not-for-profit, community-based initiatives to endure the uncertainty of whether this defence will be acceptable.

The current approach to community based transport services within the Transport Standards does not correlate with the practical and operational realities existing within many Queensland communities.

Suggested alternative approach

In the interest of continuing these services in a non-discriminatory manner benefiting all appropriate groups, it is of the utmost importance that the responsibilities of all transport operators are clarified so that all stakeholders are fully informed about the requirements of the legislation, including their obligations if their vehicles are used for a variety of purposes.

As stated above, there are many transport operators and providers who are unaware of their obligations under the Transport Standards. This could be addressed by:

- greater definitional clarity and practical advice provided within the Transport Standards;
- centralised dissemination of information and advice for transport operators, providers and users; and
- the implementation of a certification body for some areas of compliance.

It is imperative that the Commonwealth Government assumes responsibility for being the primary disseminator of information and advice in this area. Information should be presented in a way that is commonsensical in its form and availability.

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.

Interpretation of terms

Queensland Transport's internal and external consultation process has found aspects of Division 1.2 *Meaning of Important Terms*, and terms contained within Schedule 1 under various parts, to be, in some areas, inadequate. In summary, Queensland Transport believes the Transport Standards would be improved by more in-depth definitions (or inclusions if not there already) of the following terms:

Description	Issues and Comments	Suggestions for improvement
Charter Bus	<p>Queensland Transport has received a large number of enquiries from Charter Bus operators wanting to know if they fall under the Transport Standards.</p> <p>While there is no definition within the Transport Standards, Schedule 3 of Queensland's <i>Transport Operations (Passenger Transport) Act 1994 (TOPTA)</i>, states that a Charter bus service means a public passenger service involving the charter of a bus and driver for prearranged journeys and for pre-agreed amounts if-</p> <p>(a) neither the operator nor the driver receive individual fares; and</p> <p>(b) each journey has a common origin or destination or both; and</p> <p>(c) The charterer has the right to decide the route and time of travel.</p>	Development and inclusion of an appropriate definition for a Charter Bus Service .
Community Transport Services	<p>Inadequate definition (Also see question 12)</p> <p>Section 1.23 of the Transport Standards states that:</p> <p>(1) A public transport service is an enterprise that conveys members of the public by land, water or air.</p> <p>(2) A public transport service includes:</p> <p>(a) community transport conveyances that are</p>	<p>A review of the definition for a Community Transport Service considering the points made in the response to question 12.</p> <p>It is made clear whether such services are then subject to obligations under the Transport Standards.</p>

Description	Issues and Comments	Suggestions for improvement
	<p>funded or subsidised by charity or public money and that offer services to the public; and</p> <p>(b) foreign aircraft and vessels that carry passengers to, from, or in Australia and that offer services to the public.</p> <p>Queensland Transport receives countless inquiries from Queensland Community Transport operators who are unsure where they fit with relation to the Transport Standards.</p>	
Courtesy transport services	<p>No definition within the Transport Standards</p> <p>The standards define "Community Transport" services, but do not define "Courtesy Transport "services.</p> <p>Correspondence with Queensland Transport has highlighted that many Queensland Courtesy Transport operators are unsure about their obligations under the standards.</p>	The development and inclusion of an appropriate definition for a Courtesy Transport Service .
Assistance Animal	No definition within standards	The development and inclusion of an appropriate definition for an Assistance Animal .
Booked services on trains	No definition within standards	<p>The development and inclusion of an appropriate definition for Booked Services on Trains.</p> <p>Suggested Definition:</p> <p>Booked services on trains are long distance passenger train services where prior booking is required to purchase a berth, seat and/or allocated space.</p>
Unbooked services on trains	No definition within standards	<p>The development and inclusion of an appropriate definition for Unbooked Services on Trains.</p> <p>Suggested Definition:</p> <p>Unbooked services on trains are passenger train services where no seat and/or allocated space is booked or reserved for a specific person.</p>
Disability Aid	No definition within standards	<p>The development and inclusion of an appropriate definition for a Disability Aid</p> <p>Suggested Definition:</p> <ol style="list-style-type: none"> 1. A disability aid is a device designed to be used by a person with a disability to alleviate the effects of that disability. Disability aids include mobility aids but do not include

Description	Issues and Comments	Suggestions for improvement
		<p>mobility aids designed for use by more than one person at a time.</p> <p>2. Constraints that are part of providing safe and effective public transport services and operations may limit the types of aids that can be accommodated on transport services, premises and infrastructure. Passengers on rail conveyances are responsible for the supply, assembly and operation of their disability aids at all times.</p>
Mobility Aid	No definition within standards	<p>The development and inclusion of an appropriate definition for a Mobility Aid</p> <p>Suggested Definition:</p> <p>A mobility aid is designed to be used by a person with a disability to alleviate the effects of their limited mobility</p>
Requirement for Mobility Aids	No requirements within standards	<p>The development and inclusion of a list outlining the appropriate requirements for a Mobility Aid</p> <p>Suggested Definition:</p> <p>Specifications of a Mobility Aid:</p> <p>Design Criteria</p> <p>Maximum size</p> <p>1. Mobility aid footprints must be no greater than 800 mm wide and 1300mm long. In certain limited situations in existing conveyances, infrastructure or premises, mobility aids must be able to pass through gaps of 760 mm width.</p> <p>2. To access tables, counters, worktops, wash basins or the like, users of mobility aids must be able to fit the knee clearance specifications of AS1428.1.</p> <p>Manoeuvrability</p> <p>3. The space for a turn of 180 degrees is an area with dimensions in the ranges of 2070 mm by 1540 mm</p> <p>Mass</p> <p>4. The combined mass of the passenger, the mobility aid, and any required assistant must be less than 300 kg.</p> <p>5. There needs to be a level of flexibility where a Mobility Aid does not exactly fit this</p>

Description	Issues and Comments	Suggestions for improvement
		<p>definition – perhaps a certification system for mobility aids would be in order if transport operators find they need assistance with this definition.</p> <p>Performance Criteria</p> <p>Braking</p> <p>1. Mobility aids must have effective braking systems and passengers must apply the brakes while conveyances are in motion, and at other times as required for safe travel</p> <p>Anchoring</p> <p>2. Mobility aids must comply with relevant safety requirements for example, criteria for safe anchorage.</p> <p>Stability</p> <p>3. Mobility aids must be stable under normal conveyance forces of acceleration, deceleration, cornering and pitching.</p> <p>Propulsion</p> <p>4. Internal or external combustion driven aids are not permitted on transport premises, infrastructure or conveyances.</p> <p>Batteries</p> <p>5. Electric mobility aids must comply with regulations governing the carriage of batteries on public transport. Batteries need to be adequately secured and contained. Gel or solid state is preferred.</p> <p>Wheels and Gaps</p> <p>6. A mobility aid should be able to:</p> <ul style="list-style-type: none"> a) Cross a horizontal gap of 40 mm; and b) Mount a vertical rise (bump) up to 12 mm; and c) Cross grating gaps up to 13 mm wide and 150mm long <p>Ramps</p> <p>7. Persons using mobility aids should be able to negotiate boarding ramps:</p> <ul style="list-style-type: none"> a) A 1 in 14 grade unassisted where the ramp is longer and 1520mm length; and

Description	Issues and Comments	Suggestions for improvement
		<p>b) A 1 in 8 grade unassisted where the ramp is less than 1520mm; and</p> <p>c) A 1 in 4 ramp with assisted access where the ramp is less than 1520mm.</p> <p>Operation and storage</p> <p>8. Passengers are responsible for:</p> <p>a) Any dis/assembly and operation of their disability aids in conveyances, premises and infrastructure</p> <p>b) Manoeuvring their own mobility aids</p> <p>c) Storage of their disability aids prior to and after travel on public transport services.</p> <p>Working Environment</p> <p>9. The mobility aid must be able to operate safely in internal and external environments under varying ambient and operating conditions.</p>
Nominated Accessible Boarding Point	No definition within standards	<p>The development and inclusion of an appropriate definition for a <i>Nominated Accessible Boarding Point</i></p> <p>Suggested Definition:</p> <p>A <i>nominated accessible boarding point</i> is a boarding point nominated by the provider for accessible boarding by people with disabilities. It provides a coordinated and central location for providing direct boarding/ lighting assistance, and location of core facilities / services in convenient proximity.</p>
Sleeping berth	No definition within standards	<p>The development and inclusion of an appropriate definition for a <i>Sleeping Berth</i></p> <p>Suggested Definition:</p> <p>A sleeping berth is a sleeping space which may be in a compartment, or a seat/bed recliner chair in an open area.</p>
Level Crossing	No definition within standards	<p>The development and inclusion of an appropriate definition for a <i>Level Crossing</i>.</p> <p>Suggested Definition:</p> <p>A level crossing is any vehicular and/or pedestrian crossing of a railway corridor at grade.</p>

Description	Issues and Comments	Suggestions for improvement
Equivalent Access- "unavoidable constraints"	<p>The Guidelines defines "equivalent access" to mean: "alternative methods of assisting passengers with disabilities to use public transport where there are unavoidable constraints on unassisted access"</p> <p>If the correct interpretation is that the Guidelines do add an additional condition/interpretation (and this is by no means clear), then to rely on the defence of "equivalent access" there must be "unavoidable constraints on the unassisted access" to the public transport service which results in the non-compliance with the Standards</p> <p>One possible view is that there is no constraint on unassisted access because of the various alternative means of accessing the service that do not require assistance. However, the alternative view, (if the Guidelines definition of equivalent access is accepted) is that the defence of equivalent access is not available. This is because no limit has been placed on "unavoidable constraints".</p>	The development and inclusion of an appropriate definition for <i>unavoidable constraints</i>
Gateway and Checkouts-Ticketing	<p>Inconsistencies in the interpretation and application of the Transport Standards to the Automated Fare Collection (AFC) system and AFC system equipment:</p> <p>Example : Height of SACIDs (Stand Alone Card Interface Devices)</p> <p>One interpretation is that the SACIDs need to comply with the 'Gateway and checkout' section of the DSAPT 2002 (section 24.1 (1) which requires compliance with AS 1428.2 clause 28. Clause 28 requires ticket or coin feed points to be at a height of 800 – 900mm from the finished floor.</p> <p>The alternative interpretation is that the SACIDs are not Gateways or checkouts and are not ticket or coin feed points. Therefore the abovementioned clause and standard are not applicable, and AS1482.2 Clause 22 is applicable which stipulates a height of 1000mm.</p>	Clarification with regard to <i>SACIDs and how they apply to the Transport Standards</i>
Schedule 1- Target Dates for	Inadequate definition of what exactly 25% pertains to.	The development and inclusion of an appropriate definition for the concept of a <i>percentage</i>

Description	Issues and Comments	Suggestions for improvement
Compliance "25%"	The Standards lack clarity and definition in relation to the percentage of compliance. As such, appropriate business decisions including risk assessment cannot be made. While a clear definition will not change the work in progress, it will allow for better business decisions around prioritisation	compliance
Part 1.9 Access Path	Inadequate definition	<p>The development and inclusion of an appropriate definition for an Access Path</p> <p>Suggested Definition:</p> <p>An access path is a path that permits independent travel for all passengers within public transport premises, infrastructure or conveyances. An access path may include a compliant walkway, ramp or lift.</p> <ul style="list-style-type: none"> • An access path on a rail conveyance is a path from the external passenger doorway to the allocated space, priority seats and other essential facilities accessible to passengers with mobility aids. • An access path on an existing railway station is a clear and unobstructed path from a nominated boundary point to a nominated accessible boarding point on each platform and to all accessible facilities. • An access path on a new railway station is a path that permits independent travel for all passengers within and to and from the station.
Part 1.21 Premises	Inadequate definition	<p>The development and inclusion of an appropriate definition for Premises</p> <p>Suggested Definition:</p> <ol style="list-style-type: none"> 1. Premises are structures, buildings or attached facilities that a provider supplies for passenger use as part of a public transport service. 2. Premises are distinct from infrastructure in that they have a building Classification in the Building Code of Australia. 3. Premises in the rail environment do not include footbridges, open railway platforms or open shelters, which are covered under 1.18 Infrastructure.

Description	Issues and Comments	Suggestions for improvement
<p>Part 7</p> <p>Waiting Areas</p>	<p>Unclear definition- Waiting Area</p> <p>Section 7.1 states:</p> <p><i>If a waiting area is provided, a minimum of 2 seats or 5% of the seats must be available for passengers with disabilities if required.</i></p> <p>Section 7.2 states:</p> <p><i>If a waiting area is provided, a minimum of 2 allocated spaces or 5% of the area must be available for passengers with disabilities if required.</i></p> <p>Part 9 informs that, the minimum allocated space for a single wheelchair or similar mobility aid is 800mm by 1300mm (AS1428.2 (1992) Clause 6.1, clear floor or ground space for a stationary wheelchair).</p> <p>To give the example of a small bus stop shelter that is 4 m long, and consists of 4 to 5 sheltered seat spaces, the requirement of having to comply with the above Standard of minimum 2 allocated spaces and 2 seats for persons with disabilities in many cases appears to be unreasonable and unattainable due to the cost of construction combined with the level of demand variations..</p> <p>The Transport Standards appear to be unclear with regard to the definition of a <i>waiting area</i>. Clarification is needed with regard to whether a "Waiting Area" refers to larger facilities such as transport waiting lounges or more generally to include bus stops.</p>	<p>Queensland Transport suggests the development and inclusion of an appropriate definition for the concept of a Waiting Area.</p>
<p>Part 8.3</p> <p>Boarding Points</p>	<p>Conflicting concepts</p> <p>The lack of clarity with regard to the meaning of the term 25% also becomes difficult with regard to 8.3(1) which seems to contradict the concept all together. It states:</p> <p><i>If a conveyance has a manual or automatic boarding device, it must be available for use at all designated stops.</i></p> <p>If only 25% of bus stops should be accessible by the first compliance deadline, how is this possible? Doesn't this further contradict the concept of 'connectivity'? Why mandate that a boarding device must be available for use at all designated stops if once a passenger gets</p>	<p>Elimination of conflicting concepts and clarification of position.</p>

Description	Issues and Comments	Suggestions for improvement
	off the bus, the bus stop may not be accessible?	
Part 9.3 Allocated Space Minimum Head Room	<p>Advice from taxi operators and vehicle modifiers is that the 1500mm minimum headroom requirement will severely limit the vehicles that can be used for wheelchair accessible taxi (WAT) services, resulting in larger and more expensive vehicles and threatening the viability of WAT services, particularly in regional Australia.</p> <p>Although engineering solutions can be undertaken (for example, lowering the floor or raising the roof) these are expensive and reduce the value of the vehicle for resale.</p> <p>In particular, it has been noted that vehicles that are used as WATs in Australia are generally manufactured overseas and as such, Australia is a "vehicle taker". If this requirement were to remain, it would create great difficulties financially, and Queensland Transport considers that headroom height of 1410mm is sufficient.</p>	The minimum headroom height be kept at 1410mm.
Part 9.8 Allocated Space Aircraft and coaches	<p>Part 9.8 states that:</p> <p><i>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.</i></p> <p>In the case of a coach, passengers lifted by a wheelchair lift would be sitting in their own chair and fixed to the floor. It is unclear whether passengers travelling in their mobility aid are included in this statement. If they are not, how many allocated spaces are required in this case?</p>	Clarification of concept
Part 9.10 Allocated Space International symbol of accessibility to be displayed	Wheelchair accessible taxis should also be required to have the international symbol displayed.	Inclusion of the requirement for the international symbol to be on display in wheelchair accessible taxis.
Part 10.1 Surfaces	It is unclear why wheelchair accessible taxis are not included on this list.	Clarification of information
Part 11 Handrails and	It is unclear why grab rails have not been made mandatory on wheelchair accessible devices generally, but specifically for	Clarification of information and concepts

Description	Issues and Comments	Suggestions for improvement
Grab rails	<p>wheelchair accessible taxis.</p> <p>Mobility impaired persons feel most at risk and of unease during the loading and unloading from the vehicle (this should be a new clause), and should have access to a grab rail in the vehicle also (11.7).</p>	
Part 12.5 Doorways and Doors Vertical height of doorways	<p>Increasing the door entry height to 1500mm will severely limit the vehicles that can be used as WATs and add considerable expense to ordinary WAT operators for vehicle work (for example, lowering the floor or raising the roof).</p>	<p>Conflicting concepts need to be removed</p>
Part 14 Stairs	<p>Stairs are becoming increasingly common on Wheelchair Accessible Taxis. There is a range of vehicles and different configurations.</p>	<p>New clause that outlines the minimum requirements for elderly assistance stairs in Wheelchair Accessible Taxis.</p> <p>Stairs should be compulsory for Wheelchair Accessible Taxis.</p>
Part 15.6 Toilets	<p>Concepts require clarity.</p>	<p>Include a change bench to suit adults – could be folded up against the wall when not being used so as not to restrict space for others.</p> <p>Need to ensure that facilities aren't in public view.</p> <p>Ideal to have adult sized bench, ample circulation space including space for the use of a lifter.</p> <p>Unisex accessible toilets should not contain facilities that would impede its primary function as a toilet or impede access - for example, showers, baby change facilities and so on - unless all toilets are unisex sanitary compartments.</p>
Part 16.4 Accessibility Symbols	<p>Section 16.4 stipulates that:</p> <p>1) <i>The international symbol of accessibility must be clearly visible on the front of accessible buses</i></p> <p>2) <i>The symbol must also appear outside accessible doors, accompanied by a numeral indicating the number of allocated spaces provided by the bus.</i></p>	<p>The inclusion of coaches in the definition.</p>
Part 17.7 Signs Taxi Registration	<p>Concepts require clarification</p> <p>Consistency of placement of the tactile numbers is more important than the position.</p> <p>Additionally, this part should be changed to</p>	<p>This should be changed so that the taxi registration numbers are on the inside of the vehicle. Similarly, the signs that advise of the use of security cameras or other mandatory signs within a vehicle should be in raised lettering on</p>

Description	Issues and Comments	Suggestions for improvement
Numbers	read Taxi registration or Fleet number – HREOC has provided advice to the Taxi Council of Queensland that the use of Fleet numbers is sufficient to meet this standard.	the inside of each passenger door.
Part 33.1 Compliance	The term 'compliance' isn't defined within the Standards. The use of this term can be seen as being problematic, as compliance can refer individual requirements, or over-all compliance. Consultation has highlighted that Transport Operators often state that their service is 'fully compliant', when they are just compliant with regard to some aspects, such as a wheelchair lift. 'Compliance' is further a difficult way to describe a transport service etc, because of the absence of a regulating body who can judge an organisation or providers' level of 'compliance'.	Clarification of concept / definition
Part 28.1 Booked Services Notice of Requirement for Accessible Travel	Wheelchair Accessible Taxis should be included on this list.	Inclusion of Wheelchair Accessible Taxis.
Part 28.2 Booked Services Period of Notice for Requirement for Accessible Travel	<p>Concerns expressed about online booking systems and the practical difficulties associated with equity of booking time.</p> <p>Section 28.2 states that:</p> <p><i>Any advance notice required for accessible travel must not exceed the period of notice specified for other passengers</i></p> <p>Consultation with industry has highlighted some concerns with regard to online booking systems. Some Queensland coach providers operate a 'live manifest'. This means that passengers can book by telephone or via the internet at any time as long as the coach has not reached or passed the scheduled stop. At this point in time the Transport Standards do not stipulate the "allocated seating" requirements for coaches.</p>	Clarification of concepts

Response Times

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 accessible vehicles are to be the same as for other taxis.

The legislation advises that the responsibility for this standard lies 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 or 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 Vehicles will be the same as for other classes of vehicle by any target date. Taxi booking companies are 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.

Suggested alternative approach

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.

14. Have the exemptions under the Transport Standards reduced the clarity of obligations under the Transport Standards?

The role of carers

Division 1.24 of the Guidelines to the Transport Standards states:

Some passengers may need to be accompanied by a carer; assistant or service animal...A carer or assistant should be prepared to pay a fare.

While the recent case of Virgin Blue's Special Assistance Policy didn't result in any exemptions, some concerns have been raised with regard to the role of carers on some transport types and not others. Some temporary exemptions have been granted with regard to air travel for passengers in need of a carer (see Kendell Airlines 2000).

Suggested alternative approach

The Transport Standards should reflect a stronger stance with regard to the role of carers on public transport, especially in light of the introduction of the Companion Card program in many States, which allows the carer of persons with a severe disability to travel free of charge – on the basis that it would be discriminatory to do otherwise.

Charter Buses

As discussed in the response to question 12, Queensland Transport has had extensive discussion with industry groups and transport operators about the role of charter buses as 'public transport services'. The Transport Standards do not note any exemptions for charter bus services. Despite this, the HREOC website advises:

There has been some question as to what is meant by charter services. Of course final definitions under the DDA must be left to the Federal Court, but in the view of the Commission a common sense approach needs to be taken to such definitions. Public transport is transport that is available to the public. Therefore if a tour company charters a bus, and then sells tickets on that tour to the public, it is probably providing public transport. On the other hand, if the local cricket team charters a bus to take their players to the neighbouring town it is probably not public transport. But if the cricket team sells spare seats to the public, it probably is public transport rather than a charter.

(http://www.hreoc.gov.au/disability_rights/speeches/2001/BIC.htm)

The exemptions offered to Charter Boat services and dedicated school bus services would imply that transport services other than these are covered by the provisions of the Transport Standards. It is illogical that transport operators should be expected to wait for the Federal Court to make a finding with regard to whether or not Charter Bus Services are exempt from the provisions of the Transport Standards, especially in light of the fact that transport operators are expected to obtain certain levels of compliance by 31 December 2007 if they are covered by the provisions of the Transport Standards.

Suggested alternative approach

Transport operators and providers need to be offered clear explanations of whether or not they are required to comply with the Transport Standards. In light of the substantial financial costs of compliance, it is imperative that all sectors of the transport industry are very clear about whether or not they are required to comply with the Transport Standards.

Flexibility of approach

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

Whilst the Transport Standards do allow transport providers and operators choice with regard to their demonstration of compliance, compliance is ultimately not 'demonstrated' as such until a complaint is placed against them. Consultation has found that the use of the word 'compliance' is often used in a misleading manner, with transport providers and operators claiming that they are 'DDA compliant' when really, they may just be compliant with regard to a certain aspect of the Transport Standards – often those issues pertaining to accessibility of wheelchairs in and out of the vehicle.

Departmental and industry consultations have reflected that such ambiguity is problematic on many levels in terms of risk management, operational considerations and financial implications.

Suggested alternative approach

It is imperative that the definitional issues be clarified (see the response to question 13) and that there is a method other than a complaints mechanism to monitor and assess compliance with the Transport Standards in order that all stakeholders have clarity in relation to what constitutes compliance.

Additionally, the Commonwealth Government needs to accept its responsibility and undertake an intensive educative campaign within the community – just as it does when introducing and implementing other legislation – so that all stakeholders have the opportunity to clarify issues and gather information in relation to their particular circumstances.

16. Where Australian Standards or other Technical requirements are specified, are these appropriate? Provide examples where appropriate.

The technique of regulating by referring to a range of Australian Standards is problematic for several reasons:

- Australian Standards are not freely available to users (industry or consumers) or in accessible forms, as the legislation and regulations of all Australian jurisdictions now are;
- Australian Standards are not produced through the same transparent processes as are applied to legislation and regulations, and in particular do not undergo Regulation Impact Statement assessments;
- Australian Standards are referred to as particular editions rather than the reference automatically updating with updates to the Australian Standards regime. This creates confusion and further difficulties with availability;
- The Transport Standards were intended to follow (then emerging and now established) modern regulatory practice by providing performance requirements, together with specification, where possible, of approaches deemed to satisfy those requirements, while allowing flexibility in different circumstances or over time in applying different approaches; and
- The drafting, however, does not always achieve as clear a performance requirement as might be desirable. Rather than leaving users to discern this from the terms of the Australian Standards referred to, it also makes it necessary to discern the desired flexibility from the “equivalent access” provision rather than this flexibility being made obvious in the terms of each requirement.

Scooters and mobility devices

The 'National Scooter Policy Working Group' and the 'Safe Carriage of Mobility Aids on Public Transport Working Group' (both sub-groups of the Australian Public Transport National Advisory Committee - APTNAC) have both identified a range of jurisdictional differences as they relate to the carriage of mobility aids on public transport – including taxis. There is an Australian Standard (AS3696) which covers a number of aspects relating to the design and construction of wheelchairs (manual or electrically powered) or mobility scooters. Internationally, there also exists an International Standard (ISO) for wheelchairs and scooters. There is no corresponding Australian Standard for mobility scooters.

Regarding the restraint of mobility aids in vehicles, Australian Standard AS2942-1994 Wheelchair Occupant Restraint Assemblies for Motor Vehicles, is relevant. The Standard covers:

- Wheelchair restraints;
- Occupant restraints;
- Wheelchair locations in the vehicle;
- Clear space around a wheelchair and
- Installation instructions.

There is also an ISO relevant to the restraint only of wheelchairs in accessible vehicles.

AS2942 does not specify strength requirements for wheelchair structures or for vehicle structure used to anchor the wheelchair occupant restraint assemblies, nor does it specifically apply to mobility scooters. Research of international standards has, however, confirmed that ISO10542 and ISO7176 do address the construction and restraint of wheelchairs and scooters for in-vehicle use. While further review of these standards is required, it appears that they may adequately fill the current gap in Australian Standards.

There are currently no recognised standards or certification system addressing the suitability of wheelchairs or mobility scooters as vehicle seating. Whilst the Transport Standards provide detail regarding the dimensions (relating to boarding devices for example, ramps, and wheelchairs and scooters able to be carried on public transport); stability requirements and manoeuvrability requirements of mobility aids on public transport, without any nationally consistent certification system, there is no way for bus/taxi drivers to ascertain instantly whether the aids comply with these requirements. While most regulators have expressed support for a certification process, a viable means of achieving this or who should be responsible has yet to be identified. Pending this, industry and passengers remain exposed to considerable uncertainty. A mobility aid that is unable to be effectively restrained may cause trauma to the occupant as well as to other persons.

Taxi Ramps/hoists

There is considerable debate within the taxi industry regarding the suitability of the use of ramps as a boarding device. Under the Transport Standards, a ramp must be able to support a total weight of up to 300 kg, however, many operators are against their use as they consider them unsafe and insist that hoists are the only safe method of boarding.

Suggested alternative approach

Recasting of the Transport Standards to provide clear performance requirements (subject to the compliance timetables and to the unjustifiable hardship defence) with specifications being provided (or referred to) is required. This approach would provide clearer criteria for consideration of industry codes for certification as providing acceptable methods for compliance. Stand alone documents for each transport mode offer advantages in clarity and transparency.

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 Standards as to whether ramps are compliant with the Transport Standards when utilised for boarding taxis.

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

Many of the requirements in the Transport Standards have proven to be impractical and/or difficult to implement. The fear 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.

Bus stop topography

The Transport Standards require that bus stop areas (ie. walkways, ramps, landings) are required to have certain falls / grades (i.e.: 1:14, 1:20, 1:40, etc.). If this isn't able to be achieved due to site constraints (i.e. bus stops located on hills, inclines or slopes greater than the requirements), it is unclear whether this means that certain bus stops should not be installed or should be removed because they don't meet these requirements.

In most cases, to meet the standards, major footpath work (major costs and inconvenience) is required, including service relocations. In some cases even this will not enable the bus stop area to comply.

It may be perceived that relocation actually disadvantages other passengers (large majority) and possibly even some people with a disability who feel that they are capable of access, albeit with some difficulty.

It could be argued that all passengers would rather a bus stop be installed at these locations, with the acceptance of the slope, as opposed to no stop at all. There would be significant issues to address if bus stops were removed / not developed because of the requirements of the current Transport Standards.

Bus stop boarding points (access and tactile ground surface indicators)

The Transport Standards advise that tactile ground surface indicators (TGSIs) are to be installed on an access path to indicate stairways, ramps, changes of direction, overhead obstructions below a height of 2000mm, and hazards within a circulation space or adjacent to a path of travel.

TGSIs are used by people with a vision impairment to highlight the direction of travel and to warn of hazards.

If a bus stop that consists of simply a pole installed in grass or another flat and stable substrate at the boarding point (not concrete), it is not certain as to the requirement to install TGSIs. However, TGSIs can't be installed unless a concrete pad or path has been installed.

A further question arises as to whether bus stops that are located in outer areas require a concrete pad, generally at lower use suburban and rural stops, where footpaths may only consist of grassed areas (i.e. no concrete access paths to bus stop area).

If the requirement to install TGSIs (which also means the inclusion of a concrete boarding point / path) at these particular stops (i.e. posts installed in grass footpaths), then from a financial and operational perspective it would possibly mean that the only practical solution in many cases would be the removal of a large number of stops from service and the rejection of new, requested stops.

Currently, these numerous stops are generally of low usage and therefore would not warrant the enormous cost of installing concrete and TGSIs. However, if the Transport Standards give no option but to remove bus stops from service because of this issue, then it could possibly be perceived as disadvantaging the majority of passengers.

One suggestion may be to have a condition added to the Transport Standards (with regards to TGSIs) noting that with bus stops located on suburban streets, that consist of simply a pole in grass, the boarding points are to be maintained as flat and stable and TGSIs (and therefore concrete pads) will be installed if requested by a person with a vision impairment.

Ferry Terminals

The Transport Standards inform that ramps and walkways are required to be of certain grades. With regards to ferry terminal ramps and walkways (to and from the terminal to vehicle), the Transport Standards cannot be achieved 100% of the time due to the tidal range. This is the case most of the time and especially typical when there are king tides, as are experienced around the Torres Strait and Far North Queensland.

Capacity to deliver the volume of work required

Consultations with both rail and bus industries have highlighted concerns about the capacity of the building and construction industry to deliver the volume of work required in a period of unprecedented investment in infrastructure across south east Queensland. Bus industry representatives noted that the current waiting times in Queensland for bus builders would significantly impede many operators' ability to be able to make the first compliance deadline.

In relation to the rail industry, there are a series of requirements that are difficult and sometimes impossible to meet given the narrow gauge that is in existence in Queensland. Rooms, such as wheelchair accessible toilets, simply cannot be made to the required measurements.

Please refer to the attached ARA Submission for further technical detail in relation to these aspects.

Suggested alternative approach

It is suggested that where such impracticalities exist, that they be given due consideration by HREOC and relevant agencies if and when such companies lodge exemption requests.

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?

Queensland Transport cannot comment on behalf of public transport users.

Consistency of approach

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

The compliance dates of the Transport Standards do not take into account the complexity of compliance in the rail environment. While some modifications have relatively low cost components such as hearing augmentation, the installation of hearing loops in trains requires many of the carriage linings and fittings to be removed.

The interconnectivity of trains and their operating systems is such that the train would be taken out of revenue service for some time. The type of work is best done during a programmed major refurbishment which generally happens every seven to ten years. This is a further example of where a 'one size fits all' approach to compliance is not appropriate in the rail environment.

It is important that the Transport Standards recognise that the life of a passenger rail carriage is significantly longer than that of all other conveyances, with the possible exception of ferries, covered by the Transport Standards. In many instances, where significant design or structural change (for example the widening of doorways) is required to comply with the standards, existing rollingstock may remain in service until after the 2032 full compliance date.

There are passenger train carriages in ongoing revenue service in Queensland that are over 50 years old, with no definitive plans for retirement or replacement. Similarly, the build cost of a passenger rail carriage is significantly more than other conveyances, for example the current cost of a new tilt train carriage is estimated at more than \$7.5m. As such, due to the longevity and cost of rollingstock, full compliance may not be a reality by 2032.

Lack of flexibility in the implementation of the Transport Standards in these circumstances could well result in loss of the services. Again, where it is not possible or feasible to upgrade rollingstock by the due date, the loss of that service would result in a decrease in accessibility rather than achieving the objectives of the Transport Standards, that is, increased accessibility to public transport.

20. Will any current areas of inconsistency be addressed through the future stages of implementation of the transport standards?

Please refer to the attached ARA Submission for further details in relation to these aspects.

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

The Allen Consulting Group's Issues Paper notes that dedicated school bus services were granted an exemption from the standards based on 'concerns about difficult terrain, poor infrastructure and unjustifiable cost of compliance'. Queensland Transport suggests the consideration of the exemption of some community based transport services (as outlined at question 12) for the same reasons. These are re-iterated below:

Queensland Transport acknowledges that within every community there are transport needs for some individuals and/or groups where the private vehicle or conventional public transport systems, commercial bus services or taxis are not suitable or available options. Community based transport solutions are needed to service the transport needs of the community in these instances. Community based transport solutions provide access to recreation, shopping, education, medical care and social services as well as providing a source of social contact for potentially isolated people in a community, for example the disabled, rural youth or elderly.

Queensland Transport understands first hand that those members within the community who are classified as transport disadvantaged, also often suffer a disability. Queensland Transport is however concerned that in the absence of any clear exemptions or mandate for compliance within the Transport Standards, that many such valuable CBT services will stop operations so as to mitigate any possible legal risk, resulting in one less transport option for already transport disadvantaged individuals and communities.

Although it may be possible for operators to argue the unjustifiable hardship defence, it is difficult to expect not-for-profit, community based initiatives to endure the uncertainty of whether this defence will be acceptable.

The current approach to community based transport services within the Transport Standards doesn't correlate with the practical and operational realities existing within many Queensland communities.

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?

The impact of funding sources

Queensland Transport has received numerous enquiries from small transport operators who are concerned about the financial implications of the Transport Standards. Anecdotally, it seems that there are many Queensland transport operators who may be forced to close their businesses due to the financial burden placed upon them by the Transport Standards. As such, it could be argued that the implementation of the Transport Standards is not consistent, but rather, they are often reflective of an organisation's financial capacity to meet the Transport Standards. An example of this is that it may cost around \$30,000 to fit a hoist to a vehicle, which for a small company represents a large amount of funds. In addition, the company would be required to fit the hoist to all future vehicles to which they upgrade as time goes by, making this a recurring expense.

Compatibility of Approach

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

There are gaps in the Transport Standards in relation to aviation and air travel. Whilst other forms of public transport are being made more accessible for people with a disability, air travel still remains problematic and is the area of travel where people with disabilities appear to experience the most difficulty in terms of access.

There remain significant issues in relation to the safe carriage of wheelchairs and scooters travelling on public transport – including buses, trains and taxis – despite the fact that there have been subgroups of APTNAC established to examine issues pertaining to the restraint of these mobility aids on public transport, and to develop a nationally consistent approach relating to the carriage of such aids on public transport and in wheelchair accessible taxis. Such groups include the 'Safe Carriage on Public Transport Working Group' and the 'National Scooter Policy Working Group'.

Essentially the issues centre around the restraint of the aid, and the restraint of the passenger if seated on the mobility aid during transit. Currently, there is an International Standard (IOS) for wheelchairs and scooters. There is no corresponding Australian Standard for mobility scooters. There needs to be work done to address perceived inequities in treatment of wheelchair and mobility scooter users, particularly if mobility scooter users are required to transfer onto a vehicular seat and the person has difficulty doing so. It is also imperative that decisions are made as to what mobility aids are carried in Wheelchair Accessible Taxis, buses and trains and whether users can remain seated in the device during transit are made on relevant safety grounds and are not imposed arbitrarily.

It is desirable that uniformity be achieved in the approach to these issues between jurisdictions and to provide certainty to the taxi, bus and rail industry in relation to making it easier to identify mobility aids suitable for carriage, assist taxi companies meet response time requirements, and provide a clear, government mandated basis for any refusal to carry unsuitable mobility aids. It is equally as important to provide mobility aid users and purchasers of new mobility aids with certainty as to the device's suitability for use on public transport.

Suggested Alternative Approach

There needs to be greater commitment by mobility aid and transport conveyance manufacturers to enable wheelchair access to all forms of public transport, aircraft included.

Aircraft

As in many areas of the transport industry, there are several misconceptions with regard to the Transport Standards as they pertain to aircraft and specifically, small aircraft. Consultation has highlighted the common misconception that aircraft with less than 30 seats and used for the carriage of passengers are exempt entirely from the Transport Standards, as opposed to only some areas such as the need for boarding devices. Such misconceptions further reiterate the lack of information provided by the Commonwealth Government to the transport industry about their obligations.

Currently, it is difficult for some companies to meet the Transport Standards whilst utilising their existing aircraft. This review needs to recognise that the current lack of clarity with regard to what defines a 'mobility aid' combined with the current air fleet being used in Australia makes many areas of the Transport Standards unclear and in some cases unworkable.

Mobility Aids on Public Transport

The safe carriage of mobility aids on public transport is a safety issue and should be referred to the Vehicle Safety Standards Branch within DOTARS and the Australian Road Rule Group for their consideration, as was agreed at the last 'Accessible Public Transport National Advisory Committee' meeting. It was agreed at this meeting that these issues, including labelling of mobility aids to 'certify' them as appropriate for travel on public transport, were safety issues rather than issues that could be solved under the banner of the Transport Standards.

Additionally, it becomes difficult for people with a disability utilising such mobility aids if there are different rules in different jurisdictions, particularly for those people who travel interstate. It is essential that clarity be obtained in relation to these matters and that the Commonwealth Government accept responsibility for providing this clarity.

24. Does the compliance timetable provide for 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?

Queensland Transport recognises the importance of a staged approach to transport accessibility. However, much of the effectiveness of compliance with the first milestone will depend on the application of whole of journey considerations. For example, as stated previously within the response to question 3, the target of 25% of bus fleets may be achieved, but the routes of such buses may not match the implementation of the 25% of bus stops. Hopefully, targeted public consultation (an example of which is outlined at question 11) has forestalled this being a common occurrence but the possibility remains.

Please also refer to the response to question 24 in the Australian Rail Association (ARA) submission.

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

Queensland Transport has noted that bus and coach providers particularly are focusing primarily upon providing wheelchair access to their conveyances. Whilst Queensland Transport commends transport operators for increasing the levels of accessibility in their vehicles, it appears that many providers are noting that they have 'DDA compliant accessible services' when realistically, they only provide wheelchair access. (See also response to question 28)

Bus, coach and ferry providers have also highlighted that it would seem illogical to provide wheelchair accessible services when there is not always adequate infrastructure to support the individual when they arrive at a destination. Some providers highlighted concerns with regard to duty of care provisions associated with leaving passengers at bus stops or on ferry pontoons effectively leaving passengers with a disability 'stranded'.

Consultation has highlighted that bus stops in particular pose accessibility challenges, especially in cases where it is not immediately clear who 'manages' or is responsible for certain bus stops used by several operators.

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?

Rail

The Transport Standards as they relate to rail services are too generic in that they prescribe minimum widths which are better suited to a standard gauge track environment rather than the narrow gauge environment in Queensland. Of the approximately 35000 km of rail track in Australia, Queensland has approximately 9,800 km of narrow gauge.

The narrow gauge environment means that all track infrastructure including tunnels and bridges do not need to be as wide as in a standard gauge environment. Similarly, rollingstock in Queensland is narrower than that in New South Wales or Victoria.

If all states are required to comply with the Transport Standards as they stand, rail services in Queensland will be compromised. The State Government would not be able to fund the replacement of rollingstock or may not be able to find designs that comply within a narrow gauge environment. The implication for Queenslanders are long term and again would mean that rather than increase accessibility, the Transport Standards would in reality remove services from Queenslanders.

Suggested alternative approach

The 'one size fits all' approach to internal dimensions in trains should be reconsidered within the Transport Standards.

Certainty of Process

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

It would be inappropriate for Queensland Transport to comment on behalf of 'the public' however, the Department is aware of examples when anti-discrimination claims have been made by the public citing the Transport Standards.

However, any system that relies on a complaints based mechanism rather than a certification process, does not generally appeal to the 'average' person, and indeed, could discriminate against those who feel unable or ill-equipped to use such a process. A complaints based process is also likely to attract lobby groups or individuals acting for their own self-interest, rather than the common good.

It is again emphasised that a certification process managed by the Commonwealth Government is Queensland Transport's strong preference.

28. Are the current processes sufficiently responsive to complaints, or requests for information or advice on the transport standards?

Consultation and correspondence with the Queensland transport industry has highlighted that current processes are not sufficiently responsive to requests for information or advice on the Transport Standards. Queensland Transport notes three key misconceptions with regard to the transport standards. These are:

- the differing roles of state transport departments, DOTARS, the Department of Attorney General and Human Rights and Equal Opportunity Commissions with regard to the interpretation and dispersal of advice regarding the Transport Standards;
- the full scope of the term 'disability'. Many still believe that the Transport Standards pertain only to people in 'wheelchairs'; and
- that the Transport Standards are governed by a complaint mechanism and not enforced or accredited by any government body.

These misconceptions must be addressed immediately by the Commonwealth Government.

Other information

QR, one of Queensland's largest Government owned corporations and the major provider of passenger rail services in Queensland, has been involved in the preparation of a combined rail industry submission to the Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards). The response was prepared under the stewardship of the Australasian Railway Association (ARA) with input from member organisations.

The ARA submission represents the shared views of all rail operators in Australia. At the time of writing, the submission Queensland Transport is endorsing has not yet been formally endorsed by the ARA Board and may be subject to change. However, Queensland Transport has been assured that it is unlikely to change given the degree of consultation that has occurred to date. Queensland Transport notes that the ARA submission was developed nationally and that not all cases and examples outlined within the submission are necessarily relevant within the Queensland rail and wider transport environments.

QR, in association with Queensland Transport has been actively engaged in the implementation of the Transport Standards over several years and has developed an understanding of the limitations to their application within the rail environment. There are genuine technical difficulties in achieving compliance in a railway environment and the Transport Standards are open to interpretation in this regard. Queensland Transport is firmly of the view that the efficiency and effectiveness of the Transport Standards will be enhanced if the recommendations contained in the ARA submission are accepted and acted upon, in terms of amending the Transport Standards.

Queensland Transport is committed to the objectives of the Disability Discrimination Act and the intent of the Transport Standards. QR, with the support of the Queensland Government, has been diligently implementing changes to trains and stations to remove discrimination and to improve access and amenity for people with a disability.

Challenges exist for QR in meeting the future compliance targets of the Transport Standards. Queensland Transport is aware that the imprecise nature of the Transport Standards and QR's continued progress on implementing the Transport Standards is reliant upon the temporary exemptions granted by HREOC through the ARA exemption application.

The Queensland Government has already provided over \$202.5 million in capital funding over the past eight years to improve access to passenger rail services for people with a disability. If the Transport Standards are not amended, and if the introduction of a Disability Code of Practice is not supported by the review, QR would have to undertake significant and expensive additional upgrades to rail infrastructure and rollingstock at a faster rate than currently planned. This would require increased funding support from the Queensland Government to meet the compliance requirements of the Transport Standards.

In summary, Queensland Transport, in consultation with QR, gives in principal endorsement of the following key points, which are further supported by information in the ARA submission:

- That all temporary exemptions that have been applied for by the ARA to HREOC are accepted as valid and that amendments are incorporated into the Transport Standards;
- That, if adopted by a transport operator, a suitably developed Disability Code of Practice is an acceptable means of compliance with the Transport Standards, and that Part 33.3 (1) of the Transport Standards is amended accordingly. The Code will be developed in close consultation with the disability sector and HREOC and will incorporate the HREOC exemption outcomes, equivalent access and unjustifiable hardship provisions and best practice guidelines. This has been previously recommended by the Productivity Commission;

- The Federal Government and HREOC must work towards agreement on a co-regulatory framework that provides certification of the Rail Industry Code as a mechanism to enact the DDA;
- That the criteria for mobility aids be included within the Transport Standards so that conveyances, premises and infrastructure can be designed with certainty around the size, weight and manoeuvrability characteristics of mobility aids;
- Recognition that the current target dates in the Transport Standards are neither appropriate, nor achievable in terms of infrastructure nor trains when account is taken of design and service life;
- Recognition that the current implementation targets would result in unrealistic funding requirements; and
- That the implementation requirements of the Standards are best determined on a risk-benefit basis to achieve the most effective outcomes.