

PEOPLE WITH DISABILITIES ACT

RESPONSE TO 5 YEAR TRANSPORT DRAFT REVIEW

General comments

Regulatory Impact Statement (RIS)

Given the focus on the efficiency and effectiveness of the Standards where it was stated that the costs of implementing the Standards, it was disappointing that the review report did not explore the projected costs that were forecasted by the RIS. In particular, it would have prudent to follow up with the bus industry who argued and submitted to the RIS that they would have to purchase (from memory) 15 – 20% more rolling stock to make up for the loss of seating due to the allocated spaces for wheelchairs. They went on to also argue that they would also incur more costs for staffing and ongoing maintenance of these extra vehicles in complying with the Standards.

Ascribing relative values to comments.

The Draft Report does not ascribe relative weighting to comments made by various participants, nor attempt to validate or confirm statements made. This is a substantial weakness in the Report.

Neither does the Draft Report attempt to draw conclusions from conflicting comments. Where a number of perspectives are expressed on an issue, the Report should attempt to provide an objective analysis of the relative merit of each perspective.

Reporting and monitoring

The reporting and monitoring issues do not appear to be understood by the reviewers especially when they state in their recommendations to get APTJC to develop a mandatory reporting framework. APTJC took the sole responsibility for doing this before and failed. They also did this to the exclusion of all other stakeholders.

Concept of discrimination and its removal

The removal of discrimination has not been extensively explored in this report. A focus group of people with disabilities may overcome the problem. The only focus group that was held for the report was a face-to-face meeting with government officials. **See page 22.** In all the public hearings that were held there were more observers from government than there were presenters. This atmosphere is not conducive to people with disabilities presenting unfavourable evidence or any evidence at all.

This is particularly evident in Draft Recommendation 3 about the provision of community transport. Limiting the proposed recommendation to transport that specifically services people with disability or older people fails to appreciate that the aim of removing discrimination is to achieve inclusion in society.

This submission will discuss the draft recommendations as the basis for its comments.

What is not in the draft recommendations

- There are no solutions to assist people with disabilities to have their rights better explained to them.
- There is no emphasis on training programs for staff of transport operators about disability awareness.
- There is no attempt to have local government provide better infrastructure for people with disabilities to access public transport.
- There is no consideration of the role that people with disabilities need to play in the development of advisory structures, technical committees, modal committees, mandatory reporting framework and dissemination of information.
- There is no mention of 25% of bus services available to people with disabilities rather than 25% of conveyances. Page 135.
- There is no mention of the deteriorating situation with wheelchair accessible taxis and the response times in the recommendations.
- There is a lack of responsibility for the airline issues and no recommendations about the solutions for the problems.

What is in the draft recommendations.

Draft Recommendation 1. APTJC is a group of State bureaucrats who are at the behest of the State Transport Ministers.

APTJC is not the group to set up a technical expert group it should be an industry group with disability advisors.

The exemption process needs to be overhauled but it should be done only after further investigation. The system is onerous for submission respondents.

The review of technical amendments proposed by this review need to be decided by people with disabilities, industry and government representatives in the same way the all technical review decisions have been made during the Standards development and implementation.

Safety issues have been considered in sub committees of APTNAC for some time.

Draft Recommendation 2.

Exclusion for community bus services to be removed and financial support be given to operators of these services in rural and remote areas. In Queensland there is financial support for rural providers.

Draft Recommendation 3

The community bus services to be investigated and in no way would people with disabilities accept any agreement for certain services to only be included.

Draft Recommendation 4

The development of guidelines by mode of public transport is already occurring with BCA having produced and launched its guidelines in 2004 and ARA is developing a Code of Practice. For people with disabilities it would be better to concentrate on “whole of journey” co-operation.

However modal groups should not be handed over to APTJC as modal groups developed guides before but the Commonwealth and States did not produce them because there was no agreement about funding.

Draft Recommendation 5.

A national scheme for labelling mobility aids has been extensively studied and abandoned in favour of a pamphlet developed and distributed by APTNAC and APTJC called safety issues for mobility aids on accessible public transport. This pamphlet was sent to people with disabilities, manufacturers, occupational therapists etc. There have been a number of conferences about mobility aids relative to this issue as well.

The mobility aids dimensions are to be found in the Guidelines to the Transport Standards. Another issue to be found in the guidelines that should also have a national approach and identified criteria is the Training for Staff on Public Transport about Disability Awareness.

The establishment of a clearinghouse of best practice examples of accessible public transport has always been a requirement of people with disabilities in a national body.

Draft Recommendation 6.

There needs to be the provision for advocacy groups to be able to make complaints either in the form of class actions or individual complaints. There needs to be funding for public interest cases to be tested in Federal Court.

Draft Recommendation 7.

APTJC would need the assistance of people with disabilities to get the mandatory reporting framework suitable for all stakeholders. AFDO did request that people with disabilities be included in the last failed attempt to establish a reporting framework.

Draft Recommendation 8.

ABS would need guidance to include a question about public transport patronage in its survey.

Draft Recommendation 9.

A new consultative framework must be well resourced to have adequate representation by people with disabilities. It must have Government and Ministerial support.

Airlines is a Commonwealth issue and APTJC is only State based. How would there be any need for Airlines to have input to the process? It would be better for the consultative body to retain a national focus with people with disabilities, industry and government contributing.

Compliance:

The report states that - "There is no standard mechanism for reporting compliance with the Transport Standards, nor any body that monitors compliance in a systemic way". The solution that "APTJC develop a mandatory reporting framework for Commonwealth, State and Territory governments and implement the framework by end 2008" has already been tried and it did not work. Why would it work now? Unless industry and people with disabilities are involved in the development of a compliance system it will not have the desired outcome.

Enforcement.

In the USA there is a federal enforcement group that goes around conducting inspections for compliance conveyances. These inspections are conducted when there are complaints to an agency. Britain has a similar body.

Other Issues.

Exclusion of Hire Cars.

The ACT government refused a request from a reliable transport provider who provides hire cars to be included in the Taxi Subsidy scheme because the company was a hire car company. The hire Car company also wanted to have a vehicle which was wheelchair accessible on the same basis.

Innovation

There does not appear to be any mention of the ability to use technological advances to assist with greater accessibility. There is only the clearing house for best practice. The development of the eagle lifter came about because of a need to transport people with disabilities by airlines. There could also be similar development by airlines to mechanically lift wheelchairs into airlines.

Consultation with people with disabilities.

Action Plans were mentioned in the report but the issue of consultation with people with disabilities was not explored.