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TRANSCRIPT OF PROCEEDINGS

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THE ALLEN CONSULTING GROUP

REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT

HEARING CONDUCTED AT: NORTH PARRAMATTA

DATE:

FRIDAY, 20 JULY 2007

Continued from 19.7.07

MS M. O'LOUGHLIN (CHAIR): Good morning everyone, welcome to the second day of the Sydney hearings for the Review of Disability Standards for Accessible Public Transport. I've met a number of you yesterday and today but for the record, my name is Mary Ann O'Loughlin from the Allen Consulting Group and with me is Sharon Kennard today from the Allen Consulting Group and we're going to be conducting the hearing, so facilitating the hearings today. I would also like to welcome back Maggie who is carer at the back of the room. If people need assistance in anyway sort of wave their hand, make it clear to Maddie that they would like some help and also we have Mark who is our transcriber; so everything will be transcribed today. If you wanted to make comments from sitting where you are you need to get to a microphone because that's how it gets transcribed so just let us know and we can make sure you get to a microphone. Other than that if you're at the table of course it's transcribed.

Also sitting with us today as he was yesterday is Derek Tarry from the Department of Transport and Regional Services from the Commonwealth and it's the Commonwealth's review that we're conducting. It's the first five year review of the standards since they were implemented in 2002 so it's a really great opportunity to be able to see what progress has been made against those standards; being mindful that there is a compliance timetable so it's actually over a 30 year period but it's interesting to see not only has progress has been made but as much progress has been made as people may have been expecting; if the standards are effective in improving accessibility and are there ways that we could make improvements to, you know, get the progress more effective more faster.

This is one of a set of hearings being conducted around the country in all capital cities and in seven regional centres. The role of the hearings is to provide interested people and organisations an opportunity to speak to us; to provide us with information, experience with the standards; how effective they are, ideas for improvement. It's relatively informal so you'll have a chance to speak about the matters. It's not a debate so we don't engage, as I don't agree with that, I agree with that. It's an opportunity, information sharing forum that we have today.

People are observing; we just ask that you give the people who are – it's their turn to speak at the table a bit of time to say their piece and not interrupt or speak over others. As I said, an official transcript is being taken and that will go up on the website. We have copies of the review issues paper have been provided which includes details of how to make a written submission to the review; if people wanted to do that. We're accepting the submissions through til Friday, August 24. The process from here is we're conducting public hearings, as I said and then we put the hearings and the submissions and the evidence together into a draft report to the Minister. That draft report is released for comment and it will be released on 15 October. There is then about a month til mid November, 15 November for public comment; people can make comment on the draft report. We then take into account that comment and give a final report to the Minister in mid December.

Just so that some logistics; we have tea and coffee up the back of the room and we will break for morning and lunch and afternoon tea. Morning and afternoon tea are provided

but lunch isn't. Closer to lunch time I'll give you some ideas of where people can go to get some lunch; there are quite a few around here. For toilets; if you just go straight down the corridor in front of us, so turn right when you come out of this room, straight down the corridor and then turn right again and immediate left and there's a number of
5 toilets and they're all very accessible. So welcome everybody and I'm now really pleased to introduce people from the Interagency Access Forum to speak with us. We have Jane Bryce, Susan Thompson and Barry Chapman. Thank you, Jane.

10 MS JANE BRYCE: Good morning and thank you for letting us do a presentation at the forum. Just some history about the Interagency Access Forum; the Interagency Access Forum is a group of people involved in organisations for the consumer or support organisations for the vision impaired. Our aim is to work together to make sure that the needs of people who are vision impaired are addressed with regards to access issues. The
15 Access Forum has been in existence for about three years now and came into being because an organisation, a state based organisation, so we can't make changes without agreement from all the organisations; we can't organise that so I said well let's make sure that it does happen.

20 So our presentation this morning will not cover all the issues that are raised through the transport standard but only those that have had the greatest regularity in occurrence and the greatest impact on people who are vision impaired. Now, we were encouraged not to re-write the standards so I've taken that so I'm just going to highlight some of the issues. For those of you that are sighted there are some pictures because a picture paints a
25 thousand words. I will do my best to describe those to people. Sorry, that is my mobile phone and I am going to ignore that.

I would also like to just raise the issue about standards. As far as we're concerned standards are a minimum of requirement for many providers providing public transport they are the maximum and I think that that is an issue that needs to be resolved in this
30 whole review process. Also just to make people aware that a lot of the Australian standards that are referenced are not actually accessible for people who are vision impaired. Okay. Now, before I start I'd just like to acknowledge that there is a difference between the needs of people with physical disabilities and people with vision impairment but I believe it is possible that there can be a balance between those needs.

35 Now, for many of you, you probably got in a car and drove here this morning. Susan and Barry who are on my left; public transport was their only means of getting here. I'm sure that they could both get in a car and drive but I would prefer not to be on the road the day that they're driving. Okay, so we're going to raise four groups of issues; information,
40 access pathways, tactile ground surface indicators or TGSIs to make it easier and issues with stairs.

45 Now, for those of you that are unaware, vision impairment is not an either/or. Many people think that you either can see or you can't see. There are many means of people having a vision problem; there are some common causes of vision impairment in Australia; these slides show those common causes. If anybody would like to see what it's

like to be vision impaired I do have some simulated goggles. You're more than welcome to come up and watch the rest of the presentation through the simulators.

5 Okay, now vision impairment in Australia is on the increase. We're expecting it to nearly double in the next 20 years. These are not my work stats, these are statistics from the Centre of Eye Research Australia. I work for Guide Dogs New South Wales, ACT. We now have on our books something like 22,000 clients that we've worked with over the years so vision impairment is in abundance. There are lots of different ways that many people get around. Here are some photos of guide dog, long cane, ID cane, support cane
10 but also there are lots of people who don't use anything; don't receive services, don't want services and just rely on their residual vision.

15 Now, within the standard it says that the standard is there to promote the dignity and independence of all passengers. Information should be available. Information should be available to people about their whereabouts during a public transport journey. In the guidelines it says that providers and operators will provide passengers with information necessary to use a public transport service. Yet we are not seeing announcements on all forms of public transport. We see them sometimes on trains but we are not seeing them on buses and other forms.
20

Now there is infrastructure there to provide the announcements; I don't know whether it's laziness, lack of confidence on behalf of those people that are making announcements but they're not seen. They're needed to say where is this means of public transport going; when is it going; where – what is going to happen on the journey, where are we on the
25 journey and what can be expected if there's an unexpected event such as a break-down or a route detour; this benefits not just the person who is vision impaired but also the wider community. I would encourage those that are looking at these disability standards not just look at the needs of people who are vision impaired but all the community.

30 If you get it right for people with a disability you get it right for so many other people. Mothers with prams benefit from all the changes that are being made for people in wheelchairs. So tourists, people that are visiting unfamiliar areas such as medical centres; these sorts of announcements help them. I would also like to raise a significant concern that there are no references within the standard about the need for accessible
35 signage for people. There is a requirement for taxis on the outside of taxis and that has been raised as a safety issue. I would suggest that taxis do need to have that so that they can be identified from other vehicles but the only standard with – only point within the standard says that if a sign is provided it should meet some technical specifications. There is nothing that actually says it needs to be provided.
40

Yet, here we have an example of some platform numbers. How is somebody who is vision impaired supposed to access these if they are significantly vision impaired. Now, for somebody who has got low vision; great, clear, nice font, big and easy to read but for somebody like Sue or Barry this is inaccessible. Some other examples; this is accessible
45 signage, so it is raised print and brail signage. The symbols are also raised. Here we have some other signage on George Street in the city. This is raised print as well as brail.

Notice that there are even the street numbers there to tell the person their orientation yet we do not find this anywhere within the public transport standard, nor within public transport infrastructure.

5 This is an example, some of you may be familiar with the Carrington Interchange in the city. We have stops A to I yet none of them have any accessible signage to help a person who is vision impaired to know which bus stand is which. Here we have Strathfield. The only way that somebody knows that they are at a bus stand is by the use of TGSIs on the ground. Here we are outside Prince of Wales Hospital; there is not even the connectivity
10 between the footpath and the curb to tell somebody that there is a stand. We just have a row of poles. For somebody who is vision impaired such as Sue and Barry, this just could be anything because you can't get up and feel the top of the poles to know is it a bus stop, is it a traffic pole.

15 Now, within the standard it also requires that there is an access path that is unhindered. I would suggest that it needs to be added, "clearly defined" for somebody who is vision impaired. This is an unhindered pathway; so somebody in a wheelchair can make their way through. Somebody who is vision impaired would find it extremely problematic to find their way through these tables and chairs. This is an example of a clearly defined
20 and unhindered footpath. In public transport infrastructure this is an unhindered path; yet we have pillars and shops either side. Sorry about the photo; I took it without the flash so I've got some hand shake there but it's easy to see that this is an unhindered and clearly defined access pathway.

25 I'm not quite sure how we deal with the human element blocking pathways though. I would love to have a social responsibility program to say when you queue, queue parallel rather than perpendicular. Okay, within the standard it also requires that poles, columns, etcetera do not abut into an access pathway. Some of the references that could be used in the standard are found within the Australian Standards which are referenced throughout
30 the standard and that is that there needs to be a vertical clearance of 2000 or two metres.

So why do we require it? Well pedestal and head height obstacles; wherever they are on an access pathway are hazardous for people who are vision impaired. If the pathway is only unhindered and not clearly defined it is extremely difficult for somebody to find that
35 and the may – particularly if they're using a long cane or residual vision, so head height obstacles, pedestal objects cause people to bump into things. Telstra's telephone booths are a classic example of a pedestal object; a poorly designed item. They should not be used anywhere in public places but that's a different forum to raise that. Whilst TGSIs can provide a solution if the items are not there then there's not a problem.

40 Here we have a classic example at Epping Station. We have a staircase outside and whilst they have put TGSIs around on the inside of the station they've provided an extremely simple solution of just some fencing underneath the stairs to make it not a hazard. Obstacles should have luminance contrast of the background of not less than 30
45 per cent. Well, can you spot the glass frame here? This is the bus shelter in Randwick. I'm not going to say who it's provided by but they are my least favourite company within

the world. No, I am. It is J.C. Deco and Adshel. I really find that the way they use their bus shelters is abominable and yes, I am passionate about this.

5 You can see maybe if I have – there is a glass panel at the end. It has no luminance
contrast. You can see that this has been put in within the last five years and yet we're
seeing a total disregard of the standard. Here we are back in Carrington Street; this is a
newly installed phone booth and yet it has two glass panels; great for privacy but no good
for somebody who is vision impaired. Another example; a newly installed bus shelter;
10 notice where it's placed on the footpath; right in the middle; notice that there is probably
a lack of clearance around the shelter but my main concern is again the glass panel on
the end with the lack of luminance contrast.

15 Here we have bus shelters that are placed so close to the road so that if somebody is
standing there they are not visible to the bus driver; nor is the bus visible to them, so how
are they supposed to hail them. Double bus shelters; great for when the days are rainy
but a problem when we have advertising in one and the other that if you're standing in
one you cannot see the buses approaching and therefore you may miss your bus which is
problematic enough when you're vision impaired.

20 Next point: continuous accessibility; within the standard, Australian Standard it requires
that accessible entrances connect with interior and exterior spaces and facilities. We have
a requirement or a recommendation part 8 the use of TGSIs and within the AS14-28
part 2 accessibility standard which is not the TGSIs standard by the way, it says that where
there is an indication of change or direction we should have TGSIs. This enables a
25 linkage between entry and exit points in public infrastructure yet the standard that is
being referred to is an old standard; it is AS14-28 part 4 1992 which does not require a
linking between platform edging and entry and exit points.

30 Somebody who is vision impaired could quite easily if they have a significant vision
impairment get lost on this station and spend their time walking up and down the
platform edge trying to find the entry. I have no idea why the standard is referring to the
fact that older and newer standards will not be referenced as a part of this standard. I just
find that that is a completely foreign concept to me when we're looking at designing an
environment that is consistent for people who are vision impaired so that it is easier for
35 them to be able to be independent and dignified in their mobility.

Okay. I'm not saying that TGSIs are the answer. Good design is the answer. TGSIs
should not be over used. It is encouraged in the latest standard not to over use them yet
we're referring to the old standard. This is an example up in Cairns from a holiday. How
40 many TGSIs have they wasted on this crossing? We don't need to over use them. We do
not need to proliferate them yet there are times when they are needed and they are
beneficial. Just a point of note, this is Strathfield Station. The luminance contrast helps a
person who is vision impaired when they have low vision or reduced residual vision to
recognise them. These are so dirty and so filthy that the luminance contrast is reduced so
45 therefore they become ineffective.

TGSIs also help people not only to help people not only to find their ways in and out of railway stations but also to help find bus stops. As I've already raised, finding bus stop is problematic enough. Maybe one of the only ways that we find them is by banging into the glass panels. TGSIs do help. However, I would recommend that they run all the way across from the building line rather than ending half way across the footpath. Nosing on stairs is another point of confusion. Within the standard, two Australian standards are referenced. One is the 14-28 part 1, 9.1 which suggests a contrast nosing of 30 per cent, not less than 50 and not greater than 75 millimetres on the nosing of the step. Within the standard it then says, the warning on the edge of the step should be from 14-28 part 2 clause 13.2 which says that it should be not only on the nosing but also on the riser.

Some of you are probably going, I don't understand that. What that means is that on the edge of the step we have a colour difference. This enables somebody who is vision impaired to see that there is something there. Please also note that you haven't got it as a non-slip edging which is referenced in the building code. Where we have limited nosing it becomes very difficult. The 14-28 part 2 requires the nosing to extend down the riser. I would suggest that just on the tread is sufficient as it provides a clear visual edge for a person who is vision impaired to see this is where the step edge is.

Here we have the edging coming over. So it's very visible from one way but the closer you get the harder it is. The lower set of stairs here have no edging so therefore blend in to one. Symbol colours: I notice within the standard that it is not mandatory to use the accessible symbol in the colours that the standards say. I would suggest that this should be something that should be revised because as I've said already in this presentation a picture paints a thousand words. When these symbols change colour, for somebody who is unfamiliar they may not recognise them. The blue and white symbol is something that's internationally recognised. It's not an Australian symbol, it's an international symbol. If we go changing colours it changes the connectivity.

Okay. We were asked in the written review, did we have any expectations? Well, no, I didn't. Have I seen anything change? No, I haven't. Am I disappointed? You bet. Okay. Some other recommendations; these are from me not necessarily from the Interagency. I think you need to think of the journey as a whole. The standard is presented as a sectionalised approach. I would like to see that it encourages people to think of the journey from the moment the person walks out their front door til they arrive at their destination or they leave their destination and get to their next point of call.

Good design is great but if the installation is no good then why bother. Hazel, in her presentation later today will have some photos. The letter about those photos said that a civil engineer had designed the crossing. Well, I don't know whether the civil engineer designed it but how it was installed is not according to standards. Suppliers need to get on board. People that are making things and doing things so the providers of TGSIs, the actual hardware; bollards, all those sorts of things need to be on board with the disability standards so that they are supplying products that actually meet the standards and if we have regulations that's well and good but if they're not enforced, they're not policed,

they're not encouraged only except through a complaint system then I think that we're missing the boat.

5 My last two words, consistency in the environment enables somebody who is vision impaired to be independent. If we don't have communication between all the people responsible for all sections of the journey then we're going to have a haphazard approach as we've seen over the last five years. Now I'd like to hand over to my colleagues.

10 MR BARRY CHAPMAN: Okay, thanks Jane. I'll take over. What I wanted to do just to reinforce what Jane has said, I want to trace through a typical journey a train journey and I'll point out that I'm a totally blind person and I'm a cane user. Now, the sort of information that I need when I'm – the sort of things that I need to do when I'm doing a typical train journey; the first thing I need to do is I need information about the train, the timetable information about what time my train is due. That's the first thing.
15 Second thing, when I get to the station I need to be able to firstly find my way to and through the barriers. Next I need to be able to find my way to the platform I want and up onto the platform. I need to then be able to walk along the platform without risk of falling over the edge or running into obstacles so that I can position myself where I want to be or need to be, want to be on the platform.

20 The next thing I need to do is know whether the next train is my train or not. When that train comes I need to be able to locate the door to get inside. Once on the train I need to then know what the next stop is so that I know when I get to my stop. When I get off the train I need to then be able to while walking along the platform know when I'm adjacent to the exit so that I can get out the exit and then be able to find my way out of the station.
25 Okay, they're the issues. Now, in terms of the standards there are four main sections which address the sorts of needs that I would have in terms of doing that trip.

30 They are section 2 which is access paths, section 17 which is signage, 18 which is tactile ground surface indicators and 27 which is information and I'll just go through briefly what the issues are in terms of each of those sections. Section 2, access paths. As Jane has indicated, while there is provision for access paths there is really no indication or clear indication for someone like myself as to where that access path is and I refer particularly to say on a railway platform. If I'm walking along the platform where there
35 are tactile tiles on the edge of the platform as required in the standards the easiest thing for me to do and the only real line of travel that I've got is to with using my cane follow those ground surface indicators.

40 It's common for blind people in streets and so on to follow a building line as shore lining as we call it to get an idea of where we're travelling. Now, on railway platforms where you've got buildings with seats against them and so on which is on a railway platform is the appropriate place to have seats it's not feasible to follow a building line of railway platform. So the method is to actually follow the ground surface indicators as a guideline. Now that isn't necessarily the clearest path of travel and I can give examples
45 in Sydney of a number of stations where if you follow the ground surface indicators along the edge of the platform as a guide you'll run into posts and platform 5 at Burwood is one

example of that; platform 3 at Lidcombe is another, platform 1 at Liverpool Station is another example where although there may well be clear – a clearance and access path clearance between the post and the building. For me, following the ground surface indicators there isn't that clearance and by doing that on those stations and there are a number of others where I would run into posts.

Now, some of those stations, I'm not sure whether they're all classified as easy access stations. Well Burwood isn't because it doesn't have lifts but certainly those other two that I've mentioned would be I think classified as easy access stations yet from our point of view the – you don't have that clearance by following that of avoiding posts. So that's section 2 and the issue that Jane raised there and I'm highlighting here is that an access path needs to be not only present. There needs to be clear indication by change of tactile surface or whatever. It doesn't have to be ground surface indicators but some means of us knowing where the access path goes.

Section 17, signage as Jane mentioned there is no requirement for tactile signage other than in 17.7 which refers to taxi symbols. 17.6 says, if signage is tactile signage and brail signage is provided this is the way it should be done. There needs to be a requirement for tactile signage and particularly in my example of travel, I need some indication on stations such as Central to know when – which is my platform. There needs to be some sort of tactile signage near the bottom of the stairs or lift or whatever going to that platform to say this is platform such and such. There needs to be indication of toilets. I need to know which is the male or the female or the accessible toilet so there needs to be – it's not good enough just to say if there is signage it should be done this way. There needs to be requirements that there is signage.

Section 18 talking about ground surface indicators and there are some requirements there that there that there should be ground surface indicators on – in access paths. Again the issue comes up here though of tactile indication. Not necessarily ground surface indicators. Tactile indication of where the access path is. If I don't know, if I sort of wander off the access path and I've got no clear way of knowing then obstacles that are outside that access path aren't – don't necessarily have to have according to the standards any tactile indication.

Now also tactile indication, the other issue is as Jane mentioned in her presentation and I'll give examples here from my station travelling indication and the underside of stairs is a good example and Jane gave an example of there where a fence is provided as an indication of the underside of – blocking off the underside of stairs rather than automatically suggesting or considering that indication of a hazard has to be addressed by ground surface indicators. If the underside of stairs, if I'm walking along a platform and ground surface indicators, hazard ties are the way of indicating that. If I come to those all I know is that I've got an indication of a hazard. I don't know what that indication is necessarily.

If I'm walking along I might think that that's indicating to me that there are stairs going up or down that I've got to find so while I'm on the underside of the stairs I'll continue

forward with my cane on the ground expecting to detect stairs either going down or up but if I'm on the underside I'm not going to detect that. What I'm going to do is detect at head level the underside of the stairs. Now, my cane isn't going to find that. My cane is going to go under. If the stairs are sloping down and I'm coming from this side, my cane is going to go under those stairs. The first thing that's going to detect that hazard is going to be my head and I'm not only talking theory here, I'm talking about practical experience I can tell you because I have experienced that on a number of occasions.

So that's where ground surface indicators, as is mentioned in the part of the Australian Standard which refers to ground surface indicators 14-28 part 4, it says, ground surface indicators shouldn't be used as a substitute for poor design and in those situations such as the underside of stairs the correct solution to that is not we believe ground surface indicators. It is providing a fence or other means that actually block the underside rather than providing – rather than just assuming that ground surface indicators the way of indicating that hazard.

The last section I want to refer to is section 27, providing information. This whole section really says nothing in terms of any practical measures of performance. All it says really and there are the two sections there that refer to 27.1 and 27.4 refer to equal access should be provided. There's nothing really to give transport providers an indication of what we're requiring in terms of that and the sorts of things we do need, going from my previous example on the trains. We need information in terms of appropriate timetabling information in an accessible form. We need information of knowing what train is coming next and that can be in terms of audible announcements or various other means. We need information of how to find the door; whether it's an audible sound on the door or some other means to allow us to locate the door on a train. We need information – location information when we're on the train. I know the standards say location information. That location information needs to be what is the next stop on the train.

So this section, it's not just enough to say equal access should be provided. It needs to give some performance indicators of what sort of information needs to be required. I think that covers the sorts of things that I wanted to raise. I'll hand over now to Sue and Sue can expand on some other areas. Thank you, Sue.

MS SUSAN THOMPSON: Thanks, Barry. I'll be very brief. I just wanted to follow up on a couple of things. Jane rightly in her remarks referred to consistency and I don't believe particularly in terms of some of the information areas that we're anywhere near consistently good. I think it's probably still bordering on the side of consistently bad at the moment. Barry mentioned a whole heap of issues regarding provision of information. First I'd just like to expand on accessible formats which I referred to, accessible information. The standards don't really talk much from what I can see about what that means. It could mean, for us it means accessible information about timetables, about destination, about current location and, you know, any other current information such as, you know, this train is going to be diverted onto a bus service.

45

The standards need to reference what is currently accepted, I guess, either guidelines or best practice such as the Worldwide Web Accessibility Standards, for one, in terms of information on websites; such as, you know, the accepted standard for large print for printed information and another big issue which, as Jane said, get it right for us and you
5 get it right for everybody. The audible announcement absolutely must be clear and understandable and that's still pretty appalling across the train network at any rate. I just want to talk about – expand a bit more in terms of some other modes of transport about what we mean by information and I'll illustrate this with an example. I think probably a lot of people would be aware of the bus traffic that goes through Central Railway Station.

10 For me as a totally blind person I might get to the bus stop and there's a queue of 10 buses. I think they're required by at least State law anyway to stop at the front of the line but they never do so you, A, don't know whether your bus has arrived and B. if it has where the heck is it. So I think there needs to be something built into the standards that
15 will work us towards a system where we at least have some kind of talking buses or whatever. There are various projects around the world that illustrate this is possible. The other major issue with bus travel is where am I. Again, there's technology available and this could be implemented which does away with the human error involved in asking the driver to remember to tell you when you've arrived at your bus stop. If you're totally
20 blind it's nine o'clock at night and you're in an area you've never been to before, I'm sorry, I forgot really just doesn't cut it.

I think the other couple of areas that I'd like to touch on are ferry travel. From reports I've received, announcements on ferries, not to mention some of the infrastructure issues
25 that Jane and Barry have mentioned, are pretty appalling and in the case of announcements probably from what I can tell they're almost non-existent. The other – I think the other area is that we note that the standards do require numbers on the outside of cabs. We would like to see that also be on the inside because many times, you know, you actually want to reinforce the number in your head so that if you have a trouble with a
30 driver you can actually, you know, take the matter up later. This may be somewhat of a contentious issue but I think the ideal situation to get to is to have the cab numbers on the outside and the inside of cabs.

I think that's all I want to say. Thank you. Jane has just pointed out to me that one of the
35 things that really should be borne in mind about particularly the directional tactile ground surface indicators which, you know, the straight along ones that you can follow to say get to stairs. For a totally blind or vision impaired person they are really the dead equivalent of signage. They are our information for how to get to where we want to be so I think that that needs to actually be included somehow in the standards as well. Thank you.

40 MR CHAPMAN: Can I just say quickly because something I just wanted to follow up that I sort of did touch on in my presentation and didn't mention there and Sue has just reminded me with what she's just said is the direction indication and one of the things I mentioned that on a railway platform when I'm walking along I need to know when I'm
45 near the exit. There needs to be clear indication on a platform that I am approaching the exit and that's in terms of directional indicators. The standards do refer to on access

paths indication of change of direction but I think that needs to be expanded out more to indicate, to give examples and as the railway platform example is a good one I believe because without that indication when I'm walking along the platform following the ground surface indicators I've mentioned is what I do, there's no easy way of knowing when I'm opposite the exit.

The only way without those of knowing when I'm near the exit is to deviate from following that path of travel to go towards the centre of the platform and then I run into the situation of encountering poles, seats, vending machines and various other things but it is the only alternative we've got at the moment if we're not really sure where the exit is. So there does need to be that clear indication from the access path indicating change of direction to go out an exit.

MS BRYCE: Thank you.

MS O'LOUGHLIN: Thanks very much, that was an extremely interesting presentation and detailed and we thank you for that and it was good because yesterday we had more of a focus on physical disabilities so this was a very different view of the issues facing the standards. Just one thing I'm interested in in case you wanted to add because we talked about taxis and buses and trains, is experience at airports.

MS THOMPSON: I can - - -

MS BRYCE: Do you want to talk about that and I'll talk about it a bit as well.

MS THOMPSON: Yes, Airports are quite a difficult area. I think the first issue for somebody who is totally blind, I think it's fair to say that there are a lot of people who because of perhaps the infrequency of their travel don't necessarily get very well oriented to the inside of airports. Would that be a fair statement?

MS BRYCE: That would be a fair statement.

MS THOMPSON: Yes, and so the first obstacle that one encounters with air travel is in fact before you even get into the airport because at the moment the system is that a cab driver, for example, or any driver can't get out of their car and leave it unattended in order to assist you to the check-in desk. I think the other issue is the number - we've come across incidents where airlines have said, sorry, we can't take more than two guide dogs on this flight and I know for a fact that airlines in the US, for example, don't have that restriction. So I think that's pretty discriminatory.

The other thing I think is probably some areas around airports and environmental design that probably Jane will do better at talking about than I do. Any other points there, Barry?

MR CHAPMAN: We generally need assistance to get to the aircraft or to get to our - - -

MS THOMPSON: To the gate.

MR CHAPMAN: To the gate, yes, yes and so I think there needs to be something to clearly indicate that that sort of assistance does need to be provided. That's one thing.

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MS THOMPSON: Evacuation is also an interesting area. A lot of the airlines, although I don't know that it's – I'm not sure that it's very consistent that every plane has accessible, you know, i.e. brail and large print emergency evacuation cards there. They're not always available. I think the staff training could probably do with a lot of improvement but you know they're I think my main issues with air travel.

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MS BRYCE: I think as a whole airports tend to be extremely open infrastructure and premises so we're – how do you design it so that it does become more clearly defined. My biggest concern is when a person with a guide dog goes through the airport, just the way that they're treated by the security companies but that's more to do with the security company rather than necessarily anything to do with the disability standards but again it goes to the point that providers will treat people with the dignity that they deserve and should expect.

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MS O'LOUGHLIN: Thank you very much. Next on our list is Blair Davies and John Bowe from the Australian Taxi Industry Association. Pleased to hear your views.

MR BLAIR DAVIES: Thank you. I suppose there's two areas which impacts significantly on the taxi industry. The first of those is in regards to response times for wheelchair accessible taxis and the target set out on the schedule is for wheelchair accessible taxis to have the same response time as conventional cabs. The second issue is for all taxis to have raised taxi registration numbers fitted to the exterior of each passenger door. Perhaps to deal with the second target first; the industry has previously had some concerns about placing raised numbers on the exterior of our cabs. However, towards the end of last year our view was that we would rely on the government's assurance that it is a safe practice for the raised numbers to go on the outside of cabs and we would work towards compliance by 31 December 2007. We have I suppose six months to go and we do expect that our 17,000 cabs in Australia will be compliant by then. We have sourced a range of suppliers who can provide those numbers. We have been in communications with HREOC with samples of those raised numbers and we're confident that we can comply by 31 December 2007.

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Of course, there are 17,000 or so taxis in Australia. Some of those taxis are operated in small regional towns and making sure that folk who are operating a single taxi out as a very small business in those sorts of operations knows of their requirement and can source those raised numbers may take some doing. We would say that to this hearing that we've flagged that there could be some safety issues associated with the raised numbers going on the exterior of cabs. We understand that while the cab is stationary they do provide assistance for people with a sight impairment. They can identify that the taxi is a taxi and which taxi it is. However, our concerns were if somebody were to be stretching out to identify the cab and the cab decided to move off at the time and we could

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contemplate a number of occasions where that might occur because cabbies can be sitting on a rank, could accept a booking job as they quite regularly do and be proceeding off from the rank unaware that there's somebody moving towards getting in their cab or in fact not so much reaching for the door handle but reaching to identify the cab and so we just flag that as a potential issue.

We understand having looked at this matter an alternative was to put the raised numbers on the inside of taxis or and a further alternative would be to put them on the inside and the outside of cabs. As I say, we've chosen to comply with the standard, to accept the governments assurances that it is safe and we are reviewing as to whether there is a need for the raised numbers then to go on the inside of cabs or whether in fact there are other technologies that might facilitate the identification of a cab and they might well be meters that can talk. There may well be other audio type devices that could be used to solve the same problem. We wouldn't be recommending a change to the standards though that mandated raised numbers to go on the inside of cabs; that would seem to be a regressive step simply because it would be mandating something which might well be solved by a different technology.

In regard to response times for our wheelchair accessible taxis to be the same as our other cabs, the standards identify that the responsible entity is the taxi network or cooperative which we might call a taxi booking company for want of another term and the standards would seem to hold that the taxi network or booking company is the only entity responsible for the cab turning up with the same response time whether it be a wheelchair cab or a conventional cab and one of the things that we wanted to say at this public hearing was that we think that the standards do not contemplate the structure of our industry well enough and that's basically what we'd like to spend most of our time in this presentation to talk about.

The taxi industry comprises a number of entities and this is true of all Australian jurisdictions. Typically the driver of the taxi is a self employed business person and uniquely in the Australian economy, irrespective of how much money you earn as a taxi driver you have to be registered for GST so the Australian Taxation Office treats taxi drivers as small business people. Sometimes the cab driver owns the taxi licence associated with that cab and the vehicle. Sometimes the taxi driver has control over a taxi licence and a taxi vehicle by virtue of a lease instrument, an assignment instrument, a management instrument or a bail agreement but effectively the cab driver can be simply a cab driver who has bailed or hired a taxi from a taxi operator and by virtue of their drivers' authority or drivers' certification is entitled to go out for the duration of the hire which is typically a 12 hour period and accept fares wherever they are.

They don't then come under the control or direction of a taxi booking company or even a taxi operator. In fact, it's very much akin to if you or I went down to a hire company like Avis Rent-A-Cars and hired a small truck and set ourselves up in the business of moving furniture. Avis wouldn't have the right to tell us which houses we could move furniture to or from. They would simply have an interest that we hired their vehicle, we used it in a law abiding manner and that we returned it as per our agreement. Well similarly with

the taxi; when the taxi driver bails that car they then go and can ply for hire anywhere that that car is licensed to be a taxi so in the case of Sydney that would be in the Sydney Taxi District and they're quite at liberty to choose as to how that cab works.

5 So they might go and sit on a rank. They might decide to circulate round the CBD to accept street hails. Alternatively, they may well take significant interest in bookings that are coming through and being dispatched through their typically available through a mobile dispatch terminal and they accept those jobs. Importantly then, that taxi driver has all of the authority and control over the vehicle that a self employed business person normally does. If the taxi driver has a relationship with any other entity in the taxi industry it is typically with what we call a fleet operator, a taxi operator.

10 That taxi operator has control over a taxi licence, typically owns the taxi vehicle and hires it out to the taxi driver and you may well in your travels have seen a number of taxis say parked at a service station or at some other business establishment. Well, that's what we could call a taxi depot and people can operate maybe one or two cars, they can operate say 10 or 30 cars. Some of the large fleet operators get up to say 100 plus vehicles but they are the rarity rather than the rule. Those fleet operators have a relationship with a booking company but it's by way of affiliation. Sometimes it's a written agreement. On many occasions it's not even a written agreement. They abide by some by-laws that the booking company typically has but their relationship is one of two separate business entities. The booking company doesn't have line control or direction over the operator.

15 The third entity of course in all of this is then the dispatch company or the booking company or what the standards call a network or cooperative and it is essentially an entity which employs people to receive telephone calls and to dispatch those telephone bookings for cabs. In many ways what we would normally refer to as taxi booking company or a taxi network is more akin to a call centre and that is its principle operation and the majority of their staff are typically people in a call centre who are sitting there using very sophisticated equipment but equipment common on call centres; so people with headsets on with computer screens; quite often calling up GPS maps and then some dispatch technology which then interfaces with that.

20 More recently we've seen that the call centres have applied the voice recognition technology and so when the customer calls for a cab they actually don't even interface with a person at the call centre. They interface with a computer technology which identifies where the caller is and then accepts the booking and then undertakes to offer that job out on the electronic network to the available fleet and this is all quite relevant so I'll just labour through it if folk don't mind.

25 That booking once it's come in to the booking company is literally then offered, usually electronically, out to the available fleet. The systems that are used in Australia are actually world's best practice and in fact Australian manufacturers and suppliers of equipment offer these dispatching networks all around the world and Australia is regarded as a leading provider of these sorts of services. The jobs are offered typically to

the nearest cab or the cab that has the highest priority rating and so it might well be say the cab that's been number one on a rank which is very close to the customer's location.

5 It could well be to the cab that's been logged in that particular area for the longest period of time. It could well be that the algorithm takes recognition of how close the cab is. So if you're a cab driver and you've just dropped off down the road from where a caller has called, notwithstanding the fact you've only just got into that area, you may well be offered that job in a higher priority but the important thing here is that the jobs are not typically assigned either by the computer, by an employee of the booking company or the
10 booking company itself to a particular cab.

15 They're offered to the fleet according to a priority system and they're dispatched when a taxi driver accepts the job and we may well find that the job particularly in quiet times, there might well be multiple cab drivers who are hitting their button, as they do, to accept the job and the computer dispatch system is using those algorithms that I talked about before to pick the cabbie who has the highest priority and the job is assigned or given to them.

20 On many occasions though, particularly when it's extremely busy it is common for the job to be offered to a set of cabs that are close, known to be close to the customer and no cabbie wants that job and so what the system then does is it starts to look broader afield, so using GPS locators in the cabs the system was only perhaps offering that job to cabs that were in a couple of Ks of the customer. It will then search wider for five Ks and progressively wider until it finds a cabbie that's prepared to accept that job and as you
25 can appreciate, you may well find that the computer dispatch system if you're a cabbie is offering you a job which is three blocks down the road if you're in the city.

30 However, you might be number 2 car on the rank and you can see a line of people coming out of a convention arrangement and why do you then travel three blocks through the city to try and pick up somebody who may not be there, who may well have flagged down a cab because there is no contract, as it were, between the customer and the booking company that's enforceable by the driver. You might prefer to just take what's on the rank and on many occasions you might well find that folk are encouraged to go to a rank rather than to try and book a cab for those sorts of reasons.

35 Now, that is the cab business; works generally very well in Australia and when we have benchmarked Australian taxi services against the services that are offered overseas we perform very well. I would make the point that in Australia our cabs have had GPS systems for many many years. In New York they are just in the process of putting GPS
40 systems in their cabs. Our cabs for many many years have been able to accept credit card transactions and electronic processing of payment. In New York, a leading city in the world, they hope within the next 12 months to have all of their cabs accepting credit card facilities. So things that we take for granted in Australia really are quite – very good practice when compared around the world.

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I would also say to you that most cab services are offered on the basis that the cab turns up most of the time within sort of 10 to 15 minutes. In my home State of Queensland the standard is that on 85 per cent of occasions in off peak times the cab should turn up within 10 minutes. When I talk to my colleagues over in America they regard that level of service as extremely high. In fact, they would regard the cab turning up within half an hour as being an acceptable service delivery rate. So we have set the bench mark very high.

Now, putting all that together for the disability standards we find a couple of things. One is that the disability standards are defined that the responsibility for the wheelchair taxi turning up with the same response time as other taxis, the responsibility belongs to the booking company. Now, to this point the industry accepts and wholly supports booking companies being held responsible for the time that they take to answer calls and there should be no differentiation between the time it takes to answer a call for a wheelchair accessible taxi or a conventional cab. We also understand that notwithstanding there is some additional processing time in dispatching a wheelchair accessible taxi because the transaction can take a little bit longer, those times should be pretty much the same.

However, one of the things that the industry is very much wrestling with is how can the booking company be held responsible for the cab turning up when we don't have control over taxi drivers accepting the jobs and we don't have control over road conditions and traffic conditions that prevail and up to this point in time I've been labouring on the issue that booking companies have the ability to offer jobs out to the network but not compel cabbies to turn up and that applies whether they're wheelchair accessible taxis, business class taxis or conventional taxi services or hire taxis. The jobs are all offered and they're done as the fleet responds to them.

Another issue which affects us and it affects us wherever we're providing a niche market service is that we are limited by the number of taxis that can perform that work. Now, in the case of our wheelchair accessible taxis, demand for those services pretty much in every jurisdiction in Australia is usually around one to two per cent of total demand. Nationally we have eight per cent of the fleet is wheelchair accessible. In Queensland we're now up to 14 per cent of the fleet is wheelchair accessible. So somewhere between say jurisdictions Australia are somewhere between six per cent of their fleet is wheelchair accessible through to 14 per cent of their fleet is wheelchair accessible to do one to two per cent of demand. So we should have enough taxis out there to meet the demand and provide a service which responds in the same times as other taxis.

However, while at a broad level six per cent, eight per cent, 10 per cent, 14 per cent should be enough to do one to two per cent of demand the reality is somewhat different out on the road because if there, as there is in New South Wales, eight per cent of the fleet is wheelchair accessible there is a one in 12 chance that the nearest cab to the customer is a wheelchair accessible cab. Alternatively, there is an 11 in 12 chance that the nearest cab to any customer calling is a conventional cab. That means that when somebody calls for a wheelchair accessible cab there is an 11 in 12 chance that the distance that would need to be travelled by the cab accepting the job would be shorter if it

was a conventional cab and at the moment there is no recognition of that in the standards and we're not sure how one solves this but it's extremely difficult to hold the booking company responsible for the run time particularly if that has to go through traffic and the way that our roads are congested these days.

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Now, in saying that I should also point out that the booking company typically has no control over the physical composition of their fleet. So in terms of how many cabs are wheelchair accessible and how many taxis are conventional or other. Typically the cab industry in virtually all jurisdictions with the exception of the Northern Territory are highly regulated industries and therefore the number of licences, wheelchair licences as a proportion of the fleet and also their absolute number is determined in large measure by the State or Territory government.

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So when I say that Queensland had 14 per cent and New South Wales had eight per cent, that has a great deal to do with the number of licences that have been issued by their respective State governments and their approach to issuing licences. The booking company; typically what happens in the regulatory requirements with the exception of Tasmania, the licence is issued and the licence holder and the fleet operator are obliged to affiliate with a booking company and so the booking company then has an interest, as you do if you're a booking company in attracting as many licence holders and licences to their fleet as they possibly can. It assists them in delivering service but they have an interest in delivering services to a whole range of folks and in that regard most fleets would be happy to attract more wheelchair accessible taxis to their fleets so they could deliver a better wheelchair accessible taxi service but it's a function of being able to get those licences affiliated with them.

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I suppose it is a concern to our industry that folk outside our industry assume that the booking companies or the taxi companies as they're sometimes referred to are entities that own taxi licences. Typically Australian taxi licences are owned by entities separate to the booking companies. They're owned by individuals; sometimes they're the driver, sometimes they're the fleet operator, sometimes they're an investor, sometimes they are a superannuation fund effectively for somebody who has spent a lifetime in the taxi industry. They are essentially owned by somebody else and holding the booking company responsible for the arrival time of the taxi takes no account of the fact that they don't have control over the number of taxis or the number in their fleet.

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So from our point of view, and I'm representing the Australian Taxi Industry Association which is the peak body nationally for the taxi industry in Australia, we are endeavouring as much as we possibly can to lift our performance and our taxi service delivery across all our market niches and our wheelchair accessible taxi services are seen as a business market, a legitimate niche market and one that we anticipate as Australia ages and according to a report that we've received from Des Nicholls, we anticipate that this market niche will grow; that there will be a growing demand for wheelchair accessible services. We are keen to be in the provision of those services. From an Australian Taxi Industry Association perspective we don't want to see the provision of passenger transport services to people that need accessible vehicles for those services to go

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elsewhere. We would prefer those services to be brought and delivered by the taxi industry.

5 It has been a concern to us that at a State and Federal Government level particularly through the home and community care funding, they have sponsored substitute passenger transport services in opposition to the local taxi industry at great detriment to our ability to deliver wheelchair accessible taxi services and if I could give you an example; in a small country town west of Toowoomba, so perhaps a little over two hours drive from Brisbane the local taxi operator decided to put on a wheelchair accessible taxi. Now, it wasn't a requirement of their taxi licence; they made a business decision that they would
10 put on a wheelchair accessible taxi and deliver accessible services and by virtue of it being a high occupancy van they were hoping to do some high occupancy work and they thought it would be a good business decision.

15 It was a business decision to spend 75 to \$80,000 for a new wheelchair accessible vehicle as opposed to spending at that stage about 25,000 for a fully conventional vehicle, so they spent an extra \$50,000. One week before their wheelchair accessible taxi was delivered to them a new home and community funded accessible vehicle arrived in Oakey. Two years later the taxi operator in Oakey had done two wheelchair jobs; one transfer to a party on New Years Eve, one transfer to Toowoomba Base Hospital. He'd spent \$50,000
20 to do two jobs he otherwise wouldn't have got.

Now, from our point of view when the government goes and spends money putting in accessible vehicles through the home and community care funding it really messes up the service delivery arrangements for the private sector because quite frankly the local taxi operator in Oakey knew that he couldn't compete with free services or fully government subsidised services in Oakey. Had he known that that was going to happen he probably wouldn't put on a wheelchair accessible taxi. Of course, from our perspective we don't think that would've been a great option for the community because the home and
25 community care funded vehicle was only ever offered by volunteer drivers as and when they could be found.
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So whereas the local wheelchair accessible taxi would have been offering wheelchair accessible services on a 24/7 basis the home and community care funded vehicle was operating on very limited times. Whereas the wheelchair accessible taxi would have been caught up in all of the regulatory requirements which would have then meant that the driver of that taxi on a 24/7 basis would be fully trained in how that vehicle worked the home and community care vehicle was being operated by volunteers. Now, there is a significant difference between the professionalism of a taxi driver and the requirements in
35 terms of both their medical fitness, their fitness of character and also their professional training and people who are volunteers.
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Good natured as they are, we are talking about a significant quality difference; quality difference in terms of the time of operation but also the standard of operation. So in regard to the disability standards, as I say, some government actions particularly in terms
45 of the funding of home and community care vehicles out there has significantly

diminished the number of wheelchair taxis that would have otherwise been taken up by industry and otherwise offered into the market by respective governments because it's dampened demand and so somewhat perversely from our point of view, the government, in trying to provide accessible services has actually impeded the taxi industry's ability to be able to increase its fleet of wheelchair accessible taxis and therefore deliver those services.

So that all comes around to the fact that whereas the disability standards assume that the wheelchair accessible taxi services are delivered by taxi networks or cooperatives, in fact it is – there are a range of stakeholders in the delivery of wheelchair accessible taxis. Our view is that all of those players are responsible entities and the disability standard should contemplate what responsibilities that they individually have. Our view quite clearly is that the state and territory governments around Australia have a significant part to play in the regulation of taxi services and through our peak bodies in the various states we try and work as closely as we possibly can with the regulators to ensure that we're working cooperatively and congruently to deliver service.

Within our industry there needs to be recognition that there are things that booking companies can and do do and should be doing. There are also responsibilities that fall uniquely to taxi operators and also taxi drivers.

MS O'LOUGHLIN: Thank you, Blair. John, did you want to add anything?

MR BOWE: No, I think Peter has more than covered the points that we needed to make.

MS O'LOUGHLIN: To make today.

MR BOWE: Yes.

MS O'LOUGHLIN: Thank you, and I appreciate, understand the industry. It is complex, isn't it?

MR DAVIES: Indeed.

MS O'LOUGHLIN: Can I ask you just because it is quite complex if you would be putting in a written submission?

MR DAVIES: Yes, we are. In fact we thought by way of this public hearing that we would try and articulate are some of the issues we're wrestling with. We intend to wrestle with those all the way up to probably 24 August but certainly by 24 August we are hoping to be able to articulate and just not the problems but also solutions.

MS O'LOUGHLIN: I mean that's really good and it will be great to have it on paper because it is, as you say, just sort of – yeah. And as you were talking about it because the review will certainly be looking at how effective the regulations are and how much

progress has been made and also if there are ways to improve them. So as well in your submission if you address some alternatives, that would be very very helpful.

MS KENNARD: If I could just add something.

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MS O'LOUGHLIN: Yes, please?

MS KENNARD: One of the issues that's come up in some of the hearings that I've been to relates to some of the specifications of different style of wheelchairs and electronic wheelchairs and scooters and the variation in size.

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MR DAVIES: Yes.

MS KENNARD: Is that – have you spoken to operators in the industry who have had difficulties in terms of understanding the different types of chairs that they can carry in their vehicles?

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MR DAVIES: Yes, look this is I suppose significantly on issues which are particular or peculiar to the taxi industry. In our conversations with other service providers, including the bus industry and the rail industry, we are very conscious of the fact that the lack of standards and certification associated with wheelchairs is a significant problem. I would imagine that you may get a submission from governments on this but there was a sub-committee of the Accessible Public Transport National Advisory Committee looking at the transport of scooters in taxis and it is interesting to note that that sub-committee came to a number of findings.

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The first is that it is extremely difficult to define a scooter as something different from a wheelchair notwithstanding the fact that everyone thinks that they know what one is and what the other is. The second thing that the sub-committee found was that in most states and territories it is permissible for somebody to travel in their wheelchair in a taxi where the wheelchair is anchored down and there is a restraint system additional to the wheelchair's restraint system to restrain the passenger. However, in the case of scooters there is an expectation or a requirement on the passenger that they transfer to a regular seat in the cab and when we started the sub-committee there was an expectation that had to do with the fact that scooters weren't designed to the same structural integrity as a wheelchair.

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What the sub-committee found was that in fact notwithstanding that there is an absolute plethora of wheelchairs in terms of types, models, manufacturers and customisations out there, there has only been one wheelchair that's ever been crash tested and so that in fact it is not safe according to that sub-committee's findings for people to be travelling in wheelchairs, in wheelchairs in motor vehicles whether they be taxis or other devices and one of the issues for scooters which is peculiar to scooters rather than wheelchairs is that it is extremely difficult to anchor those mobility aids in a taxi because they typically have a plastic cowling and they don't have the same framework where you can attach straps to

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them but which then means that they are likely to become airborne in the event of a crash and if not the whole scooter, parts of the scooters.

In fact the scooters don't seem to be designed for transport in public passenger vehicles.

5 The sub-committee also found that there seems to be an increasing trend for particularly scooters to be getting larger and larger and that Australia has an aging population and that the scooters tend to be significantly cheaper than wheelchairs. We may well find that there is a growing demand for the transport of these scooters in taxis and in fact Richard could probably advise you from a regulator's point of view as to what the regulators
10 believe but from the sub-committee of APTNAC's perspective it became the insolvable problem as to how to solve this because as these scooters get larger they are going to exceed both the weight limits and also the footprint limits proscribed in the standards and from a taxi industry point of view, as I say, we are in the people moving business whether they have a disability or not and therefore we would like to have the ability to move folk
15 but it's potentially a problem to our industry because I have pictures of scooters and wheelchairs that are actually got half a wheel hanging off the back of a very large hydraulic ramp on the back of a relatively large taxi where the taxi driver has been trying to get these things into the taxi to deliver a service and you've got to ask the question, well when do they end up being too big?

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I would imagine that there'll be other service providers that will talk about these things because from a bus point of view it becomes much harder for them to gauge the dimensions of the mobility device at least from a taxi's point of view, we have the driver physically out there inspecting it and you can see whether it fits on the hydraulic ramp or
25 not. It is a concern to us though that notwithstanding the certification systems that exist for anchorage systems and the training that we provide to taxi drivers in the use of those anchorage systems, the lack of certification about a crash tested anchorage points on wheelchairs is a weakness in the system. A very big weakness in the system.

30 I should have mentioned it before too. The standards curiously to the taxi industry contemplate that the delivery of our services to people with a sight impairment and therefore the issue of raised taxi numbers, we see that as a sensible thing. They also contemplate the delivery of services which need a wheelchair accessible vehicle, we see that as sensible. The standards completely ignore the fact that many people with a sight
35 impairment – sorry with a disability in some form or other use a conventional vehicle and one of the issues that we're now seeing is that as state and territory governments become very concerned about the disability standards and that's been something that's occurred more in the last 12 months rather than from October 2002; there's great encouragement to increase the fleet with wheelchair accessible taxis.

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Now, in our discussions with Professor Nicholls from the ANU, he has raised the issue, well if we become completely focussed on the delivery of services via wheelchair accessible taxi vehicles then what happens to people with disabilities who have a significant preference for the delivery of services using other vehicles and just as a case
45 in point, people that have had a hip operation tell us that they would prefer to slide and

flop into a conventional seat of a conventional vehicle than to be stepping up or seeking assistance into a wheelchair accessible taxi.

5 So if you look at the universal taxi that was, has been mandated for London, it doesn't
meet the disability standards current and would have no hope of meeting the higher
requirements that are to come in in 2013. So the taxi, as I say, the taxi industry has been
in the business of providing door to door services on a demand basis, that is what a taxi is
by definition. I think you would find that if you were talking to leaders in our industry
10 you would find that we've moved from door to door through door services and
some of the contracts that taxi companies have entered into on behalf of their fleets have
been arrangements where there is the expectation that a driver in accepting the job will go
and meet the customer at their door, assist them into the cab and then take them to their
destination and then pass them over to a responsible carer at the other end and the
15 Veteran Affairs contracts that we have are like that and so we have moved – we are very
much interested in that sort of service and the delivery of it and how we go about that.

And as a last issue on this, it is perhaps interesting for this hearing to relate a situation
where we had a cab driver who transported somebody who was travelling in their
wheelchair to Brisbane Airport and they were part of the job as it was dispatched advised
20 the driver that they needed to provide assistance to the passenger inside the terminal and
make sure that they just didn't leave them on the kerbside but they assisted the passenger
inside the terminal. The driver did that, the unloading process as you would appreciate
took, you know, somewhere between one and five minutes to get the hoist down and then
the wheelchair plus passenger from the vehicle onto the kerbside. The driver was then
25 assisted the person inside the terminal.

By his account it took two minutes but within that two minutes he came back and he'd
received a fine by the airport who were saying that it is an unaccepted terrorism risk for
people to leave their vehicles unattended on their face rates and so one of the issues that
30 we find as a taxi industry, we have many good taxi drivers out there who have a great
deal of empathy and a high customer service ethic which is impeded by a range of other,
you know, laws and restrictions so as we become a society which is worried about
terrorism that's affecting the ability to delivery services at airports. As we wrestle with
congestion in central business districts we find local governments putting up no stopping
35 areas and restricting taxis ability to set down and pick up and consequently instead of
delivering door to door services we're delivering, you know, street type services and as a
case in point we even have the ridiculous situation in Brisbane where an agreement
between the state government, the Brisbane City Council and the University of
Queensland has built a bridge called the, nicknamed the Green Bridge which allows
40 people who can – who are able to catch mass public transport in terms of buses to be able
to take a bus journey which ends on the St Lucia side of the river but if you're
incapacitated to such an extent that you cannot use mass transit and have to use a taxi as
your public transport service you end up being offloaded on the Dutton Park side of the
river and you have to make your way over that bridge on your own devices and we have
45 raised that with the Brisbane City Council, the University and Queensland transport and
none of those entities see that it is discriminatory and we just don't understand it.

5 So, as I say, from an industry point of view please be assured that we have a very significant interest in delivering passenger services. We are wrestling with the disability standards not because we object to the intent of the standards but we have difficulty with the way they're worded.

MS O'LOUGHLIN: Well, thank you very much. Thank you both for coming today. I think that's a good time to break for morning tea or coffee.

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ADJOURNED

[10.45am]

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RESUMED

[11.04am]

20 MS O'LOUGHLIN: Thank you, everybody. I'd like to introduce our next presenter to the hearings. Thank you, everybody. I'd like to introduce Douglas Herd from the Disability Council of New South Wales even though he said that only his mother calls him Douglas but I'm being formal. Thank you very much for coming and the floor is yours.

25 MR DOUGLAS HERD: My pleasure, thank you. My name is Dougie Herd, I'm the executive officer of the Disability Council of New South Wales; that is the official advisory body of the state government here in New South Wales. It was created by an act of Parliament; the Community Welfare Act of 1987 and it's statutory duty is to advise government in New South Wales whether that's the state government or the Commonwealth government on how people with disability can be, to use the terminology of the Act from 20 years ago, more better or better integrated into society. So that's the duty that we have to give that advice and it's within the terms of that Act therefore that I appear as the principal staff member of the Council which although appointed by government is autonomous and independent from it.

35 I'll speak as quickly as I can on a number of issues which I hope will be of interest to the panel and the review; can I thank you for the opportunity to do that on behalf of the Council because we certainly believe this to be an important area for people with a disability, their family members but also more generally for our community and society as a whole because it's our contention that it is not just people with disability that benefit from further improvement in the transport services of our country.

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45 Can I say at the outset that in response to your issues paper that we are particularly pleased I think, I believe that the review couches its questions within the terms of need and right. There's a risk – there has been a risk for some time which I think we're all avoiding which is good but there has been a risk that this review could be a technical review about dimensions, vehicle sizes, numbers and whilst all of those questions are of course important it's our view that we should recall throughout the review and

government should be reminded that the purpose that the standards exist to serve is to ensure the rights of people with disability to full participation in society.

5 The transport standards and their five year review deadlines are not themselves the purpose of the end. The purpose is to ensure that people with disability receive no less favourable treatment than people who don't have a disability in the public services that we call transport. Whether they're provided by individual operators such as taxi driver or mass transit operators such as State Transit in New South Wales there's an obligation on us as a consequence of the Disability Discrimination Act to ensure that people with 10 disability are included in the mainstream of society and that's what the standards are there to bring about in a verifiable time limited way but they're not in themselves an end, they're a means to an end and those ends I think you've identified in your issues paper. We want to concur with them but add another if we may and clearly there us unmet need for transport services for people with disability. That's referred to in page 3 of your 15 introduction, chapter 2 of the issues paper and I think that's beyond debate but it needs to be said again and again and again.

20 People with disability who constitute 20 per cent of the population of the country; four million people in the country; 1½ million people in New South Wales do not have the same set of transport options as people who don't have a disability wherever they may live. Clearly people who live in the city have more transport options than people who live in Broken Hill, let's say but it's clear that wherever you live if you live with a disability you have fewer transport options than your neighbours and therefore that question of addressing unmet need is critical and it's why the standards should be 25 enforced to the best that they can be.

The second reason you identify which for us is a matter of principle, philosophical commitment, whatever you want to say but also you can describe it simply as the law. People with a disability have a right to be included in the transport services; that's what 30 the Disability Discrimination Act of 1992 makes absolutely clear. Even if you don't like it, it is the law of the land and if you want to operate a transport service in New South Wales, in Australia you have a duty to meet the laws of the land and we think that all transport providers, whatever size they may be need as soon as possible, we would suggest before the end of the 30 year deadline for the transport standard meets their 35 obligations in law not to discriminate against people with disability and I'm glad to say that some transport providers are of course in advance of their deadlines or target dates and I have to say as a matter of course I think it is not accidental that it is public sector transport services that are most in advance of their deadline and I wish that the private sector could be performing as well whether it is a competitor or a colleague in that field 40 but the third area I think we'd like to stress is the reason for doing what the transport standard set out should be done is quite simply that it's good for business; it's good for the economy.

45 Equality of opportunity in economic circumstances is not necessarily, in fact is not a burden upon society. We would want to argue that it is in the economic interests of Australia to ensure that its public transport systems are inclusive of all people. There are

macro and micro economic benefits to be gained by ensuring that the transport services, private, public, large and small meet the needs of the population as a whole because without that equality of opportunity, without that level playing field we would argue that business, commerce and the economy are operating at a disadvantage and a disincentive to greater efficiency, productivity and therefore economic benefit for all.

In a globalised economy it does not make sense to hamper your economic possibilities by restricting access to the transport by up to 20 per cent of the population because some of those people particularly at a time of low unemployment will be required to enter the job market, will be required to make an economic contribution through work and as a consequence of that to not have an inclusive transport infrastructure limits the potential of people with disability to contribute to the economy and therefore to benefit Australia and of course in a globalised economy our transport system has to be seen in comparison with its competitors within the EOCED.

It hardly needs to be said that in countries like the United States, the United Kingdom and parts of the European Union transport systems are at least as accessible as they are here in Australia and some might suggest I think on the basis of evidence that they are further forward and more inclusive of the population as a whole and I can see absolutely no reason on God's earth why we should want to have an essential part of the economic infrastructure less competitive and economically participative simply because some of the people involved in it might be people with disability.

So there's some big picture stuff. If I can say these things in response to some of your questions; I should also say if I may that we of course will provide a longer written submission in response to all the questions in the issues paper so I'm not going to deal with all of them here obviously because that would take four days the way I make points but I would like to say I guess dealing essentially with the key big questions on pages 11 and 12 of the issues paper to do with essentially is it working; and I think the answer to that is yes and no. Of course it would be.

Here's the big ball park figure from our point of view, people with disability without a shadow of a doubt have greater access to a wider range of transport options today than they did five years ago when the Act or when the standards were enacted. There's I think no doubt about that whatsoever. I'm sure you will get tons of evidence from all kinds of agencies, ourselves included that here for instance in New South Wales will tell you approaching 40 per cent of publicly owned buses are now wheelchair accessible. Something like 98 per cent of Countrylink stations are wheelchair accessible. Something like 60 per cent of the travelling public passes through an easy access station in New South Wales in CityRail.

What is it? 15 out of the 30 transport interchanges are accessible. 387 of the 5000 taxis are wheelchair accessible. There have been developments in information systems that have been directed towards making information more accessible to people with a vision and hearing impairment. Those improvements have been made in the last five years. They're verifiable and clear and welcome. The question that may be of some interesting

historical academic interest is whether or not necessarily it's the standards that has inspired that movement.

5 I certainly have heard the argument put that the initial spark to the policy of State Transit
to purchase only wheelchair accessible low floor vehicles was not indeed the transport
standard but was in fact the threat of complaint prior to the standards being enacted but I
think the truth is a combination of both things. I think that providers have been aware for
some years before the standards were introduced that the standards were coming. I think
10 people began to get ready for them. I think they understood that there would be a staged
introduction.

15 They might not have been sure if it was going to be 20 per cent or 25 per cent or 30 per
cent in the first five years but they knew that that kind of implementation strategy was
going to be adopted and I think they began to position themselves in anticipation of the
standards but also I think it is reasonable to say that providers past, current and future
have always been and will remain fearful that a disadvantaged, aggrieved person with a
disability will take out a complaint against them if they don't meet their obligations and
so the complaint mechanism remains a powerful tool that is legitimately at the disposal of
20 people with disability to exercise their right to travel. It's not as perfect a tool as it used
to be but it's still there as can be used as Virgin Airways currently knows and I'll come to
them in a minute if I may.

25 So things are definitely better and I think the transport standards have played a significant
part in making them better. I think they've given to people with disability a clear
understanding that the direction in which we're heading is towards a more inclusive total
system of accessibility. I think they've given to providers a clear set of bench marks
against which their performance needs to be measured although there is a question about
how effectively their performance is currently being measured and I think that that is
30 good for everybody.

I think it gives regulators a clear indication of what their obligation ought to be. The
State government here in New South Wales clearly understands what is expected of
people who wish to operate transport systems on our roads, on our railways, through our
air space and that they therefore can assist those providers in moving towards a more
35 complete system of accessibility and so I think the transport standards make a genuine
and important contribution to the delivery of more inclusive, participative, equal
opportunity accessible transport services and that we are better for having them than not
having them but I think it does need to be said that they are not a panacea.

40 It is transparently obvious to anyone that wishes to look at it that no transport standards
exist in the UK, no transport standards exist in the United States of America and yet in
both of those jurisdictions I think it's fair to say that in a number of areas, bus transport,
taxi transport and air transport and possibly even rail transport also their systems are
more accessible. So the instrument itself does not necessarily produce greater
45 accessibility and greater accessibility can be achieved without the instrument. The first
fully wheelchair accessible taxi fleet in the world was made fully accessible in 1997 in

the city of Edinburgh. 1100 wheelchair accessible taxis; 10 years ago no transport standard was needed to make it happen but a set of enforcement agencies and instruments to require greater accessibility were of course essentially.

5 I was recently in New York and travelling on the bus system there without any difficulty whatsoever with a greater proportion of the buses accessible than have been made
10 accessible in Sydney in a shorter period than it has taken us to get to I think the 40 per cent of buses that are currently accessible in the State Transit fleet and again I just make the observation that no transport standard exists there. Regulation enforces it but the standards not necessary, desirable probably but not necessary.

15 Can I say that whilst things are better they're not better for everybody and they're not better in all areas and how can I summarise this best? If you live in a big city I think you have greater access to accessible transport than if you live in a small town and that's not just because you have more transport choices if you live in a big city. I think there's just a concentration of effort to meet transport standard deadlines or targets, sorry, targets in the big cities. So there's a greater proportion of wheelchair accessible taxis in Sydney than in almost any other location although across the whole of country, regional New South Wales I do note that the outer metro area is slightly ahead of Sydney but, you
20 know, many smaller number of taxis.

It's still not clear to us at all for instance why the entire taxi fleet in Coffs Harbour can be wheelchair accessible but almost none of the taxis in Newcastle can be accessible. It's simply bizarre and I think it is reprehensible to be honest that the taxi trade in Newcastle
25 has not done more to honour its obligations under the transport standard and what I'm pretty sure will happen as sure as God made little green apples, is that there will be a complaint in Newcastle after the passing of the first deadline and I'm absolutely certain that the taxi trade in Newcastle will tell us that they haven't had the time or the opportunity or it is unjustifiably hard upon them to require taxis in Newcastle to be made
30 wheelchair accessible and I think the argument is completely unsustainable and when that complaint is I'm sure going to be made I think the taxi trade in Newcastle should be hauled across the coals for its simple neglect of its legal duty to make wheelchair accessible taxis available in the second largest city of the State.

35 It's clear that buses have been much more accessible in the last few years than they were in the past. Richard has told us at our last Council meeting, I think it's 40 per cent of the State fleet. Private buses are not doing as well as the public buses and that, if I can make the reference to buses, also extend to questions of monitoring and policing because these are for us critically important. It is today too late to ask those bus operators in New South
40 Wales who we know don't meet the 25 per cent of services accessible; it's too late to ask them today what they're doing about it. They should have been asked two years ago when they were purchasing buses because we know there's a lead time. I can't say to you, let me use Westbus as an example, I can't say to Westbus, 20 per cent of your buses comply by the deadline, it should be 25, go out and get another five per cent of your fleet
45 accessible by the end of December because they won't purchase buses again for maybe six months or a year or 18 months and we understand that there is a purchasing and

operational psycho operating and providers and so to make the judgment about how effective the standards have been at year five somebody should have been asking providers at years two and three what they were doing to meet their obligations and I think it's important that we should suggest to government that for the standards to be as effective as they could be there needs to be a more effective mechanism for policing and enforcing the standards.

Now, I'm not sure who is best to be the policing agent. It could be the Human Rights and Equal Opportunities Commission but there certainly needs to be an investment in a policing agency that will ensure across the five year period of any deadline or target period that major providers particularly but also smaller providers are working towards achieving their targets by the due date and that people should feel on the back of their necks the breath of potential legal difficulty if they're not making progress towards their legal obligation by any five year deadline.

Which brings me to a second suggestion that we would like to make, which is it seems – we got a report yesterday at our Council meeting from Commissioner Innes that the number of complaints under the Disability Discrimination Act has increased by 50 per cent in the last financial year over the previous financial year. I think it's somewhere in the region of 1800 individual complaints. I'm sure Commissioner Innes will give you these figures himself; 42 or 46 per cent of those complaints relate to disability discrimination and I guess that a substantial number of them relate to transport discrimination.

There are, as we know, four million people with disability in Australia. I think a very large number of those people experience disadvantage and discrimination in transport services and don't make complaints. I think they think it's not worthwhile. I think even though they may have waited one or two hours for a wheelchair accessible taxi or even though they may not be able to read information at a bus stop because it's not an accessible format to them or because there is no visual signage that would let a deaf person understand how the transport system is to be used; I think large numbers of people with disability shrug their shoulders, bow their head and say, oh no, not again and then just get on with their life; they don't make complaints.

It means that they live constrained, disadvantaged lives to smaller and larger degrees so I think it would be a good idea to give to the Human Rights and Equal Opportunities Commission the same kind of power that the Australian Securities and Investment Commission has to initiate complaints; to use its big picture knowledge of what is actually happening; to be able to say, we understand that there is a problem with this provider or with this group of people; that we because of our networks, because of our professionalism, because of what we understand about how the system works, we believe that there should be some action here so that that Commission can then go and say to a recalcitrant operator, we believe that you're not behaving as you should be behaving according to the law or according to the standards and if you don't smarten up your act in a years time we're going to take you to the Federal Court.

I think if the Commission was saying that to providers we would see a dramatic change in the behaviour of providers. I think if Dougie Herd was to say it to a provider almost all providers would go, see you in court because they know that the cost jurisdiction of the Federal Court works in favour of respondents and I think that we should give to the

5 Commission the same powers as ASIC has or similar powers. I understand that there's a concern about the potential for conflict of interest between HREOCs power to conciliate and any potential power to initiate complaints but I think we can put rock solid, cast iron separations between the complaints mechanisms of the Commission as a whole and the Disability Discrimination Commission in particular to give to that Commission the power
10 to take action at a systemic level and I think the recent case in Harvey By shows the need for that to be done because quite understandable, inexperienced litigants essentially lost a justifiable case I believe and that would probably not have happened if the Commission had been running the case.

15 What else should I say? I hope – I have I think mentioned the disparity that we see between country and city in New South Wales. Buses are making good progress, private not as well as public. Taxis there has been an improvement in but here's a couple of thoughts if I may on taxis; the greatest stimulus to better performance for wheelchair
20 accessible taxis in New South Wales has been the advent of line taxis. Now, I'm not speaking here as an advocate of line taxis. I'm merely observing that the introduction of a new player has introduced new competition in an industry that some have described as a cartel and the mechanism that has allowed line taxis to enter that field of competition has been greater wheelchair accessibility and it's no secret; I mean anyone can work it out.

25 I'm sure line taxis are doing what they're doing for good, honourable and highly motivated purposes but it's no accident at all that the lower cost of wheelchair accessible taxi licences makes their business a better prospect than if they were just entering the field without wheelchair accessible because you can get a wheelchair accessible taxi
30 licence in New South Wales for a thousand bucks. If you want to buy a non-wheelchair accessible taxi licence it costs you about 385,000. Well, you know, any of us can do the arithmetic. If you're introducing 60 taxis as they have done in the course of the last six months.

35 However, I think it's fair to say that the transport standard was part of opening up the opportunity for Macquarie Bank to see that business opportunity, to introduce the new taxi fleet that has made the traditional long term operators in New South Wales up their game but for somebody like me, all of this is good news. A wheelchair accessible taxi user, although I drive also but a taxi user who lives and works inside the golden triangle of the airport to the east, the city to the west and Parramatta – or rather the city to the
40 north and Parramatta to the west; I have almost no problem getting a wheelchair accessible taxi; I think that's because I live in the area.

I also think it's because I'm the executive officer of the Disability Council of New South Wales and I think the industry knows that they better make sure that Dougie doesn't wait
45 an hour as he's waited in the past because he will speak with the Minister for Transport. I think if you're living in Campbelltown or Penrith or the Northern Beaches of Sydney I

think you don't have as much opportunity to get access to a wheelchair accessible taxi as I do and we need to deal with that inequality as well.

5 Ferries are getting better. I should say that apart from being a professional who talks on these matters I do use every form of public transport covered by the standards and I think I have used all of them in the last three weeks and I'm getting on a plane to Melbourne next to week so that will be the whole lot so I'm speaking from both personal and professional experience. It's clear that the ferry system in New South Wales is getting better for people with disability although there are still areas in which it can improve.

10 Trains are good and I think I would have to say that the commitment shown by Rail Corporation in New South Wales to consult with people with disability is a model of good practice; has been so for the last year or so, 18 months, perhaps longer and I do commend them for that. It's important I say that because, you know, few of us in this room were involved in the public consultation about the design of new rolling stock that will come on stream in the next 18 months, we were at a presentation just last week and that's part of a long term commitment to consultation but another reason for saying that is because, you know, it's good and it's true and all the rest of it.

20 What could one say? I'm deeply deeply deeply disappointed however as we all are I think with those of us who come from my perspective that is, with the actions of the Australian Rail Association in what seemed to me to be an attempt to rewrite the standard in their application for an exemption from the standard that has been conciliated and considered by the Commission. I think the Australian Rail Association overstepped the mark. I think they did not submit, my opinion, I'm sure they will contest it, I think they did not submit an application that was about creating exemptions for a period to produce greater access. I thought they were producing an exemption application as a substitute for re-writing the standard and I think that was regrettable and I don't think it should be encouraged or repeated and I think that we should ask all providers to stick with the rules of the game, if you like, although it's not a game for those of us who need to use the transport services and I think there's a risk that individual transport operators see the transport standard only in terms of their form of transport and believe that it needs to be tailored exactly to their particular mode of transport forgetting that the reason the standards exist is not to make their life easier but to ensuring the rights of people with disability and that that's the point that we should begin the conversation from.

35 There's one area I have to say in which I think we have probably gone backwards and not forwards and it would be a surprise to nobody for me to mention the aircraft domestic travel industry as an area in which at a time of unparalleled unprecedented expansion of domestic air travel in Australia people with disability, particularly those who need support and particularly those who use wheelchairs but not exclusively people who use wheelchairs and particularly people who use electric wheelchairs have fewer transport options today than they had five years ago and that ought to be unacceptable because it certainly is in my judgment illegal.

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I make these observations; Virgin Airlines should not be allowed to do in Australia what it is not permitted to do in its other – the other jurisdictions in which it operates and Virgin Airways would not dream of introducing the restrictions it has introduced into the American market. They know that they would have no chance whatsoever of surviving the American Disabilities Act of doing in New York what they do in Sydney and I think it's – I realise there's a court case about to be under way and I'm sure that therefore somebody will say that we're not really supposed to talk about these things but it's simply unacceptable and they're getting away with murder I think to be honest.

10 I note that Qantas will be giving evidence later. I have to say from my experience that the full fare, full cost service of Qantas is probably unparalleled in Australia and possibly internationally, it's up there amongst one of the very highest of services. I say that because it's true but I also say it because it's also unacceptable that their subsidiary low cost airline treats people with disability less favourably for no good reason other than they wish to treat people with disability less favourable. I think it is simply not credible for either Virgin or Jetstar or Tiger Airlines who are about to expand into the rest of the domestic market, it's simply not credible to argue that assisting people with disability would lead to an unjustifiable hardship.

20 Any of us who have read the newspapers know how much let's say Qantas are about to spend purchasing the new Airbus 320 and the, what is it, 50 or 60 Boeing 787 Dreamliners. We're talking billions of dollars, absolutely billions of dollars that will be brought into the aviation industry. It is fanciful nonsense to suggest that assisting a small number of people with disability to get on and off those planes creates for those airlines unjustifiable hardship. It just doesn't stack up anywhere and if the claim of unjustifiable hardship is simply unsupported under any set of analyses that you would want to present and I believe that it is; the question that somebody needs to ask is why therefore are they creating this problem for people with disability and it's not clear to me that that's been explained properly. I hope the airlines will manage to do that but I think mostly we hope that the airlines will abandon their restrictive practices which work against my right to travel as an individual but also as a business person.

35 I'm going to Melbourne next week not because I particularly want to go to Melbourne although I'm sure it's a lovely city. I'm going to Melbourne because my job requires me to go there. If I was going to fly by Virgin I would need to take somebody with me and I think it's an unjustifiable hardship on my ability to participate in society to require me to travel with somebody when five years ago I wasn't required to travel with somebody and if I was travelling on a Virgin plane between London and Brussels I wouldn't have to take somebody with me or if I was flying on a Qantas plane rather than a Jetstar plane I wouldn't have to take somebody with me.

45 So those points needed to be made and I better stop talking very soon I think but say these things; we're far from convinced but others will speak perhaps better and more directly on this, we're far from convinced that information systems are wholly accessible to people for whom text is not the only way to receive information. The problem that we have there I think is going to be again policing and enforcing the requirement to give

information in accessible formats at the necessary time to make it useful information but I'm, you know, others are better placed to make detailed comment on that.

5 I would also like to say something if I can briefly about the relationship between the transport system; its broader infrastructure and other policies because these things are important. It's not obviously just about vehicles; we need to look at the relationship between the vehicles, the buildings that they pass through or stop at and the rest of the built environment and I think we haven't got that relationship sorted out properly and we need to do more about integrating the whole system to make it seamless but it's not just about the relationship between a bus and a train and the built environment. There's also policy initiatives that are taken that work against the development of fully integrated public transport.

15 I give you this small anecdote as an example because it's close to my heart and recent. I drove from my home in Ashfield a week last Saturday to go and see a movie in the Cremorne Orpheum in Mosman and when I got to park outside the Orpheum the whole of my radiator exploded and all the water from my vehicle ended up on the pavement which was not really what I had intended for my day. I missed the movie. I couldn't get it repaired by the NRMA and I had to call for somebody to haul my van back to Ashfield so that it could get repaired at a cost of \$700 which I would rather not have spent. However, that's not the point I'm trying to make.

25 Fortunately just across the road there was a bus stop. Military Road, major thoroughfare running through the city taking me back to Ashfield across the Harbour Bridge on which we've had some quadriplegic problems in the last few weeks as everybody knows. However, I got there, found the bus I needed and waited for it only to discover that the brand new wheelchair accessible bendy bus that came along was a pre-pay only bus and I wasn't able to get on the pre-pay only bus because I didn't have a ticket. I looked around for a ticket and there was a big sign on the shop behind me saying "We sell bus tickets" trouble is the shop wasn't wheelchair accessible.

35 Therefore my ability to travel was constrained not by the design of the vehicle because as it pulled away from the bus stop I could see that it was wheelchair accessible. It was the relationship between the bus itself and the environment and policy system inside which that bus was operating and it ought not to be beyond the wit of state transport, Richard, to sort out a mechanism by which easily identifiable people with disability can travel on a pre-pay bus without having to get into an inaccessible building but for me it's an illustration of the need for regulators in particular I think rather than providers but certainly providers to look at the totality of the system to see that there's a seamless integration because I'm absolutely sure as is the Council that wheelchair accessible buses are a good idea; that pre-pay buses are a good idea; that bus lanes along which pre-pay buses go are a good idea and that getting more people out of cars into buses is good for us all, the economy and the environment but we just need to make sure that the systems that are designed to make all of that possible for the population as a whole don't unintentionally disadvantage people for whom the public transport system will remain for a long time an important, if not essential part of their life.

I've talked for much too long and so I'll stop. Thank you very much for the opportunity to do so.

5 MS O'LOUGHLIN: Thank you, we appreciate it was a great presentation and the pre-pay ticket is a fabulous example which was raised yesterday of people not thinking through the consequences; just having this silo approach to a policy but I think it's certainly a great example of a lack of a systems approach.

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COMMENT FROM THE AUDIENCE – NOT TRANSCRIBED

15 MS O'LOUGHLIN: Certainly, and you raised that this morning at the airport I think is exactly the point you made too, wasn't it, that they can't leave their taxis.

COMMENT FROM THE AUDIENCE – NOT TRANSCRIBED

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MR HERD: Can I add a point to that. I realise I've taken up a long time but a point that is important; I'm not quite sure how the transport standards can account for this but we do need to get in place questions about awareness raising quality of training and sensitivity on the part of operators because, and here's again how I describe this, illustrate this problem; when I wait at a bus stop or a train station or indeed an airline the system already adjusts for me because it can see, you know, he's a six foot tall guy in a wheelchair, we can reasonably guess he's a person with a disability and we're already compensating and so they tend, sometimes patronisingly they tend to treat me as you would wish, most often it's not patronising and for that I'm grateful.

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However, we organised an international day of people with disabilities celebration a couple of years ago in which a young man with intellectual disability made this observation, that he has gone through a Department of Ageing, Disability Home Care day program mobility training, transport training. So he knows how to get his money in his pocket, get it out of his pocket and give it to the bus driver, get on at the stop he's supposed to get on at and get off. He's done all that, he's passed the test and all the rest of it. The trouble is he doesn't look like a person with a disability although he unambiguously is and he's encountered on more than one occasion when he's stopped the bus driver and said, where's the bus going, he's been told things like, well can you not read the sign and hurry up, I'm late with no sensitivity whatsoever to his situation as a person with an intellectual disability and that I guess puts him off travelling on the bus again. I don't have to be brave to travel; I just have to turn up but he has to anticipate the possibility that every time he gets on a bus somebody is going to either not realise he's a person with a disability or mistreat him because they think that he's slow, difficult, challenging, whatever and so we need to have built into the transport system, not just a concern with the design and operation of the vehicles but with the quality of the staff who

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provide the support that the people with the disability will rely upon and I say that within the context of being clear that my personal experience is that almost all of the time, almost all of the staff that I encounter, particularly in public transport systems but including wheelchair accessible taxi drivers, almost all of the time they are good, supportive and encouraging but I recognise that my experience may not be typical and that others have real problems. I know this is a problem for people who have a hearing impairment and I suspect it's probably true for people with a vision impairment who are not wandering around with a cane or don't have a dog to give a clue that, you know, this is a person with a disability.

MS O'LOUGHLIN: Thank you.

MR HERD: I'll let you get on with the rest of your day.

MS O'LOUGHLIN: I would like to call upon how, if I may, Tina Woodman who is here to present the views from the Buslines Group Operations, Dubbo Business, is that right? Thanks, Tina. Dubbo Buslines, I misread that, sorry Tina.

MS TINA WOODMAN: It's actually Buslines Group.

MS O'LOUGHLIN: Buslines Group, okay.

MS WOODMAN: Thank you for having me here at the hearing. I just want to actually extend apologies to Geoff Ferris who is our group operations manager. He unfortunately gave his presentation in or gave a presentation in Dubbo. He's at our depot in Griffith so he's been away so he does apologise that he can't be here to give a presentation on this. I'm just here as a representative of Buslines Group just to briefly let you know as a country bus operator where we are progressing with accessible transport. Just to highlight a few issues that we face and the way forward.

Buslines Group operates a fleet of approximately 230 buses across eight depots. We cover areas in Ballina, Lismore, Tamworth, Dubbo, Orange, Picton, Southern Highlands and Griffith. We operate route services, school services and some charter operations. We have wheelchair accessible route services in all our operations. The progress that we have made is that Buslines have commenced purchasing ultra-low floor wheelchair accessible buses in 1999 and currently approximately 35 per cent of timetable services are wheelchair accessible. The buses that we are purchasing are meeting all requirements of the current standards.

Jane spoke earlier particularly about information that we have, we have our timetable services on our website that are accessed – that passengers can access the information through that. We're also looking at upgrading the signage in our buses for accessibility not just with the priority seating signage but just general information about transport services, fares and concessions. We are also looking at improving the information available on the internet to make our website accessible which is in large print format where the ability to print timetables in a large format and where there's also the contact

from our passengers to be able to contact a depot if they don't have a printer we can print that for them and the ability to come in and pick that timetable up from our depots.

5 We are looking to – we have been looking at sites like Vision Australia and what they're offering on their site and where we can be in contact with them to see where our sites can be made more accessible to commuters. In saying that we do have issues that do confront us as a bus operator. These issues are the increased cost to comply, the reduced carrying capacity which does pose a challenge in rostering, the acceptance of mainstream public transport as a viable option and in country areas particularly there is a great reliance on community transport but in saying this, we have tried to develop in all our operations good working relationships with local councils particularly with infrastructure where there is a problem in country areas of footpaths and people being able to access our wheelchair accessible services but not being able to actually get to the bus where we are finding in country areas that that is an issue.

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15 We also attend community group meetings to discuss accessible transport issues. If there is a particular issue within the community we can certainly address those issues and we have representation at every depot. We have also representatives in the traffic committee through local council and also transport working groups that are operated by the Ministry of Transport. I would like to say that we do see the way forward with just some final comments that I would like to make is an increased acceptance and community ownership of mainstream public transport, a free flow of information, a better exchange of ideas and issues and importantly a closer working relationships between community transport users, providers and bus operators.

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25 MS O'LOUGHLIN: Thank you, Tina. Thanks very much for coming today.

MS WOODMAN: I would also like to say Geoff would like to say that if he and representatives of our company are more than happy to come out and speak to groups. As I said, we've had a lot of involvement within our own depots. We've had the Guide Dog Association actually come out to one of our depots to be able to use the services as well so we're more than happy to discuss and if there's any questions please feel free to leave details with me and can be in contact with our operator.

30
35 MS O'LOUGHLIN: Thank you.

QUESTION FROM THE AUDIENCE – NOT TRANSCRIBED

40 MS WOODMAN: As I said, as part of our company we certainly provide wheelchair accessible services to the community. We provide information through council, through a committee as to where our services are and where our timetable services are. As I said, obviously the community – there's a reliance with us with the community transport so we see that we are meeting – obviously there is improvement in meeting those requirements but, as I said, I obviously can't speak with every operator but, as I said, we certainly are looking towards certainly being ahead of the compliance targets that are being set. We

certainly want to be ahead, well ahead of that and certainly providing information and certainly providing community transport and availability to the services in the country areas that we do find is that there is minimal use of our services in the community and minimal use of the accessible services that we do provide throughout the community.

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QUESTION FROM AUDIENCE – NOT TRANSCRIBED

10 MS WOODMAN: I think that probably comes down to the community that there is a
reliance where people even though we have the services that it is difficult to get into sort
of the – away from the community transport because they do rely on that a great deal and
that only comes from us from working with the community and working with community
transport to try and get ideas as to where we can actually benefit both, you know,
15 accessible transport within the community.

MS KENNARD: Can I just ask a question, I have been to one of the other regional
hearings and some other similar issues to what you've raised in relation to infrastructure.
Have you found some, you sort of touched on it, found some difficulties in matching up
20 services that you provide with your buses versus the actual infrastructure around bus
stops and how ramps can be deployed?

MS WOODMAN: Yes, as I said the services are timetabled and there has been issues of
getting in the buses, particularly in different roads particularly in country areas of getting
25 the bus and being able to use the lowering mechanism because infrastructure isn't there
but, as I said, we do, if there is an issue with that being provided we do speak to councils
and work with them to be able to - - -

MS KENNARD: That's a council responsibility.
30

MS WOODMAN: Yes, that is a council issue but we do work with councils to sort out
any infrastructure problems or where we can be able to make that infrastructure
accessible because there are people using that area.

35 MS KENNARD: So do you have any responsibility in relation to bus stops at all, say for
example shelters or signage?

MS WOODMAN: That's council.

40 MS KENNARD: Everything is council?

MS WOODMAN: Yes, everything but as I said we do have a working relationship with
them. As I said, some of the information on bus stops is an issue because we can't put a
lot of the signs and the way that it's put in some bus stops in certain country areas there
45 are no bus stops where the passenger is just waiting and hailing the bus to come in, so in

country areas it's hard to put the larger bus signs and particular information in a large format to be able to put that on there.

5 MS KENNARD: Yes, you also mentioned that you run school services as well as general access services.

MS WOODMAN: That's right.

10 MS KENNARD: Do some of your school services also – I've spoken to some people who have said that in smaller towns people will use the school bus in the morning to get into the town and that there's some sort of doubling up of that service?

15 MS WOODMAN: Yes, we operate majority our school bus services where we have dedicated school buses but where there is a possibility where we've actually in some of our areas where there is a need even with school children for a wheelchair accessible bus, we do provide a wheelchair accessible for the school children if there is a requirement.

MS KENNARD: Okay, that's great.

20 MS WOODMAN: Yes, if there is a requirement. See we do work with the community if there is a requirement where we can place wheelchair accessible buses.

MS KENNARD: Yes, okay.

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QUESTION FROM THE AUDIENCE – NOT TRANSCRIBED

30 MS O'LOUGHLIN: We have another speaker before lunch from the Council of Social Services of New South Wales.

35 MS DINESH WADIWELL: Thank you so much for squeezing me in before lunch. My name is Dinesh Wadiwell, I'm the senior policy officer at Council Social Service of New South Wales, NCOS. We're the peak body for non government human services in New South Wales but we also come within social justice brief and speak for lower income communities in New South Wales. We take I guess a broad view. We don't have the technical expertise that some of the groups that have already appeared at this hearing would bring but what we do have is a broad view on accessibility and how that affects the lives of people on low incomes in New South Wales. In particular how it affects
40 opportunities to access jobs, education, services and social and recreational activity.

I guess in terms of the broad question, has New South Wales got better? It is really a case of yes, but it depends and it partly depends on what service we're talking about. Depends on where you access that service, depends on what time you access the service
45 and also it depends on what you mean by access and you know I guess I'm aware that, you know, there's a lot of focus for standards on physical accessibility. Some of the

operators in New South Wales have done spectacularly well I think around some of those issues but some of the other things like signage and information have dropped off the agenda.

5 I guess there'll be people who will bring a lot of expertise around what is happening in metropolitan areas in New South Wales particularly Sydney and we'll definitely raise those issues in our submission but what I thought I'd do today is talk a bit about what we see is the issues affecting areas that don't have a high frequency of public transport services particularly western Sydney and country New South Wales and to us they're
10 some of the issues where I think if we're going to evaluate the regulatory framework presented by the standards that's potentially where some of the problems lie.

In terms of bus services in New South Wales I guess we've got a kind of I guess three or four tiered way of looking at the provision of those services. The first layer is the metro
15 government provided services, the STA services and as you probably heard they've done very well in terms of physical accessibility. There remains some issues around signage information but overall they seem to have done very well under the standards over that period of time. When we turn to metropolitan private services, they have not done as well. The levels of accessibility are not as high and certainly in terms of the information
20 that's available to consumers that's often not there.

The indication we've got from the Bus and Coach Association which represents the private bus industry in New South Wales is that they don't believe they'll get some of those, the information requirements online before the end of the year. So there's
25 potential problem area there. I guess the experience particularly in western Sydney around using buses has been mixed and it really depends on where you live and what sort of services you access. The New South Wales government made significant reforms in the way that they contract the bus services and what that has meant is that in the last year or two years we've seen a significant increase in the number of accessible services that
30 are available on routes but the experience for users is that you may have experienced a small increase in your accessibility but that may be a case of there being two services in a day rather than just one.

The situation in western Sydney is compromised by the urban landscape problems in
35 terms of access. A number of areas in metropolitan Sydney where basic urban infrastructure that facilitates physical accessibility such as a footpath is non-existent so as accessible as the bus may be the fact that there isn't a footpath or there isn't a kerb or a reasonably flat platform from which to access the bus compromises your ability to use that service. So the reality for many of those residents is that you're still calling a taxi
40 even though there might be an accessible bus service running down your street.

In rural and regional those issues related to accessibility in the urban landscape are magnified if you like and the experience we've had in terms of that in terms of our regional consultations is that generally people who have a disability, particularly if you
45 have a physical disability you're extremely compromised in your ability to use any public transport services particularly by the urban landscape so the fact that many small country

towns the main drag will have a kerb and a footpath but no other streets in that town will have that level of infrastructure.

5 Country bus services, there's great variation and it was a pleasure to hear the presentation from Dubbo, it sounds like there are some really good steps being taken. In other parts of the states the same level of commitment is apparently not there. We don't see the same level of accessibility or commitment to meet the standards in terms of signage and information. I also should note the issue with school bus services and this is a particular issue for us that we've raised with the government around the fact that those services are
10 actually vital forms of connectivity for many rural and regional areas.

15 One of the problem with country New South Wales in terms of transport is that there are very limited public transport services available. Often they don't link to where people need to go. The reality for many small towns is that the school bus service is the only form of public transport that exists in that town so the fact that the school dedicated bus services are not accessible removes one form of transport for people with disability and a vital form of, you know, connectivity if you are unable to use a car or have some other means of transport.

20 I would like to just quickly raise some of the taxi issues and this is partly because NCOS has been very closely involved in the last two or three years with some of the discussions around improving accessibility of wheelchair accessible taxis in New South Wales and are acutely aware of the situation in the rural and regional areas where there are limited other forms of transport and I should say that usually when government or the industry
25 talks about taxi services they'll assume that the typical taxi customer is a well-heeled business customer in Sydney when the reality is that low income users comprise a very large percentage of taxi use in New South Wales and arguably in country areas you use – well people with disability or low income people who don't have access to a car comprise a very large proportion of users.

30 I should say that the presentation from the Australian Industry Association this morning was interesting. I do have to raise some issues with some of the stuff that was said this morning. I guess the first point to raise is that although everybody recognises that this is an extremely complex industry, difficult to regulate and difficult to know where the
35 responsibilities lie in terms of regulation the fact remains that it is a regulated industry and therefore consumers expect a level of safety, reliability and basic service standards that apply.

40 If it wasn't a regulated industry then I could put a taxi sign on my car tomorrow and run a taxi service and there's a reason I can't do that, it's because I can't meet the presumably high standards that are set through that regulation process. So the profitability of the industry is driven by that regulation and it's reasonable for consumers to expect some standards to be met and the other side of that is that it's unreasonable – well it's certainly not the consumer's problem how the industry is structured so I know that the taxi industry
45 is structured in a particularly strange way but that's not the consumer's problem. Our problem is to ensure that we get a decent service out of this regulated industry.

The second issue I just want to raise is around community transport, particularly funded through the home and community care problem. NCOS is the peak for human, services obviously has some concern in terms of maintaining these services and recognising their place in New South Wales. To me the comments that were made this morning undermine some of the really good work that's been done in New South Wales in terms of collaboration between community transport operators and taxi industry operators across New South Wales in trying to ensure that accessibility is there but I mean the example that was given that, you know, a small country town, a HREOC service comes along and steals taxi trips is, I don't think is particularly an accurate picture of the way that those community transport services are either planned or delivered.

The reality is in any small town there's significant connectivity and accessibility problems. The planning processes for community care quite rightfully will identify that and direct funds towards assisted transport services. We don't see that as necessarily any duplication of services. Many of those community transport services provide a level of assistance and support and sensitivity that just don't exist in the taxi industry. To us it's not just – it's about competition, it's about forming, trying to promote some collaboration between different transport providers to I guess achieve the end result which is maximum accessibility.

Just in terms of taxis in New South Wales, in New South Wales it's no secret that the universal experience of wheelchair users has been poor in terms of accessing taxi services. There have been some recent changes in terms of monitoring regulation by government and by booking service. We know there is a new market entrant but because there's a lack of data in terms of how the services are actually meeting the standards we don't have a clear understanding about whether things have actually improved or not but the anecdotal experience is that the service levels still remain below what they should be.

The taxi question is a combination of both the response time question and the accessibility of services, the accessibility of the fleet. An issue with the standards as they stand is that the focus is purely on that response time for booked services. Doesn't take into account, for example, the ability of people with disability or wheelchair users in particular to hail a cab and to us this is very, you know, a potential site of discrimination for people with disability in the ability to like anybody else stand on a street corner and hail a cab. To us it would make sense if we were going to look at the standards around taxi services to look at setting some sort of proportion of accessibility for the fleet to address some of those issues.

Just in terms of general questions around gaps in the standards, a lot of the focus of NCOS work in transport is around affordability issues. To us affordability doesn't fit very well with the standards framework although it affects the ability of people with disability to access services. What we've seen nationally is an above CPI trend in the pricing of public transport services, so what you'll see if you look at the graphs nationally

is that public transport services go above inflation like this, becoming more expensive in real terms whereas the cost of owning a car is roughly around CPI or below.

5 In New South Wales we've seen for example rail services since 1993 increase by 19 per cent over CPI so in real terms increase nearly 20 per cent above inflation. Taxi services similarly, over the last five years have increased above CPI. I think it's around 14 or 15 per cent over the last five years and these changes will affect the ability of people with disability to access the services even though it's not about the physical accessibility or the signage and I guess we also know that many people with disability haven't received
10 above inflation increases in their wage levels. So the potentially this to us is a real concern in terms of the actual accessibility as a factor of affordability.

15 Related to that is the role of concession and rebate schemes in different states in facilitating access to services. An example in New South Wales is the taxi transport subsidy scheme which provides a subsidy for primarily wheelchair users but at least in theory people with mobility impairment to access taxi services while, as I said, taxi services have increased greatly in price over the last five years we have not seen the rebate scheme increase in terms of the level of support that it offers people. What this means that if you want to hold down a job and use a taxi to get to work every day your
20 transport expenses are high and they've probably been rising significantly over the last 10 years and you probably have heard evidence at this hearing of people spending, you know, two or \$300 on their taxi expenses in order to hold down that job.

25 Another gap I guess I want to raise quickly is around complaints processes and I don't mean the HREOC processes but the ability of people with disability to complain either to their taxi operator or to the regulator, the government or whoever the regulator is around the quality of service they receive. In New South Wales at the moment if you catch a bus, ferry or train and you want to make a complaint ring the 131500 line or you make a complaint on the web. Arguably that's not the most sensitive or confidence inspiring
30 process for somebody making a complaint particularly if it's around a serious nature. Usually what that means is that if you want to push anything forward you're either well informed enough to or have the connections to write to the Minister or make a fuss in the media or you just let it go.

35 We have a similar situation with taxi complaints; there is a separate line, there's I believe a lack of confidence in that process and as I think too you heard outlined this morning there's a real problem in terms of a large number of people just failing to complain even though they get a rough deal because there's a lack of confidence that the complaint will be adequately addressed. We've suggested to the government, I think it's a reasonable
40 idea to look at that individual states have an ombudsman that just looks at transport issues. Victoria has one; we don't have one in New South Wales. To us it makes sense for that sort of body to have carriage of particularly more serious complaints and potentially could facilitate systemic change in assisting operators to meet the compliance under the standards.

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Another small issue I just want to raise and this relates to again what Dougie raised this morning around the experience of people with intellectual disability accessing services. We've had an ongoing issue in New South Wales around fare and fine enforcement and the employment of transit officers on rail. I guess an increasing emphasis on not only
5 trying to trap fare evaders but also to apply enforcement around behaviour management if you like of patrons. There have been – the New South Wales ombudsman has had a look at this issue and there's been a significant problem raised around the ability of the government to respond to complaints in relation to the way the transit officers have dealt with a number of groups, particularly including people with intellectual disability.

10 To us this is an area where I think again it's a potential gap in the way the standards are phrased and an opportunity to look at the practices of operators and the sensitivities that are required in terms of providing a service to the general community. Finally, if I could just make a comment I guess about the regulatory framework itself and I think we'll have
15 a look at this more closely in our submission. No doubt a number of people have raised the problems inherent in the existing framework that effectively it's a complaints based approach, places the onus on individuals to make complaints and requires presumably them to have some resources behind them in order to follow through that process.

20 Obviously from our perspective that discriminates against people who have limited resources, particularly low income people and increases their incentive to not follow through a complaint even if they've got a significant grievance. Arguably in some cases the complaints don't lead to systemic change and there is, you know, examples where
25 complaints are resolved that the operators don't make the necessary changes to avoid a complaint being made in the future. That's possibly related to I guess a risk management approach on behalf of the operators and we see this in some areas where the operators will, you know, effectively say well what's the chance of a complaint being taken against us in this situation and assess their level of seriousness in terms of making a systemic
30 change around the risk level. In some respects I wonder whether the unevenness that we see in New South Wales in terms of meeting the standards in particular areas might be driven by that particular risk management culture.

Finally, of course, there's the inevitable time lag issue and we've seen that in bus services in New South Wales particularly and around taxis I think too where there's a rush at the
35 end of each kind of milestone date to get things done. This of course compromises our ability to test the effectiveness of the standards because, for example, in bus services I believe there's been some very significant changes particularly in metro areas in the last year but we can't actually tell you possibly for the next couple of years whether they've actually made a difference.

40 I guess I would agree with the comments Dougie made about the need for some additional mechanism to address some of these issues in the long term and to ensure that I guess – I mean to me the – to articulate very clearly some of those responsibilities in particular the responsibility for government in regulating and ensuring that the industries
45 that they regulate actually meet the standard deadlines. I think that's about it from me.

MS O'LOUGHLIN: Thanks very much for presenting today.

MR WADIWELL: Thank you.

5 MS O'LOUGHLIN: That's our morning session and we break for lunch, we come back at quarter past one.

ADJOURNED

[12.25pm]

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RESUMED

[1.27pm]

15 MS O'LOUGHLIN: Welcome to the afternoon session. Jane has just asked me what is on for the rest of the day. Just so everybody knows the agenda. First we're going to hear from the Public Interest Advocacy Centre and then we're going to hear from Hazel Myers. We had two sessions on after afternoon tea but both of them have been cancelled for various reasons so we'll actually be finishing after Hazel Myers at afternoon tea so I will welcome the Public Interest Advocacy Centre. Thanks very much.

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MS BRENDA BAILEY: I'm Brenda Bailey, policy officer at the Public Interest Advocacy Centre.

25 MS ALEXIS GOODSTONE: And Alexis Goodstone, -A-l-e-x-i-s, principal solicitor at the Public Interest Advocacy Centre.

MS BAILEY: Would you like us to proceed?

30 MS O'LOUGHLIN: Please.

MS BAILEY: The reason why we requested to come today is because we're going to be submitting or making a submission to the review on airline travel and the reason that PIAC has been interested or become involved in the disability access issues around airlines is because of the number of complaints that the Community Legal Centre Network and the Disability Legal Advocacy Centres were receiving and they were receiving so many it was really weighing down their workload and the cost implications and so on for the Community Legal Centre because what they were finding is that they were taking very similar cases over and over again and not getting any systemic change with the provision of the airline services; so that's why PIAC, because we only get involved in issues to do with the public interest became involved for that reason.

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Our submission is based – and from there there was a steering committee that was set up. Our submission is going to be based on a qualitative study of 108 case studies and what we've done with those case studies is because it's qualitative it's not quantitative so we're not attempting to say that this amount of percentage of people with disabilities

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have these problems, what we're doing is identifying the types of barriers that people experience in their airline travel experience and then comparing that with the standard and so we can see that the compliance issues. So if, for example, information is an easy one to talk about, there are components of information in the standard but where the

5 outcomes are not described adequately in the standards to meet the information needs for the airline industry or in some cases it could be that the airline industry is simply not complying with that standard. Another case, it's possible that the guidance is not adequate for the industry.

10 Then we're going to compare that and we're not doing this today, I'm just flagging what is going to be in our submission, then we're going to be comparing that with international best practice. One issue with the Allens Consulting issues paper that was interesting were questions about compliance data and that just as a first point is interesting because while the other modes of transport, buses, trains, taxis have some state regulation underpinning

15 it and the Ministry of Transport is particularly interested in those modes of transport because they have regulations, there is some compliance data but when we looked for compliance data with the airlines apart from what we have there's none and there does not appear to be from our review of things any requirement or need for the airlines to provide any data on whether they're complying with the standards, so it's an interesting

20 question of how this review will proceed and determine – make conclusions with their terms of reference if they have no access to find out if the airlines have complied or not. So I'll just leave that just as a point.

The other point today is what we thought Alexis and I would concentrate on today is our

25 expertise as a community legal centre are on the compliance complaint systems and where we have some expertise so while our submission will be more extensive than that today we thought we'd just concentrate on those issues; so the first one is that lack of compliance data and where there seems to be a lack of requirements to be able to undertake the review sufficiently because of that lack of information. The other part

30 about what our review – our qualitative study has shown particularly when we're looking at international best practice is that if you look at comparable countries that have similar standards of safety and social justice principles.

Take the EU, UK, Canada and the US, they all – all of them have regulations, codes of

35 practice and standards which are specific to the airline industry and they are governed and regulated by the transport authorities; so the regulatory body that has expertise and other safety matters to do with the airlines just simply add the accessibility issues onto their regulations if you like and their compliance issues and if they have to report annually against the safety issues in their annual report for that regulation, for example,

40 it's simply another component that's added onto it so in terms of the burden of regulatory red tape and so on which I'm sure industry will raise, internationally it seems to be it's not another agency and another set of documents that have to be produced, it's incorporated and so I would suspect that internationally that would also ease any risk of duplication in reporting and so on as well.

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Those organisations, regulatory bodies usually have some form of complaint process as well and Alexis will talk more about that complaint process but effectively, I mean, that's why we got involved is totally ineffective and doesn't create any systemic change and doesn't create any need for the industry to change its practices. I could go on at this point
5 talking about compliance issues before I hand over to Alexis. Are you going to ask any questions or should I just keep talking?

MS O'LOUGHLIN: Keep talking, we'll ask at the end.

10 MS BAILEY: Okay, if as I've described there are – we've identified the barriers from our 108 case studies and we look at those as compliance issues and then look at that compared with the standard we can break them up into where we think really the outcomes are probably adequate in the standard, in the guidance material but there
15 doesn't seem to be any impetus to comply with it and a simple one for an example would be priority seating allocations which is, it seems fairly straightforward in the standard but we have several examples where people have not been able to get the seats that should have been kept for priority for people with disabilities.

Again it's international practice as well that's stated very clearly that in other countries
20 that those seats which are more suitable for people with disabilities with, for example, arms that raise or seats with space in front of them so to allow for assistance dogs and so on are allocated last and it seems that that – well we have numerous examples where that doesn't happen and that, another reason why that doesn't happen is because staff, we believe staff are not informed of the process, they're not educated in the provisions that
25 are available and if you look at, for example, the Canadian regulation in training, it's very specific and they itemise what staff need to be trained in, how frequently refresher courses and so on, how soon they have to be trained after they start and so on, yet we've had – we have examples where people are having arguments with staff about whether there are any seats on the plane with arms that raise. So which is – it's fairly – which in
30 allocation of seats would be fairly basic that the people who are on the plane, working on the plane should know if something simple like arms should raise but there's been instances where that has occurred.

So the other thing again where the standard talks about staff that – customer service –
35 under the provision of customer service, again we would say that that really is not adequate and the overseas examples where training schedules need to be on their website and the public have access to how people are being trained and the sector, disability sector have access to and consultation with the industry about that training; it seems to be much more developed and effective.

40 Toilets are another issue about access and again this ties in a little bit with customer service that an adult should not need to be questioned about whether they need to go to the toilet or not basically and yet we have several examples where people have been asked quite specific details about their toileting arrangements at check-in in public and a
45 customer who is travelling independently will know whether or not – I mean the information about where the toilets are accessible are not, that should be provided but

once that's provided it should be up to the individual to look after their own personal needs and again international practice has it very clearly that customers shouldn't be denied access to travel because the airline things that they can't look after their own personal needs; that if someone says I can look after my personal needs then that should be enough.

It's partly an insensitivity by people not being aware when asking these questions but it's also one of those things that while the standard says toilets should be accessible and there might be, you know, planes they are or they're not, there's not enough guidance attached to that about what that means in the circumstance and what it means and where if you had a guideline that was specific to airlines it – because really it's not – you don't need it when you're catching a bus or a short journey on a train and there are those circumstances around airline travel where more guidance could be provided if something specific to airlines.

The other point about information is information in the, I think, the outcomes intended for the standard are more or less one way. It's is the timetable available and is it available in different formats; where information in a complex journey like an airline, in an airline company – that information is two way, it's information that the customer needs is much more detailed than a timetable, they need to know for each type of aircraft where the seats are available, how many seats are available that will be suitable for them, what are the boarding arrangements, there's a whole array of information that they'll need to make a decision and then that information that they're also providing to the airline, it has to travel from the booking clerk to the check-in clerk to the boarding gate to the ground crew then it might have to stay and travel over time, maybe a day, maybe weeks and hopefully be there at the other end when they're disembarking, getting back on the plane yet I would say half of our examples of problems have occurred by that information break down and that information break down has occurred between the check-in and the gate on occasions, not just over time.

Overseas examples state again, make it very clear that the services that the person should receive is put in writing and there's an outcome in their international standards that says the information needs to be provided to people within – people that need to have it in the company at relevant points and again, that is something that if you're getting on a bus you can say, please let me off at such and such stop, you don't need it in writing, you don't need such complex management of that information, it's something specific to airline travel and I can't – the thing that I find after reading the 108 case studies is an overwhelming impression that people with disabilities can't take anything for granted so that when you and I or people who don't have a disability like myself travel we just follow the crowd things, more or less, things go wrong but they go wrong with everyone but not because I do or don't have a disability and I don't have to insist on service, I don't have to remind people to have – for services to be delivered but if you're travelling in a wheelchair you can't assume because you've provided details beforehand, you can't presume that because you've provided the details at check-in that that information will be relayed to the next point so that you need to be totally conscientious all the time and reminding people and if it was me personally I would probably find by the time I'd told

my story for the third or fourth time about my needs which you would think might be fairly obvious you might be feeling a bit frustrated but, anyway, people know that they can't take out their frustrations and they proceed to explain and request advice at each point in the journey; their needs.

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Although just a slight off track here, is that while I'm – it's not – I shouldn't by talking about peoples needs assume that everyone needs a high level of service and assistance. There are also a small number of people who will have had service delivered to them and airlines have insisted they accept particular assistance when it is totally unnecessary. So, for example, when they can self transfer from a wheelchair to a seat and an airline has insisted on using a hoist and the people are untrained in using that hoist and then the person gets injured when they fall out of the hoist and so on, so the other interesting point with overseas examples is that there is a criteria that people can refuse extraordinary service if they choose to. Again, that may not be specific to airlines but it seems to be one that has come up specifically for us.

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There are issues which I would say that the standard is silent on and one of those is about what I would refer to as trade restrictions in that you can have one – because the marketplace is so small you can have one airline providing a particular service and the other airline not providing the service which limits people's choice so there's no national consistency and the provider which is providing the service means that the other one that isn't is getting a free ride basically. So I would consider that as an example of market failure in that sense.

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It's also – while the standard says all – everyone should pay a fare, there are certain circumstances with airline travel and overseas, for example, the US standard states that if an airline insists that someone needs an attendant for emergency reasons it's up to the airline to provide that person and pay for that person whoever it may be to provide assistance if there was an emergency. So in that sense the standard is silent on those other issues that kind of fall between the cracks and there's also circumstances where people have been refused refunds of fares as well where they've thought that because the airline didn't implement its policy correctly meant that that was the reason why people couldn't travel and the fare should have been refunded but because the contract for the fare was one that couldn't be refunded they won't refund it so it's silent on those issues.

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We also have an ongoing issue with independent travel criteria so you can forget about whether people can walk down the aisle or the gate is wide enough if they can't get on the plane because the airline is stopping people purchasing a ticket to begin with so it really doesn't matter how accessible anything is after that. Security screening is another thing you don't necessarily have on buses and trains and this is again crosses over issues of who actually has control over security but the international standards do say that people with disabilities going through screening shouldn't be treated differently from anyone else and it should be done in a timely manner. Well we have examples of people who have missed their flights because of delays of various things have happened through security and that the airlines haven't provided assistance to move people through the airport which is another thing which the standard is silent on, is about moving.

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The airport is a much more complex environment in which people need to move through different sections and there are numerous problems of people being taken to one point in the airport and then told, oh look, you know, my jurisdiction doesn't carry any further,
5 you'll have to wait for someone else to pick you up and they're stranded in the middle of the airport waiting for the person belongs to the next section to come and get them and so on. Then there are issues where additional issues where the guidance material and the standard is just probably inadequate. Some of those – transport in wheelchairs for example. There's no other passenger that I believe would have to sign a waiver saying
10 that they take full responsibility for their luggage where if someone puts a wheelchair on a plane they usually need to sign a waiver and again international standards do provide for that.

Special meals on planes, that's another issue that other modes of transport wouldn't need
15 to deal with. The standard does have something in there about meals but the sort of meals people have problems with are usually if there's – they bring their own food and it's a special meal that they have that they just want it heated and that seems to be very difficult and particularly with parents that have children with profound disabilities or with critical illnesses and in the standard might be deemed to be an alternative avenue or
20 alternative process of moving someone from one point to another, there's various gaps in those and I've mentioned a few of them.

Assistance animals are mentioned in the standard but again overseas examples of how you recognise an assistance animal are much more liberal and easier to manage than the
25 Australian one. We have one example where someone waited three years to travel before they could get approval for their assistance animal. So I might – feel like I've talked for too long. I might stop there and if unless you have questions for me, Alexis can talk about the compliance issues.

30 MS GOODSTONE: I guess I wanted to talk about some of the lessons that we've learnt out of trying to litigate cases that are in relation to the standards and I guess the main point I wanted to make is that while the aim of the standards was to create a proactive compliance model that I guess our view is that it's still rather responsive and that because the mechanism for alleging a breach of standard is – and I'll talk more about that
35 mechanism soon, is quite cumbersome and difficult that I guess we have concerns that it's not going to create systemic change in the sense of forcing compliance with the standards.

40 So there are two cases that I'll refer to. One is we represented an incorporated association called Access For All Alliance which brought a claim against the Harvey Bay City Council in Queensland regarding bus stop infrastructure in that local council area and that of course is relevant to the transport standards and I'll talk about why that case was unsuccessful and kind of some of the hurdles and then the second case is a claim we currently have in the Federal Court on behalf of two individuals against Virgin Blue and
45 that relates to the application of what's called an independent travel criteria by Virgin Blue which has excluded our clients from being able to fly.

There is no relevant breach of the standard there so I guess that example put quite simply is that it shows that there's a gap in the standards and in fact that I mean there's an argument that is still disability discrimination but just shows that there may be a gap in the standard which stops people even getting into the plane in the first place so that then those other standards relating to accessibility on the plane almost don't get to come into play because people are excluded from accessing the service at all. The mechanism for alleging a breach of the standards is really the same as that for alleging unlawful direct or indirect discrimination so and that's because the Disability Discrimination Act and the Human Rights and Equal Opportunity Commission Act are silent on any other mechanism for alleging a breach of the standards so you have to use the existing complaints mechanisms.

Section 46P of the Human Rights and Equal Opportunity Commission Act deals with the criteria for lodging a complaint with the Human Rights Commission; a complaint can be lodged by an individual or by someone representing that individual but the key element of being able to make a complaint is that there has to be a person who is aggrieved by the action of the respondent so, as mentioned, it can be a representative complaint but it has to be on behalf of someone who is aggrieved and that complaint can actually be filed by an individual person on their own behalf or on behalf of a person aggrieved or by, for example, an incorporated association on behalf of someone aggrieved, so that's the representative complaint type procedure.

Then section 46PO of the Human Rights and Equal Opportunity Commission Act deals with the next stage of the process. So if you have been unable to conciliate your complaint and reach a solution through that process that section deals with who can then make an application to the Federal Court or the Federal Magistrates Court and it says that, any person who is an affected person in relation to the terminated Human Rights Commission complaint can make an application to the Federal Court or Federal Magistrates Court and an affected person is a person on whose behalf the complaint was made. So in effect that brings us back to this aggrieved person. You have to be an aggrieved person in order to proceed your complaint through to the Federal Court or Federal Magistrates Court.

Then part 4A of the Federal Court Act allows representative complaints so that for example you could have an aggrieved person complaining not just on their own behalf but on behalf of other aggrieved people. There's lots of case law on who an aggrieved person is but to put all that into a kind of practical example of our case, in the Harvey Bay Access For All Alliance case they – Access For All Alliance was an incorporated association that represented the interests of people with disabilities in that local council area and they lodged a representative complaint with the Human Rights Commission alleging a number of failures by the Harvey Bay City Council to comply with the requirements of the standards and that was in respect of the infrastructure of about 20 bus stops in the area.

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All of the infrastructure had been either built or significantly modified since the standards came into effect in 2002 and as such there was an argument to be made that all of the elements were required to be compliant when installed. One of the – that complaint conciliation was attempted was failed at the Human Rights Commission level and the
5 Access For All Alliance Association then proceeded to file representative complaint in the Federal Magistrates Court was then transferred through to the Federal Court and the respondent filed a motion seeking to strike out the claim on the basis that the complainant was not a person aggrieved and therefore didn't have standing to pursue the complaint at the Federal Court and that application was ultimately successful so that our clients claim
10 was struck out of the Federal Court on the basis that they didn't have standing as an incorporated association to proceed with that or to bring that claim.

So I'm not sure whether that was ever the intention of the drafters of the standards or of the way that the complaint mechanism was meant to be envisaged but I think it's
15 certainly a problem that someone needs to establish that they're aggrieved in order to bring an action for a breach of the standard considering that a breach of the standard alone is unlawful.

MS KENNARD: So that case never actually got to assess the infrastructure at all.

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MS GOODSTONE: No.

MS KENNARD: It was stopped before.

25 MS GOODSTONE: No, so our client spent, I'm not sure of the exact time period but it's between one and two years trying to, you know, forward this issue on behalf of concerned people in the area all to no avail and had a costs order against them as well. So this doesn't bode well for how – for the accessibility of the system in terms of how
30 people are to ensure compliance with the standards in the future. There are enormous costs involved with going ahead in the Federal jurisdiction, court jurisdiction; there's the cost of filing, there's the cost of finding legal representatives so in this case our clients were lucky to get pro bono assistance in order to pay – not having to pay their own legal team but there's that issue.

35 Often they need to get expert reports and they cost. There's enormous difficulties with gathering evidence and actually running a case of that nature but probably most difficult in terms of barriers to proceeding with this kind of claim is the risk that if you lose you'll be ordered to pay the costs of the other party and they could be significant, in the order of 30 to \$50,000 and we're only talking initial hearing then; if it's appealed those costs can
40 go up.

MS KENNARD: Can I ask a question? You mentioned the HREOC conciliation process, how in your view and your experience, how successful is that in terms of being the first step to potentially avoiding some of these issues?

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MS GOODSTONE: Well I should mention that I'm not the solicitor with carriage of this matter, that it was Robyn Banks who was unable to attend today and I'm here in her place. I have experience with the conciliation process in relation to other disability discrimination or other discrimination matters and I guess I can only say it's enormously varied. It really depends on the willingness of the two or more parties that are there to come to a solution. It depends on, you know, that's another point I wanted to make is in this kind of case the potential inequality of bargaining power between the two parties. So sometimes it will depend on that and it also depends on the legal strengths of the complainant's case, so if they've got a strong case the respondents, if they know about that, if they've got lawyers advising on that they're more likely to be amenable to settling the matter.

MS KENNARD: But potentially in some cases some parties might be better off if they don't actually participate in conciliation?

MS GOODSTONE: Yes, some parties may choose not to participate and yes, I guess, I'm not - - -

MS KENNARD: So relies on that good will.

MS GOODSTONE: Yes, absolutely.

MS BAILEY: I think the point also for us is that through the examples where you have people have managed – very few people take complaints at all but those that do, if they take them, whether it's to HREOC or to the airline directly, the airline will, you know, say, okay have a free ticket, here's, a you know, \$200 voucher. The problem is is that people that don't want to go through that process want to know that's not going to happen to them again and there's no guarantee of that so it's just this one off small payment so there's no incentive because there's no direction for the airline to act differently, there's absolutely no incentive whatsoever for them to improve their processes.

MS GOODSTONE: Yes, so the conciliation can sometimes – if you get a conciliated outcome it can sometimes mask or stop really the systemic outcome happening for the rest of the people that stand to benefit if a case is run.

MS KENNARD: Yes.

MS GOODSTONE: So yes, I think that the complaints process is really quite inadequate in terms of providing an incentive for systemic change and for ensuring accountability of the various respondents in relation to implementing the standards.

MS KENNARD: Can I ask another question? You mentioned the Virgin case and that was on the basis of the independent travel criteria.

MS GOODSTONE: Yes.

MS KENNARD: But you also said that that doesn't technically breach – that's not necessarily a consideration of the standards.

MS GOODSTONE: Yes.

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MS KENNARD: What is the basis of the case then that you're putting together?

MS GOODSTONE: Well our, I'm not sure if – tell me if I'm answering your question but the claim is that – well I don't know how much you know about the independent travel criteria.

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MS KENNARD: Minimal.

MS GOODSTONE: Okay, well those criteria are that Virgin Blue requires that in order to travel on their aircraft within Australia that you have to be accompanied by a person who can provide assistance if you can't reach – pull down an oxygen mask, put on a life jacket, manipulate your own seat belt and basically be able to assist in your own evacuation should there be a need for one.

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MS KENNARD: Yes.

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MS GOODSTONE: So and that, my understanding is that the standards don't address whether it's lawful or not to have that requirement and so our clients are relying on the indirect discrimination provisions of the Disability Discrimination Act and saying that you're requiring us to comply with a requirement or condition with which we can't substantially comply; that is that we can't evacuate, etcetera with which people without disabilities can comply and which is not reasonable having regard to the circumstances of the case and Virgin Blue will have available the potential to argue that it would be unjustifiable hardship to not require our clients to comply with that condition.

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MS KENNARD: And do you know that that's actually what they're planning on arguing?

MS BAILEY: They haven't argued anything, have they?

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MS KENNARD: You haven't got to that stage?

MS GOODSTONE: We haven't got to that point, no.

MS KENNARD: So it will be interesting to see.

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MS GOODSTONE: I guess another different point that I wanted to make was that – which Robyn conveyed to me was that in relation to the bus stops case, it was very difficult to properly frame the complaint of non compliance in that case. Basically in order to fully detail the non compliance of each separate bus stop it was necessary to identify each of the components of the bus stop that was non compliant and how those

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various elements should fit together. Particularly difficult aspect of this was articulating how the requirement for an accessible path of travel between elements should apply to the elements of a bus stop infrastructure.

5 MS KENNARD: Yes, I know that HREOC since published some information on that and listed the different elements in the standards that relate to a bus stop and it's a list of, you know, maybe seven or eight different aspects of the standards that relate to each particular - - -

10 MS GOODSTONE: And how it would all come out in the sense of a bus stop.

MS KENNARD: Yes, so the standards don't specifically say this is what a bus stop – but it talks about paths and manoeuvrable areas and that sort of thing, so, yes.

15 MS GOODSTONE: Yes, and she also made the comment that it was difficult to know, for example, where the point of entry, where the bus stop started and ended and things like that so I mean I don't know what the solution to that is but certainly that HREOC, I'm not sure she would have seen that kind of guideline would assist. Whether
20 consideration should be given to having standards that deal with particular modes of transport such that Brenda has talked about, the need for an airline one perhaps, I guess that that question is raised by those difficulties in framing the complaint.

MS KENNARD: Yes, I think in terms of our role with the review it's probably about
25 looking at the standards with five years experience and thinking about well the way that they're drafted in practice is actually, does it make it easy for both the operators but also people with disabilities to be able to understand clearly what, you know, should be applied.

MS GOODSTONE: And just I guess to finish that story about the bus stop case which
30 has now been struck out of the Federal Court, that in order for – I mean that issue remains and we've still got a group that considers that these bus stops are not complying with the standards in Harvey Bay City Council area and the only way really we can see to proceed and to start again with an action is for individual people who are aggrieved by the lack of access to make a complaint. So we need to find an individual who is prepared to take on
35 that enormous cost risk, to devote their time and energy to running litigation and even if we were to find one person that probably would not be enough because in order to be truly aggrieved we would have to find a number of people who between them used all of the relevant bus stops because one individual doesn't use every bus stop in their daily
40 life.

So we would need to find enough people to cover enough of those bus stops to bring a representative complaint most likely together in the Federal Court, one or more of whom are prepared to take on the costs risk so it's an enormous endeavour and I think that, you know, consideration should be given to some alternative process for ensuring compliance
45 with the standards, whether that be that you don't have to be aggrieved by the act that you're complaining of, that you know if the standards, if the whole point of the standards

is that if they're not met that's unlawful then maybe some legislative change needs to be undertaken whereby it's made clear that you don't have to establish you're aggrieved, you just have to establish that there's been a breach of the standard and maybe consideration also needs to be given to not putting that burden on individuals, to having
5 HREOC or another agency or another process thought up that doesn't require individuals to take on such a risk.

MS KENNARD: Yes, and that was mentioned by someone this morning about whether HREOC needs some different powers in relation to being able to use because it obviously
10 has its own expertise and knowledge of different problems of being able to actually instigate particular – effectively start its own sort of complaint. I mean obviously acting on behalf of others.

MS GOODSTONE: I think that sounds

MS KENNARD: Yes, that's really useful because it's sort of an interesting perspective from your own sort of experience looking at particular cases. I guess from our perspective it's useful to understand how the actual practical implementation and issues
15 have actually played out.

MS O'LOUGHLIN: Their idea was to give the power to the HREOC similar to ASIC. I mean it might be there was a conflict so you'd have to set up processes within HREOC that partitioned it off but that was heard from Disability Council of New South Wales who was making in general the same problems about being too reliant on individuals to
20 make complaints whereas it's almost like a class action or something being taken by a public agency.

MS KENNARD: Sorry, you've probably mentioned this before but did you – was there a specific definition of aggrieved person that was relied on in that instance?
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MS GOODSTONE: Well aggrieved person is, the definition of aggrieved person is basically nitted out in a whole lot of different cases so you know I've got some quotes here I can talk a little bit more about it if you like?

MS KENNARD: I was just more interested - am I right in assuming that it's basically someone who has had a personal - - -
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MS GOODSTONE: Yes, that's right, so it can't be someone who – a person does not merely qualify because he or she feels aggrieved by the act. He or she in the judgment of
40 the court must in truth be aggrieved by the act. I'll just read you a few little quotes.

MS KENNARD: Yes.

MS GOODSTONE: A person is not interested within the meaning of the rule unless he
45 is likely to gain some advantage other than the satisfaction of upholding a principle or

winning a contest if his action succeeds or to suffer some disadvantage other than a sense of grievance or a debt for costs if his action fails.

5 MS KENNARD: Right, so it's sort of sounds like they're trying to reduce potential nuisance complaints

MS GOODSTONE: Yes, yes. So it's quite narrow.

10 MS KENNARD: Yes. I didn't have any – did you have any other points, I don't have any other questions on what you've mentioned?

MS BAILEY: No, I mean we're – because the submissions are not due for another three to four weeks we're still working on that.

15 MS KENNARD: We'll be very interested to see.

MS O'LOUGHLIN: You were saying how much your work had increased in this area and it's very much around the airline industry. What about other modes of transport, put it that way, do you get a lot of people coming to you for that?

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MS BAILEY: No.

MS O'LOUGHLIN: It's really a stand out then, the airlines.

25 MS BAILEY: Well, you have to understand I suppose PIACs position where those other complaints might be there but they would be going to their community legal centres.

MS O'LOUGHLIN: Yes, that's true.

30 MS BAILEY: You know, there's a particular criteria of which cases will be taken on by PIAC.

MS O'LOUGHLIN: Yes, but over the last two days and particularly yesterday when we say to people have things improved since the standards and although I think every mode of transport, you know, we have some issues still of course, and others are certainly doing better than others; the stand out in terms of no.

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MS BAILEY: Is the airlines.

40 MS O'LOUGHLIN: Just a flat, just a flat no, whereas the others would tend to be yes in some areas, no in others, it has been airlines actually.

MS BAILEY: In fact it has gone backwards. I have isolated the case studies that where people have mentioned I could travel, I have travelled for 16 years, I have travelled for 10 years and recently I have been told I can't. So we've got a number of situations like that

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to show that in fact it has got worse in recent years and you would expect security issues and so on to increased, you know, but that hasn't been – that hasn't been an issue.

5 MS KENNARD: Is it potentially the, I guess I'm thinking particularly Virgin and Jetstar
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10 MS BAILEY: I mean because it's a qualitative study I'm sort of reluctant to sort of
draw proportions but there are those airlines which just don't provide the service, the
assistance, the equivalent assistance. Then there are airlines that provide the assistance
15 but don't provide it adequately. So if you could get rid of half of them if the guidelines
and they actually applied. You know, you would think, you know, just a simple one
about allocating seats, you would think that that would be a straightforward thing that
could happen so and I don't like to sort of blame staff but I'd say, you know, if more – if
they were under less pressure and we've got cases where staff have talked about being
20 under pressure or there was more adequate training then that would also ease the problem
but having a line saying, you know, the standard saying customer service you need to be
aware of, you know, whatever it is, it's just not adequate.

MS KENNARD: Yes, so it's sort of a combination both of particular policies but also --
20 -

MS BAILEY: The way the service is delivered.

MS KENNARD: Actual implementation of different – yeah. Have you had any – have
25 you spoken with people from the airlines or met with them or?

MS BAILEY: Only through the negotiation of the cases that have been taken on.

MS KENNARD: Okay.
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MS BAILEY: I mean our focus has been at the moment on the review, not on advocacy.

MS GOODSTONE: We know that Qantas is putting in a submission but we don't know,
35 have we heard from any of the others?

MS KENNARD: Virgin is attending, is registered to attend the hearing in Brisbane
which is on the – just testing my memory, I think it's on the 30th, in a week or so time and
we also have I believe one of the smaller airlines in Western Australia, I know they were
40 down to attend our Perth hearings this week. I'm not sure what the outcome of that was
and also Brindabella Airlines which is a small airline in New South Wales is attending in
Canberra next week. Qantas has told us that they will provide us with a written
submission, so and all of those will be available on our website for you to read.

MS O'LOUGHLIN: Thank you very much.
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ADJOURNED

[2.17pm]

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MS O'LOUGHLIN: Thanks very much, hi Hazel, thanks very much for presenting, our last speaker of the Sydney session.

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MS MYERS: Before I start I thought you would be interested maybe in knowing how I found out about this review. I went to Epping one morning and had to go to the toilet and got locked in for the second time in three months and was particularly angry and thought, that's it, so before I make any serious complaint, that is before I put pen to paper I do homework. So I went into my brand new internet that I know nothing about and I was doing research trying to find stuff on standards and all this sort of thing because everyone kept telling me standards, standards, standards. I didn't understand a thing that I read by the way and all of a sudden something appeared on my screen; I don't know where it came from, I don't know how it got there; it suddenly appeared and I thought, what's this and promptly read it and it was about the review.

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I can say I was on the phone to Wendy the next day very quickly by half past nine. Wendy was absolutely wonderful and I would thank her through you, that she was so wonderful. So now I've sat through two days and listened to what everybody else has said. It's tempting to say ditto and go and sit down because basically without my knowledge, Wendy advised me to have my written submission ready in case I was going to be able to speak because I was late which I acknowledged and then I could address it through the submissions so I did that and as I've listened, I didn't know what other people were going to say, I had no idea.

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As I've listened I thought, my submission is spot on but I will identify that in the disability standards which I do know something about and do understand some things and not others I come under the category of hidden disabilities or chronic disease. I have a medical alert which I don't leave home. I have a chain and I have a card and I wasn't going to actually say what my conditions were but I thought it might be valuable to the hearing because mine are not obvious. So here goes, this is some personal stuff. I'm a breast cancer patient, I have osteo-arthritis in all my joints, I have diverticulitis, I'm asthmatic, I have bilia-disconesia which is a spastic swallow type thing; sometimes I have difficulty swallowing, I have fibro myalgia syndrome and to top it off just recently I have an age related heart condition.

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I intend to still keep on living but sometimes it's hard. So, as I said I have chronic ailments that aren't obvious and for many years I have fought for people like me to be able to get on and off buses, to be able to get on and off trains and in particular just to be able to live, simple as that. Because we're not obvious and because we have problems it can be very difficult and there's a number of obstacles exist for me and the Disability Discrimination Act is not being strictly adhered to in many areas of public transport system. It's difficult to make complaints we've heard. They're often interpreted – I'm

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sorry Richard isn't still here, in a way to suit the organisation to which I complain and my complaint becomes a criticism rather than a helpful tool to use to deal with the problems as they arise.

- 5 State Transit appears to be making definite effort to improve their customer service and I think that's been attested to during the last two days. On approaching them with my problems two years ago I've found a great improvement. However, what I still have and I'm going to give you two examples, we still have individual drivers who are totally unaware of any disability awareness of any sort and how to handle their customers.
- 10 Perfect example, last night and this isn't in my submission by the way, last night I was going home from me having heard what I'd heard, changed buses where I have to change, got on a bus, asked the driver to wait til I was seated which the Disability Discrimination Act says that I must make it known that I have a problem and I do it very nicely because I've got to know a lot of the drivers; didn't know this particular driver, I asked him to
- 15 wait til I was seated to which he immediately took off with a jerk.

I nearly fell because of my knees and ankles; managed to stop myself. When I was getting off I said, look next time can you please wait til I'm seated. I have to, as I'm stepping off the bus, I have to hold on to the handle of the door, sometimes I have the

20 door. I have to hold on as I'm stepping off because I have difficulties of going up and down steps and I have to make sure my feet are firmly on the footpath before I move away. As I was doing that he closed the door on my hand. Rest assured when I got home I put the e-mails on and the depot got a complaint.

- 25 This morning as I'm leaving home I get on the bus, the bus driver says, oh, you're here again this morning because, you know, I was the only passenger on the bus at quarter past six and I told him where I was going and he said, oh that sounds interesting and I sat down and didn't – no further talk until I got to where I had to change buses to which I got, have a nice day, I hope it all goes well for you. They are two examples of provider
- 30 attitude. One is a problem, one you leave the bus feeling so good and so by the way so does the driver. The other driver has driven off in an angry mood and will take it out on the next customer.

When I went to State Transit and put my problem to them they were absolutely

35 wonderful. I met with the general manager of the western region. He immediately or as close to immediately as he humanly possibly could took steps to deal with what I presented to him. As I result I saw buses coming in closer, kneeling, doing things automatically without me having to ask and that is still happening. I live in a retirement village, moved there six years ago and people in the retirement village just love me and

40 I'll tell you why, one is that they love me because the know the work that I did with State Transit. They, who have just had to give up their cars, who have been driving all their lives, had to give up their cars suddenly find they have to use public transport and they are terrified. I have even gone out with some of them to help them in the first instance but they have said, what an improvement the buses are.

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So with that we then have the problem of State Transit trying very hard to do the right thing. I was even instrumental in and some of you have been in buses, some of you may not have seen them, there's a brochure going around that says, safety for seniors. You've seen it? Well if you look you'll see, my back is in that, not my front.

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MS O'LOUGHLIN: There are also signs on the buses as well advising of the brochure that I've seen.

10 MS MYERS: That's right. Those photos were actually taken by Muir Village; the people in those photos are residents of Muir Village. I couldn't be in it because I look too young and we had a great day but I was able to contribute something in a way that helped deal with the problem and become part of the solution, not just part of the problem and I think we need to encourage people to become part of the solution not just part of the problem. However – sorry, I'm jumping ahead. They are hindered with the work that
15 they're doing and I'm not just talking about the Ryde area, I'm talking right throughout the whole of Sydney and no doubt Newcastle. They're hindered because there are posts, there are street lights, there's street furniture, there's garbage bins, you name it and a bus will pull into the bus stop and there's a bin, a wheelchair and a pram cannot get into the bus. It means the bus driver has to move up or back up because of street furniture in the
20 way.

I can understand in some ways particularly along Victoria Road, I've identified many a problem along Victoria Road and I can understand it in some ways because it's old and they've tried to make the roads wider and they've taken more and more footpath away
25 and so the post is right on the edge of the gutter. If a driver hits his mirror on that post because it's a standing obstacle he gets into trouble and three strikes and you're out. I believe there is a strong need for the RTA, the electrical people and councils, State Transit and local – this was said yesterday too, to work together, stop working away from one another and work together so that we achieve what everybody wants to achieve but
30 regrettably I cannot say the same for Transport Infrastructure Corporation or Railcorp.

It appears to me whenever I raise an issue in relation to infrastructure problems usually caused by the redevelopment of a station so they've gone into the station to redevelop it, they create problems and when you see the photos you'll see what I mean and the only
35 response I get is, we are within Australian Standards. I'm of the opinion this is a way of avoiding taking responsibility for the problem and therefore not taking necessary steps to deal with the issue in an appropriate manner. An example is Epping Station and today I – we're just going to show some photos.

40 During the construction work I'm pleased to say any minor problem I brought to the attention of TDIC with the exception of one was always quickly rectified usually with the assistance of station management. However, now the station is opened I have a problem because the escalators are too fast and I cannot get on it under any circumstances. I reported it on the day of the opening. I was told it would be slowed down, just a teething
45 problem. The escalators are still too fast. Two days ago, just on the Wednesday before coming here I was down at Epping Station and the lift was out of order, I was able to

walk down the steps of platform three, my friend there went down the escalator, I went down the steps.

It's difficult for me to go down steps but it was safer than attempting the escalator.

5 Platform 1, if I go to platform 1 the lift is out of order I'm there, I had better find somebody with a sleeping bag somewhere near the station because I cannot get out of the station. If the lift is out of order there is no other means of getting out of there except for the escalators and therefore I believe they do not meet Australian standards but in saying that I do not understand Australian Standards.

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So it means that if I go up there and the lift is out of order as happened the other day I cannot get to my destination. Means I've got to go home and reorganise myself. When I spoke to the TDIC I got told and I've got it in writing they're to Australian Standards. However, it's interesting to note that I accidentally one day found myself at Chatswood.

15

I was doing someone a good deed and it meant I had to go to Chatswood via the train from St Leonards instead of getting the bus which I normally would do. I suddenly woke up that I was on the escalator and thought, that's funny, what am I doing here.

So I went back and did it again. Then I went onto the other escalator to go back up.

20

Those escalators were slower. It was then interesting to note that when Jane and I went over to compare it the other day I went to get on the escalator and it was too fast and I thought, that's funny, so we moved on seeing that there was another escalator just further along; that must have been the one that I got on because the escalator that was too fast was just slightly further along. So what we discovered at Chatswood was there are three different speeds. They are also, those three different speeds are different again to the speed at Epping.

25

When I got the call back from TDIC to say look we will meet with you, we've repented and we'll meet and I mentioned it to him, he said, yes, I found that out. He said, I said to them what will I say to Hazel now. They obviously are a bit like me they don't understand the Australian Standards. I submit to you as I believe this to be right, no lay person should have to understand the Australian Standards. I have had them explained to me a little bit and I have a slight better understanding than what I had a week ago but why do I have to understand the human standards. To me, these buildings, the problems that arise while the buildings are happening should be dealt with quickly, quietly and efficiently keeping in mind the human requirements in conjunction with the building standards. It is obvious from my experience with Epping this is not the case at present.

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It is a real concern to me and it's been great to hear this over the last two days. My only source of redress is to attempt to prove discrimination through the Human Rights Commission or the Federal Court. As a pensioner with no other income there is absolutely no way that I could even think about it so I wrote in my submission that I would like to see another organisation along the lines of the ombudsman who would listen to people with complaints on transport and how many times have we heard that in the last couple of days.

45

I believe this would alleviate frivolous complaints going to the Human Rights and speed up the resolution process. It is also a fact that no one knows how to complain. If they ring 131500 find the response unsatisfactory and I've had more than one bad experience. Richard was saying to me yesterday that it won't be long before that will be the only source of complaint; you won't be able to just go to your local depots or whatever, you will have to go through because they want to build up numbers.

10 I once went to 131500 when I was complaining about West Ryde Station having had a fall to be told, what's your problem, there is no problem, we've looked at it. When I took the safety regulator to West Ryde Station they closed down a set of steps because I said they were full of concrete cancer, Railcorp said they weren't. That was four years ago and those steps are still closed down. So what I would like to see, I would like to see Railcorp and Transport Infrastructure be more responsive to the requirements of the disabled public not just putting lifts in stations for which I commend them but ensure there is adequate infrastructure aimed to assist those with hidden disabilities such as myself.

20 I would also like to see them behave more positively towards concerns expressed by members of the public. I would like to at this point just give an example, not very long ago I was at Epping Station, I was waiting for the bus and I had just put my bag on the seat to get my ticket out and tripped. Thought that's funny, why did I trip. It was because the floor, the path and I'd say because of the rain probably had dropped about that much and there was quite a significant gap of about three inches between where the seat was and the actual footpath. I rang my contact person; I told him there was a problem, I told him I had found it by accident. They rang me back that afternoon and said look we're having trouble finding it. I said, where are you? They told me, I said right, keep walking, I told them where to go. Oh, he said, I see what you mean. The next day the problem was rectified.

30 These are the sorts of things that if I make a complaint and I don't like, Jane will tell you, I don't like the word complaint because I don't think it is necessarily a complaint; I think it is saying, look guys there's a problem here, let's work together to fix it. Does that constitute a complaint? So in conclusion, the complaint mechanism with Railcorp and Transport Infrastructure Corporation is greatly hindered by defensive attitudes of management of these two organisations and I believe attitude problems need to be addressed in order to simplify the handling of complaints and accelerate the rectification of concerns held by the disabled.

40 This would include stringent training of their senior officers. All organisations need to work together, that is councils, State Transit, Railcorp, Transport Infrastructure, Road Traffic Authority and all those with a responsibility of delivering a safe environment during redevelopment projects not only for the disabled but also for the elderly and mothers with prams and young children as well as the community as a whole. I then go on to say and we've heard this so many times, the complaints mechanisms need to be simpler and friendlier for the general public. Thank you.

Before I finish, you've heard me talk of Epping Station; I went for a walk and I took some photos. First of all, Peter Simpson through a colleague of mine Peter was able to come to Epping and give me some advice and some of you are sitting there wondering why I took a photo of a post. I always take photos of posts. This post, if you look at the
5 arrow, it's actually sending sight impaired people immediately into the flow of traffic and I made sure, I had a car there to show it. Can I say that Peter brought that to my attention. It took me two days to find the right person to speak to in RTA but before the lights were turned on on the Friday because I was up there on Friday before they were turned on that arrow was moved slightly to the left and actually now sends sight impaired
10 people the right way. Maybe a slight over correction but is much safer now. Thanks Jane.

Again, this is the problem, you can probably see that more clearly this time, bit less shadow. You can see if the sight impaired person went – they'd walk straight in front of
15 that car. You ever tried taking a photo when the car is on the move and doesn't know what you're doing. You could see that that's what was going to happen but we were able to fix it and again just another one. This, we used to have a ramp at Epping but it was built before the standards and they told us in the media it didn't comply. However, what I've read in the standards is, if something was built before the standards it doesn't have to
20 comply. So what they have done is they have – Jane, can I have the arrow? They have sent us – if the lift is broken down which happens all – well at least two or three times, we are sent through here. This was taken on a Sunday and they weren't working.

As you can see the building site was not secured. You can see where there's a trip hazard
25 there, not only just for somebody with a sight impediment or anything but just anybody. So what happens is if you are – the lift is broken down, you can't take the steps and you'll see why many people can't; you have to – you come up to the station from Beecroft Road and you have to walk along here, you then have to go in there and through there, you can see I could not take Peter through there when he came to do the inspection.
30 There was no room for a wheelchair but Hazel cries, guess what, that's the wheelchair access if the lift is broken down. There's no other access to the station. So that's what we had to do.

We then come up to this point here, I've just taken this looking back down actually and
35 again you can see the trip hazard and the fact that there's no room for wheelchairs. We then had to cross here, so we cross here.

MS BRYCE: Without signals?

40 MS MYERS: There's no signals and you're able to see where it's a blind corner, you cross here, you walk across you then cross the street here by the way, it's not closed off, there are cars there. We had to walk – see this car here, the person crossing the road has got no way of knowing until he's actually in here whether he's going to turn left or
45 continue on. So we have to walk along there. Here you can see how that corner, because that's where we've come from, and the corner here, the cars can't see and certainly you can't see the cars.

Now you've walked across the bridge. This is one of the new ramps for wheelchairs and I'm told they're Australian Standards. I'm going to let people form their own opinions. Here we are, we're still walking, we're still going in the general direction. That car there
5 may have been going to turn left. I have no way of knowing until he's actually come. So I'm walking across from there to there to go into there, to walk across the bridge and this is what I'm doing. Again with a ramp that I'm told complies.

10 Here's another one, this ramp - this particular ramp was so steep for me with my knees it actually hurt my knees and I was terrified of falling and I'm told it complies.

MS BRYCE: Hazel, can I just check, does it comply or was it designed by a civil engineer to comply?

15 MS MYERS: It is their understanding it complies. It is understanding the new walkway complies but you have to walk across a bridge, so you're going away from the building site, you're actually going out from the site, you're nowhere near the station. The station isn't even in view and that's what you have to do. You then have to cross the road with
20 this sort of hazards and then walk back. The interesting thing is you're supposed to walk back on this side. Now a sight impaired person who goes to the lights and crosses puts and the arrow says go this way so they go, then comes down to here and there's a fence across it, they can't go they have to come all the way back and start again.

25 This is the area where they're supposed to be walking. For people with wheelchairs for mothers with prams and I'm so disappointed Richard wasn't here because it is my understanding this was approved by the Ministry and I think the Ministry have failed in their duty. Here after Richard pointed all these things out to me because these are things I would never have know, this here comes from the lights, sends you into the wall. Jane
30 tells me that's okay because they've got a warning and they keep to the wall. However, where they're going to go is they'll come to the end of the wall and walk into a shop thinking they're going into the station.

35 This one is because I'm told that this is too short. The lady by the way knew I was taking the photo and she was quite happy just to stand there because obviously you wouldn't take photos of people's legs without them knowing. This ends there and you've got the ramp. Here is down at the station and there's no, there is in fact cars around but again
40 somebody tall, blind, sight impaired would hit them. These are the steps that if you find the lifts out of order these are the steps you go up or you take the long, three mile hike whichever is your preference.

45 Here, I just couldn't resist this and after all we've heard about taxis getting – if he had to open his back, see they're just having a nice conversation again, no standing, no stopping, there he is and sight impaired people, so there it is again. He's just having a big friendly chat so as you can see it doesn't – well in my opinion I didn't think it complied so I did
ask the question to be told, no, it doesn't and I know that State Rail are going to or Railcorp are going to continue until it will continue to tell me it complies and they know

that I can't afford to take them to the Human Rights so what do I do, this is what we have to live with for the next 1500 years. Thank you.

5 MS O'LOUGHLIN: Thank you, Hazel.

COMMENT FROM THE AUDIENCE – NOT TRANSCRIBED

10 MS O'LOUGHLIN: It's good also to see the slides as it was this morning as well, that's very helpful.

MS MYERS: You've got the realistic thing as to why, you know, they're not there, they're nowhere near there, they're building this wonderful state of the art stations. They
15 stations as well as the escalators as well as the toilet doors. I felt disinclined to take photos inside the station area so but they've failed in Epping and when I said to, just to finish, I've said to them, Epping Station is like when I was a child and I was promised a present it was either Christmas or a birthday and then finally the day got there, I opened the present and took it out of the box and it didn't work. They promised me Epping
20 Station for a long time and it doesn't work.

MS O'LOUGHLIN: And it's a major major station, isn't it?

MS MYERS: It's a major station and it's interesting that similar problems exist at
25 Chatswood.

MS O'LOUGHLIN: And that's major too.

MS O'LOUGHLIN: Thank you very much and I think we now have some – I don't
30 know if people are ready for this but we have some afternoon tea to finalise the session.

COMMENT FROM THE AUDIENCE – NOT TRANSCRIBED

35 MS O'LOUGHLIN: Thank you and can I also thank very much Mark who has been transcribing for us which is a bit of a solitary task alone over there and I'd also like to thank Maddie who has been with us for several days and such a lovely nature in caring for all of us and thank you all for coming and please have some afternoon tea.
40

MATTER ADJOURNED at 2.56 pm INDEFINITELY