

20 July 2022

Our ref: [BT: H&D/DAN]

Margery Nicoll  
Acting Chief Executive Officer  
Law Council of Australia  
19 Torrens Street  
Braddon ACT 2612

By email: [REDACTED]

Dear Ms Nicoll

### **Stage 2 Reform of the Disability Standards for Accessible Public Transport 2022**

Thank you for the opportunity to provide feedback on the Stage 2 Reform of the Disability Standards for Accessible Public Transport 2022 (**Transport Disability Standards**), which is being undertaken by the Australian Government Department of Infrastructure, Transport, Regional Development and Communications in partnership with the Queensland Government (**Consultation**). The Queensland Law Society (**QLS**) appreciates being consulted on this important Consultation.

This response has been compiled by the QLS Health & Disability Law Committee, whose members have substantial expertise in this area. The submission also has the benefit of input from the QLS Diverse Abilities Network (**DAN**), whose members have lived disability experience with utilising public transport services.

We have not received feedback in response to the Consultation's targeted questions. However, our members agree that the Public Interest Advocacy Centre's proposed structural reforms to the Transport Disability Standards look reasonable and practical and would result in applicability across a range of issues.

The Consultation Paper seeks feedback on the extent of current issues faced by people with disability who use public transport and any situations where discrimination may occur. One member of the DAN has shared their personal story below:

*[As a blind person] I have a photo ID 'travel pass' which allows me free public transport - I believe it is a QLD transport initiative for blind people. In the early years I tended to mobilise without my cane as I would get angry at the treatment I'd receive with my cane - i.e., people unwilling to get up out of the disability seating sections (mainly school kids), people racing to beat me to a seat etc. But without my cane a bus driver looked at my travel pass and told me I didn't look blind (because I had no cane or glasses or guide dog) and almost refused me transport - I had to argue my legitimacy with the photo ID. This was many years ago so I hope training has improved.*

*Nowadays I'd say my biggest issue is signage - not being visible enough, especially when there's no person to assist etc.*

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*Flights have generally been good except one airline almost forgot me when I was flying alone even when I booked my ticket asking for boarding assistance - assistance never came - so I refuse to travel with that airline now.*

*I always use my cane now if I am alone which is more for my safety. In saying that, simply walking down Queen Street mall to the IDPwD event at HSF last year - using my cane I walked down the tactile blind lines of the mall and had a handful of near misses (only because I was quick enough to get out of the way) and one collision with a person - people just don't look where they're going.*

*My experiences certainly aren't as bad as others' and I'm very sorry to hear it - but I hope it gives another insight. Perils with and without an aid (for those who can opt to choose) - it seems there is no winning with an ignorant society.*


*(I should also add, a bit off topic, that at the anti-discrimination commission I took my husband as a support person - I was a secretary at the time (not studying law) and young, and Craig was a lawyer but not representing me - just driving me there & supporting me. The other party brought along the bus driver, the HR manager, and the CEO - they could all speak but the conciliator told my husband he could not because he was a lawyer (despite him being there solely in a support person capacity). It was very intimidating and I think another injustice with the 3:1 ratio of representation.)*

Members of the DAN have commented that bus route numbers are very difficult to see, and buses do not always stop if not hailed in time. Trams and trains are generally easier to navigate for those with partial or full eyesight loss, because routes are fixed and there are verbal announcements as to platform numbers and arrival/departure times. However, DAN members highlight that wheelchair users have different experiences with accessibility in relation to trains, as there are considerable height differences between trains and platforms, and you need to alert an operator for assistance. In this respect, we note the trams on the Gold Coast are level with the platform.

We also highlight that significant discrimination continues to be experienced by persons with disability, including members of the DAN, while travelling domestically by plane. While there are complexities with air travel given airlines are private entities, we consider the issue is relevant to the question about possible reforms to federal anti-discrimination laws.

We query in particular whether some aspects of domestic air travel are carried out by public bodies (for example, security checks at airports) and could be captured under further reforms to anti-discrimination laws.

We also urge the Law Council to use the Consultation as an opportunity to further advocate for a federal human rights act, which would serve as a guiding principle for interpretation of other legislative instruments, including the Transport Disability Standards.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via 

Yours faithfully



Kara Thomson  
President