

14 January 2018

Submission to Australian Human Rights Commission (AHRC) regarding the State of Queensland Next Generation Rollingstock (NGR) train exemption

Lodged by [REDACTED]

Dear AHRC,

I wish to make the following submission to the Australian Human Rights Commission relating to the Application for Temporary Exemptions for three years for the NGR trains by the State of Queensland (through the Department of Transport & Main Roads) and Queensland Rail. This submission is made as a citizen in the State of Queensland in a personal capacity and should not be taken to represent the view of any organisation or group.

I have a high level physical disability and require a powered wheelchair and support person to attend events in the community. Train travel is my preferred travel method, for reasons I will explain in due course. I write from this perspective of lived experience with disability.

### **1. Reasons for granting an exemption**

I do not believe there is any sound or reasonable justification for granting an exemption. The NGR should be brought to a state of accessibility and compliance before they go into service. The issues that needed to be addressed have been well known for a considerable period of time yet remain unreconciled. It is my understanding that the Qld Government has known of legitimate concerns regarding the discriminatory design of the NGR and has dismissed them for over two years. It is not an oversight or unfortunate accident requiring AHRC reprieve; it is a hallmark of a dysfunctional organisation that is in dire need of reform.

As a person with a disability, I find it both insulting and absurd that in 2018 the State of Queensland would design, purchase and commence running a brand new train that does not meet the most basic disability access requirements. Particularly as disability access standards have been set down for a very long time and disability access is plainly a core requirement for such projects. Granting a temporary exemption for the NGR only rewards poor procurement practice and validate a refusal to consult with the disability sector pre-procurement.

### **2. Impact on individuals or others on the particular exemptions sought**

As stated earlier, train travel is my preferred travel method. The relatively smooth acceleration, cornering, and braking, offer greater stability to my wheelchair and I than other public transport options. I currently rely on the

Queensland Rail train network for affordable and accessible travel around Brisbane, and occasionally further in south-east Queensland, for both recreation purposes as well as commuting to work. Proximity to an accessible rail station was my primary criteria in choosing my current home. Without accessible train travel, I would be mostly confined to my home suburb and therefore limited in my ability to engage with social, work and voluntary commitments. In short, reliable access to the train network is vital to my personal wellbeing and my contribution to society.

The relocation of the guard cab to the end of the train in the NGR will put the guards some 70m from the assisted boarding point. There is significant physical infrastructure at these boarding points (wayfinding devices and communication points at all locations, plus raised platforms, locked boarding ramps, lifts and station staff in some locations). They are not easily shifted, nor should they be. They are currently located at the widest part of the platform, near the stationmaster (where present); that is, they are currently located at the safest part. To move them elsewhere would increase the danger level.

The proposal for closed circuit video systems to bridge this 70m gap requires the guard to be in two places at once: surveying the platform from the outside, as well as being inside the train to watch the screen. Any failure of the device would make the assisted boarding point invisible to the guard.

The guard is more often than not the one who assists me onto the train (occasionally, at major stations, the station staff will do so). This requires unlocking the ramp from either the station or the guard cab, holding it in position whilst I board, and re-stowing the ramp afterwards. A crucial piece of information is also taken: the destination station. However, with the NGR, the guard will need to travel 70m to and from the cab to assist me, unnecessarily delaying the train. In the event that station staff is able to assist me to board, there will be no way to convey to the guard what my destination station is. I fear I will be left on board. CCTV and additional station staff are inadequate solutions to this problem.

I currently access the toilets on board the train when travelling to the Sunshine Coast to see my parents; that is, on long distance trips. I require room for both myself and an assistant. As I understand it, the wheelchair access spaces in the new NGR have an access way that is less than 650 mm in places. This is well below the current access standards. My wheelchair is about 700 mm wide and therefore I would have no chance of accessing the NGR toilet. It is incredible that such simple design requirements were not included in the original procurement brief.

### **3. Long term gain versus short term pain**

As stated earlier, I do not believe there is any sound or reasonable justification for granting an exemption. The NGR should be brought to a state of accessibility and compliance before they go into service. Similarly, all other comments in item 1 above apply here.

#### **4. Conditions to be imposed on the granting of an exemption**

I do not believe there are any sound conditions, such as operational conditions, that could be successfully imposed on any exemption granted. Whilst procuring of the NGR was an issue for the State of Queensland, any operational condition would become an issue for Queensland Rail. With the recent opening of the Kippa-Ring line and subsequent 'sudden' driver shortage, Queensland Rail provided customers with months of logistics failures, wherein assets, staff, systems and timetabling were poorly managed. Given this, the AHRC should be wary that any conditions they impose on any exemption may not be adhered to anyway. That is, any condition would not achieve the AHRC's intentions or objectives.

#### **Conclusion**

Granting an exemption will only reward, and further entrench, poor performance by Queensland Rail. Fostering and driving reform requires demanding that the organisation overhaul its systems and processes and set high standards for achievement. The AHRC can assist that process by rejecting this exemption and demanding that the State of Queensland meet its requirements now and into the future.

I strongly encourage the Australian Human Rights Commission to reject this temporary exemption in the interests of all Australians with a disability.

Yours sincerely

