

PRIVATE SUBMISSION – NAME SUPPRESSED
RE: Human Rights Bill 2018

Key Issues:

It is acknowledged that the Qld Human Rights Bill 2018 is modelled on similar legislation in both the Australian Capital Territory and in Victoria¹. It is further acknowledged that the Bill is based on a “dialogue model”¹

However, Qld is unique within Australian states in that it is the only state jurisdiction with a unicameral parliament. In the context of this Bill, both the ACT and Victoria have parliamentary houses of review – therefore a dialogue model of a Charter of Human Rights may be appropriate in those jurisdictions – because there already exists a parliamentary body and process that has authority to act as a check on the legislature and the executive.

In the absence of a parliamentary upper house in Qld that has the power to fulfil a review role and, as such, ensure that legislation does not excessively override Human Rights, it becomes essential for a Human Rights Bill to give this authority to the Judiciary – as the only other arm of government capable of exercising prudent authority to ensure that both the legislature and the executive do not unnecessarily or excessively exercise authority that is incompatible with Human Rights.

While appreciating that it is less than ideal to hand authority to the judiciary (non-elected people) over the legislature/parliament (elected representatives), in the absence of proposing restoration of Qld parliament’s Upper House as a House of Review, a Human Bill of Rights that instils and ensures entrenched Human Rights (ie like the United States’ ‘Constitutional’ model)¹ would be much more appropriate than the dialogue model and the specific model outlined in the current Bill.

Recent examples of Qld legislative and administrative actions that could be perceived as being incompatible with the Human Rights of People with a Disability that demonstrate the need for amendments to the Bill in order to actually deliver Human Rights (rather than merely deliver potentially ineffective discussions) are provided in Appendix A. These examples demonstrate recent apparent infringements on Human Rights in Qld and the Bill, as currently proposed, will not address or rectify these infringements, nor prevent similar issues occurring again in the future.

Recommendation:

Because Qld has a unicameral parliament and has no parliamentary House of Review, the **Human Rights Bill 2018 should be amended to enact a ‘constitutional’/entrenched model of Human Rights in Qld** – ie one that specifically empowers the judiciary to invalidate legislation and executive actions that violate or that are incompatible with the Human Rights protected in the Qld Human Rights Bill

¹ Human Rights Bill 2018 Explanatory Notes

<https://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T1768.pdf>

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Appendix A

Examples of the need for amendments to the Human Rights Bill 2018 in order to actually deliver and ensure protection of Human Rights (rather than ineffective discussions)

Examples of recent Qld legislative and administrative actions that appear to be incompatible with Human Rights – with specific reference to transport matters and People with a Disability who use large powered mobility devices:

1. Administrative Ministerial decisions and actions, and Departmental actions that appear to be incompatible with Human Rights for People with a Disability – applying different rules and regulations to able-bodied people using motorised mobility devices vs people with a disability using motorised mobility devices

There has been a recent Senate Inquiry into motorised mobility devices², and Qld has specific requirements regarding registration and declarations by users regarding motorised mobility devices that are necessary for people with a disability (eg mobility scooters or power wheelchairs)³.

These motorised (disability) mobility devices are limited to maximum speeds of 10 km/h.

In stark contrast to these strict requirements for motorised mobility devices for use by people with a disability, the Minister for Transport and Main Roads has stated in parliament regarding Lime electric scooters that [able-bodied] "People will be keen to give Lime a go"⁴

The Minister also stated "Lime's electric scooters have a 250-watt motor and can reach speeds of up to 27 kilometres per hour. This means that they do not currently comply with Queensland laws and regulations. However, the Palaszczuk government is keen to facilitate and fast-track this new mobility service. I will be including offering a temporary exemption from our regulations"⁵

This has also been promoted on the Department of Transport and Main Roads (Queensland) (TMR) Facebook page⁶ and by the RACQ⁷

² Need for regulation of mobility scooters, also known as motorised wheelchairs
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/MobilityScooters/Report

³ <https://www.qld.gov.au/transport/registration/register/wheelchair>,
<https://www.support.transport.qld.gov.au/qt/formdat.nsf/Forms/QF3518>,
<https://www.support.transport.qld.gov.au/qt/formdat.nsf/forms/QF3529>,
<https://www.support.transport.qld.gov.au/qt/formdat.nsf/forms/QF4414>,
<https://www.qld.gov.au/transport/licensing/driver-licensing/identity#address>,
<https://www.qld.gov.au/transport/licensing/driver-licensing/identity>,
<https://www.qld.gov.au/transport/registration/numberplate/replace-change>

⁴ RECORD OF PROCEEDINGS FIRST SESSION OF THE FIFTY-SIXTH PARLIAMENT Thursday, 15 November 2018
https://www.parliament.qld.gov.au/documents/hansard/2018/2018_11_15_WEEKLY.pdf

⁵ RECORD OF PROCEEDINGS FIRST SESSION OF THE FIFTY-SIXTH PARLIAMENT Thursday, 15 November 2018
https://www.parliament.qld.gov.au/documents/hansard/2018/2018_11_15_WEEKLY.pdf

⁶ <https://www.facebook.com/TMRQld/photos/a.295748123801411/2028237697219103/?type=3&theater>

⁷ <https://live.racq.com.au/2018/11/racq-supports-electric-scooter-trial/>

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Specific comments on the TMR Facebook page⁸ regarding the Lime electric scooters include:

*“Peter Finn These are everywhere in the states, glad they are here now. **Fun way to travel!**”*

*Reply: “**Department of Transport and Main Roads (Queensland) We think so, Peter. TMR is committed to work with companies like Lime to provide innovative travel. We met with Lime to develop a safe solution for the trial of their e-scooters in Brisbane and are currently considering options for legislative amendments to ensure e-scooters and other innovative devices are used safely in Queensland.**”⁹*

Surely issues such as the safety and accountability of users and non-users (pedestrians, cyclists, road users etc) must be fully resolved (just as they have been for people who use motorised mobility devices for their disability and/or as recommended by the Senate Inquiry) prior to the introduction of these relatively high speed devices.

It is appreciated that there are questions to be considered – including matters such as:

- *Should there be a need for different rules for different types of motorised mobility devices? If so, what are they? Should they include helmets?*
- *Should the government allow or succumb to the push/urgency created by a commercial operator to over-ride the need to ensure community safety and accountability prior to the legal use of these devices in Qld?*

All of this demonstrates that there are very significant barriers that must be specifically addressed in order for People with a Disability to legally use their motorised mobility devices to be able to leave their house and access the community, but that able-bodied people who want to have a ‘fun way to travel’ are exempt from the same rigorous requirements.

Therefore, there is a fundamental Human Rights perspective that has been overlooked or ignored:

Why do People With a Disability - who need to use motorised mobility devices for essential community access have to follow complex rules (ID confirmation to TMR office, signed undertaking to TMR, registration of power wheelchair and attachment of official TMR number plate, and have speed limited to 10 km/hr), whereas this "trial" (as the Minister said in parliament "because people will be keen to give Lime a go") gives an exemption for able-bodied people to ride motorised mobility devices with no ID check, no signed document to TMR, no vehicle registration, no vehicle number plate so that the public can identify a vehicle that might cause injury or damage?

It is clear that People With a Disability will feel that this situation is discriminatory. As such, this government action certainly seems incompatible with Human Rights and, as a consequence of this government action, legalised actions and activities by a private foreign corporation have been permitted that also appear to be incompatible with Human Rights (ie failure to provide equal services for People with a Disability and/or failure not to discriminate against People with a Disability).

Clearly matters and examples such as these **are the reason for the introduction of a Qld Human Rights Bill** and demonstrate why actions such as these **warrant real accountability** – rather than mere dialogue – something that **will not occur if the Bill is passed unamended**.

⁸ <https://live.racq.com.au/2018/11/racq-supports-electric-scooter-trial/>

⁹ <https://www.facebook.com/TMRQld/photos/a.295748123801411/2028237697219103/?type=3&theater>

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2. Legislative changes that failed to ensure equality of services for People with a Disability

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) Article 4 General Obligations require the government

“1 (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities”¹⁰

A recent example that demonstrates the need for **strengthened specific rights and actual action** for rectification is demonstrated by the Qld government legalisation of booked hire transport services.

The mechanism and detail of the recent legislative changes has resulted in people with disabilities who use large motorised mobility devices (eg power wheelchairs and scooters) **specifically being denied access to these services** by some large service providers. Consequently, there are now current calls¹¹ on the government for urgent rectification of this outcome of Qld government legislative reforms in the transport arena.

The response of both the Department of Transport and Main Roads (see below) and the government via the legislative changes regarding Personalised Transport Reform¹² are totally incompatible with the statements in the current Government Policy document ‘All Abilities Queensland: Opportunities for All 2017-2020’:

“Our goal

Queenslanders with disability have the same opportunities as everyone else in the community to access services, such as housing, health, transport

What we will do

*.... We will work across Queensland Government service agencies to improve accessibility for people with disability to ensure universal services*¹³

As highlighted above, despite it being 43 years since the United Nations made a Declaration on the Rights of people with disabilities¹⁴, it being 37 years since the International Year of Disabled

¹⁰ United Nations Convention on the Rights of Persons with Disabilities

http://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf

¹¹ Submissions to Qld Parliament Transport and Public Works Committee Transport Technology Inquiry Number 20

<http://www.parliament.qld.gov.au/documents/committees/TPWC/2018/7TransportTechnology/submissions/Q20.pdf> & Number 21

<http://www.parliament.qld.gov.au/documents/committees/TPWC/2018/7TransportTechnology/submissions/Q21.pdf>

¹² Transport and Other Legislation (Hire Services) Amendment Regulation 2016 Subordinate Legislation 2016 No. 161 <https://www.legislation.qld.gov.au/view/pdf/asmade/sl-2016-0161> & Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017 Act No. 18 of 2017

<https://www.legislation.qld.gov.au/view/pdf/asmade/act-2017-018>

¹³ ALL ABILITIES QUEENSLAND: OPPORTUNITIES FOR ALL State disability plan 2017–2020

<https://www.communities.qld.gov.au/resources/disability/community-involvement/state-plan/all-abilities-queensland-plan.pdf>

¹⁴ Declaration on the Rights of Disabled Persons

Proclaimed by General Assembly resolution 3447 (XXX) of 9 December 1975 <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/001/60/IMG/NR000160.pdf?OpenElement>

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Persons¹⁵, and it being 10 years since Australia ratified the United Nations Convention on the Rights of Persons with Disabilities¹⁶, and Qld having the Disability Action Plan and Disability Services Act, the 2016 & 2017 changes to the on demand passenger transport legislation **witnessed the introduction and legalisation of transport services in Qld by large service providers that specifically discriminate against people with a disability.** Additionally, the recent procurement and commissioning into service of the NGR trains that fail to meet disability standards has occurred with input from Qld governments from both sides of politics

Actions speak louder than words.

Situations such as these, that have occurred during 2016-2018 and are ongoing, demonstrate that Qld not only needs a Charter of Disability Rights and incorporation of specific disability rights into the Human Rights Act, but that such an Act **needs to be able to hold the Qld government accountable.**

Unfortunately, it seems that the current Human Rights Bill 2018¹⁷ recently introduced into parliament which uses

“The ‘dialogue model’ of human rights protection as represented in this Bill”¹⁸

will not be able to effectively hold the government of the day accountable for true equality for people with a disability in circumstances such as those outlined above. Indeed, the Bill specifically states

*“54 Effect of declaration of incompatibility [by the Supreme Court]
 A declaration of incompatibility does not—
 (a) affect in any way the validity of the statutory provision for which the declaration was made; or
 (b) create in any person any legal right or give rise to any civil cause of action.”¹⁹*

At a time when large corporations are seeking exemptions from existing laws and regulations¹¹, this is another example that demonstrates apparent infringements on Human Rights in Qld and where the Human Rights Bill 2018, as currently proposed, will not address or rectify these infringements.

¹⁵ The International Year of Disabled Persons 1981 <https://www.un.org/development/desa/disabilities/the-international-year-of-disabled-persons-1981.html>

¹⁶ United Nations Convention on the Rights of Persons with Disabilities <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

¹⁷ Human Rights Bill 2018 <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T1767.pdf> & Human Rights Bill 2018 Explanatory Notes <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T1768.pdf>

¹⁸ Human Rights Bill 2018 Explanatory Notes <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T1768.pdf>

¹⁹ Human Rights Bill 2018 <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T1767.pdf>

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3. Policy implementation, Departmental actions, and Legislative changes that failed to ensure equality of services for People with a Disability

The Overview page of the Legal Affairs and Community Safety Committee website regarding the Human Rights Bill 2018 states that

“The objectives of the Bill are to:

- *establish and consolidate statutory protections for certain human rights;*
- *ensure that public functions are exercised in a way that is compatible with human rights;*
.....”²⁰

The need for the Human Rights Bill 2018 to be amended in such a way that will hold the government truly externally accountable to “ensure that public functions are exercised in a way that is compatible with human rights” (as stated above) is further demonstrated below.

The reply provided in the Transport and Public Works Committee Public Briefing by TMR staff on 29/10/2018 in response to a question about disability accessible transport from the Hon Mr Robbie Katter MP, Ms Suzanne Rose Executive Director (Service Policy), Department of Transport and Main Roads stated:

*“ Just one point that I think is worth clarifying in terms of the accessibility of the taxi fleet and rideshare, those requirements are governed or regulated by the Commonwealth government. ”*²¹

This reply is completely incompatible with the historical evidence and the reality. It is also at odds with content within both the Department of Transport and Main Roads Disability Service Plan 2017-2020 and the Department of Transport and Main Roads Disability Action Plan – Improving Access to 2017.

²⁰ <https://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/current-inquiries/HumanRights2018>

²¹ TRANSPORT AND PUBLIC WORKS COMMITTEE PUBLIC HEARING—INQUIRY INTO TRANSPORT TECHNOLOGY TRANSCRIPT OF PROCEEDINGS MONDAY, 29 OCTOBER 2018 Brisbane
<http://www.parliament.qld.gov.au/documents/committees/TPWC/2018/7TransportTechnology/7-trns-29OCT2018.pdf>

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The Commonwealth government undertakes periodic reviews of the **Disability Standards for Accessible Public Transport**. The most recent 'Final Report' of the review (published in 2015) of the 2002 Standards is available²² and highlights how Australian States have been working to improve transport accessibility for PWD:

Table 4: Wheelchair accessible taxis as a proportion of taxi fleets in each state and territory for 2001, 2007 and 2012

State or Territory	2001	2007	2012
	%	%	%
New South Wales	5.4	9.9	12.3
Victoria	6	8.1	11.9 ¹
Queensland	10	15.2	19.7
South Australia	7	7	9
Western Australia	8	6.3	4.9 ²
Tasmania	0	7.8	11.4
Northern Territory	4.9	18.8	19
Australian Capital Territory	9.4	5.2	5

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The excellent results in Qld were achieved by specific actions taken by the Qld government and by the Department of Transport and Main Roads (ie they were not due to actions by the Commonwealth government) using a multi-pronged approach that included:

- Creating specific categories of Taxi Service Licences that required the mandatory use of a wheelchair accessible vehicle that met minimum government mandated requirements
- Mandating (both as a condition of the Taxi Service Licence and the Taxi Booking Company) that requests for services to users of wheelchairs were to be prioritised over other requests for services
- The Qld government entering into binding and enforceable contracts with the Taxi Booking Companies to ensure that PWD received priority and timely services
- At least quarterly monitoring and annual public reporting of Wheelchair Accessible Taxi response times in the Qld parliament Budget papers (as outlined below)

As can be seen from the above Commonwealth publication, the multi-pronged approach previously adopted by Qld achieved the highest proportion of wheelchair accessible taxis across all Australian states.

²² Review of the Disability Standards for Accessible Public Transport 2002 - Final Report July 2015
https://infrastructure.gov.au/transport/disabilities/review/files/Review_of_Disability_Standards_for_Accessible_Public_Transport.pdf

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The recent Personalised Transport Reforms in Qld – that includes the abolition of most of the above legislated elements have clearly been a retrograde step in terms of equality of services for PWD:

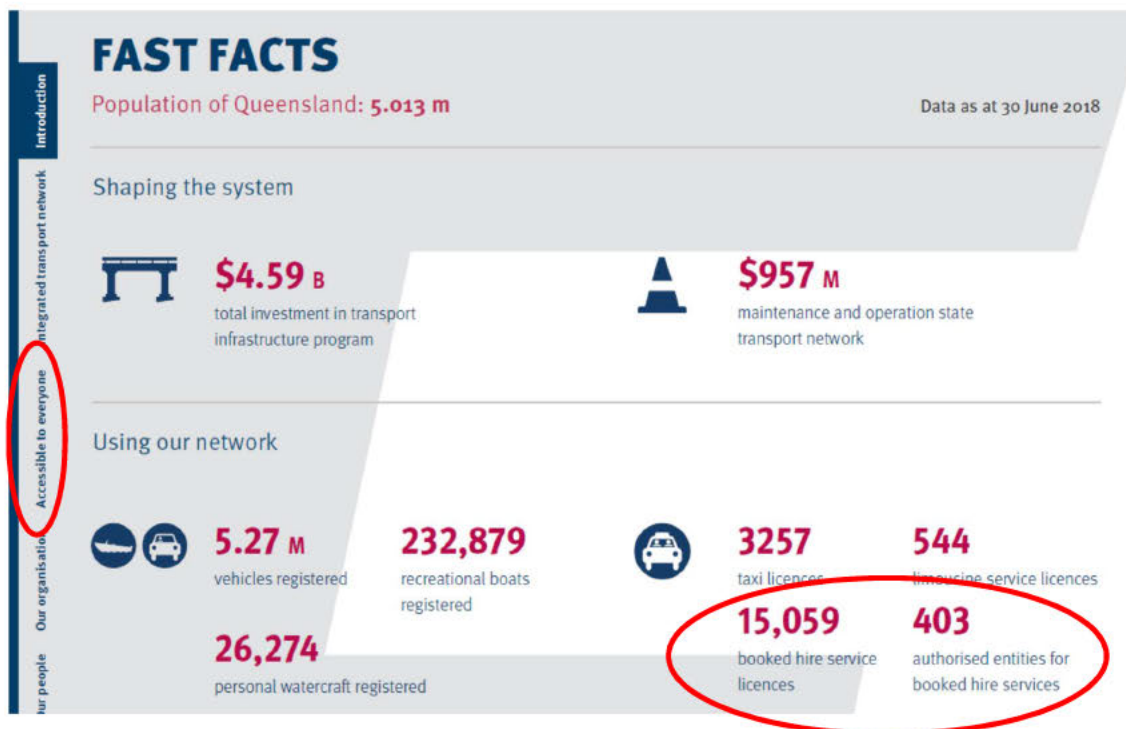
“Objectively, the reforms appear to have delivered a significant negative outcome/impact in a wide range of areas regarding transport for people with a disability - including:

- Reduction in percentage of vehicle fleet that are Wheelchair Accessible - from 19.7% to now approximately 4% (642 Wheelchair Accessible Taxis as a percentage of the now 16,000+ total booked hire vehicles plus taxi vehicles in identical areas)
- Loss of vehicle fleet consistency – including absence of standard braille on all entry points for all Personalised Transport vehicles
- Loss of standardised vehicle fleet livery (& lack of clear visibility of personalised transport vehicle identification).
 - Beyond issues pertaining to PWD, this also has clear implications for the general community – See the example in the attached Submission Number 20 to the TPWC Transport Technology inquiry regarding the Public Safety impacts when ‘new’ technology entrants gain exemptions from historical laws implemented for public safety - ‘fake ride-share’ driver alleged sex assault case - September 2018
- Loss of standardised frontline customer service staff (ie driver) uniforms
- Loss of standardised vehicle security measures – secure cameras and audio recording in all vehicles for all trips”²³

²³ Submissions to Qld Parliament Transport and Public Works Committee Transport Technology Inquiry Number 20
<http://www.parliament.qld.gov.au/documents/committees/TPWC/2018/7TransportTechnology/submissions/Q20.pdf>

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Separately, the Department of Transport & Main Roads Annual Report 2017-18²⁴ highlights key information:



Given the border statement on the left side of this snapshot stating **“Accessible to everyone”** There are important questions that need to be raised:

- How many of the ‘403 Authorised entities for booked hire services’ offer/provide ANY transport services for PWD who use large motorised mobility devices?
 - How many of these are non-taxi authorised booking entities?
 - What is the timeliness of any services that are provided?
- How many of the ‘15,059 booked hire service licences’ offer/provide ANY transport services for PWD who use large motorised mobility devices?
- Why has the government not mandated and ensured equality of service provision to PWD who use large motorised mobility devices?
- “Given the significant changes in the personalised transport sector and in the department’s role as regulator of the industry”²⁴ what is the viability and sustainability of the transport services for PWD – particularly now that data is no longer being collected or reported?
- When will this matter be rectified?

Given the government and **“the department’s role as regulator of the industry”²⁴**, and the historical success of the Qld government & department to achieve 20% of the Qld taxi fleet as Wheelchair Accessible Taxis and to achieve similar levels of service and timeliness for PWD who use wheelchairs when compared to all other members of the community, it is clearly incorrect and inappropriate for senior Departmental Staff to suggest that equality of services to PWD is a matter which is “governed

²⁴ Department of Transport and Main Roads Annual Report 2017-2018

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or regulated by the Commonwealth government”²⁵ in isolation and/or where the Qld government has no input, responsibility, or authority.

Words, ‘Plans’ and ‘Dialogue’ mean nothing in isolation. These only have relevance **if** the government **actions demonstrate a true commitment** to inclusion and equality.

As outlined above, the recent examples of booked hire services and NGR trains fail to convincingly demonstrate any such commitment and require a specific and empowered mechanism to truly be able to hold the government accountable with regard to Human Rights.

The Human Rights Bill needs to ensure that legislation is compatible with Human Rights and, via this mechanism, ensure that goods and services provided to Queenslanders – including those provided by private organisations (be it local or foreign) are also fully compatible with Human Rights. A Human Rights Bill **that instils and ensures entrenched Human Rights** will help **achieve this stated objective**²⁰ of the Bill.

²⁵ TRANSPORT AND PUBLIC WORKS COMMITTEE PUBLIC HEARING—INQUIRY INTO TRANSPORT TECHNOLOGY
TRANSCRIPT OF PROCEEDINGS MONDAY, 29 OCTOBER 2018 Brisbane
<http://www.parliament.qld.gov.au/documents/committees/TPWC/2018/7TransportTechnology/7-trns-29OCT2018.pdf>

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4. Administrative actions that cease monitoring and public reporting of deteriorating levels of services to People with a Disability during a period of government instigated industry de-regulation

The government's own documents demonstrating the 2017 deterioration in accessibility and availability of transport services to PWD followed by the subsequent listing of monitoring of relevant parameters as a "Discontinued Measure" again shows a lack of true commitment, is at odds with the government obligations under the UNCRPD, and appears incompatible with Human Rights for People With a Disability

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- Given these obligations, and during what is probably the greatest passenger transport reforms in Qld in 70 years, it is then difficult to understand why the Department of Transport and Main Roads has elected to discontinue monitoring and reporting of the provision of transport services to People with a Disability as stated in the 2018-2019 TMR SDS²⁶ despite TMR statements espousing commitment to transport for PWD

2018-19 service area highlights

The department will build on its achievements and continue its focus on delivering the Government's commitments for the people of Queensland, with 2018-19 highlights under this service area to include:

- implementation of 'short term' actions within the *Disability Action Plan 2018-2022* to improve the accessibility of the passenger transport network for people with disabilities, such as:
 - establishing an Accessible Transport Networks team which reports directly to the department's Director-General
 - continuing to provide funding through dedicated programs to upgrade existing and provide new, accessible passenger transport infrastructure
 - providing passenger transport concessions for people with disability, in accordance with the concessions framework
 - providing the Taxi Subsidy Scheme to assist eligible people with disability with the cost of accessible transport options.

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²⁶ Qld Budget 2018-19 Service Delivery Statements
 Department of Transport and Main Roads Pg 14 <https://budget.qld.gov.au/files/SDS-Transport%20and%20Main%20Roads-2018-19.pdf>

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Response times pertaining to transport for PWD which were previously monitored and reported and which showed deterioration during the reform process²⁷

Department of Transport and Main Roads	Notes	2016-17 Target/Est.	2016-17 Est. Actual	2017-18 Target/Est.
Service area: Passenger Transport Services				
Service standards <i>Effectiveness measures</i> Wheelchair accessible taxi response times compared to conventional taxi fleet response times:	M, 1			
Peak				
Percentage within 18 minutes:				
- Conventional		85	95	85
- Wheelchair		85	85	85
Percentage within 30 minutes:				
- Conventional		95	97	95
- Wheelchair		95	95	95
Off peak				
Percentage within 10 minutes:				
- Conventional		85	86	85
- Wheelchair	1	85	71	85
Percentage within 20 minutes:				
- Conventional		95	96	95
- Wheelchair	1	95	90	95

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1. Response times for wheelchair accessible taxi (WAT) services are longer than response times for conventional taxis. This may be due to drivers not prioritising wheelchair work or because they are engaged in providing other services under a contract with other entities such as the Department of Veterans' Affairs. The off peak results for wheelchair accessible services are below target and may be attributable in part to the industry changes and the personalised transport reform program currently being implemented. It is anticipated that WAT service levels will improve following the introduction of an incentive payment for drivers of wheelchair accessible taxis for services provided to Taxi Subsidy Scheme members identified as requiring a wheelchair to travel.

²⁷ Qld Budget 2017-2018 Service Delivery Statement Department of Transport and Main Roads
<https://s3.treasury.qld.gov.au/files/bp5-dtmr-2017-18.pdf>

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Are now listed as “Discontinued measures”²⁸

Discontinued measures

Performance measures included in the 2017-18 *Service Delivery Statements* that have been discontinued or replaced are reported in the following table with estimated actual results.

Department of Transport and Main Roads	Notes	2017-18 Target/Est.	2017-18 Est. Actual	2018-19 Target/Est.
Service area: Transport Infrastructure Management and Delivery				
Service area: Customer Experience				
Customer satisfaction ratings of public transport by service type (using a 0 - 100 index – 100 being excellent): Whole-of-Queensland: Taxi	2	≥67	..	Discontinued measure
Service Area: Passenger Transport Services				
Wheelchair accessible taxi response times compared to conventional taxi fleet response times:	2			Discontinued measure
Peak Percentage within 18 minutes: Conventional		85	85	Discontinued measure
Wheelchair		85	85	Discontinued measure
Peak Percentage within 30 minutes: Conventional		95	95	Discontinued measure
Wheelchair		95	95	Discontinued measure
Off peak Percentage within 10 minutes: Conventional		85	85	Discontinued measure
Wheelchair		85	85	Discontinued measure
Off peak Percentage within 20 minutes: Conventional		95	95	Discontinued measure
Wheelchair		95	95	Discontinued measure

Notes:

- The Queensland Government is in the process of delivering significant reform to the personalised transport industry. The intent of the reforms is to ensure Queensland residents have access to safe, accessible, affordable and accountable personalised transport services. The reform process has been underway since mid-2016. Given the significant changes in the personalised transport sector and in the department's role as regulator of the industry, the department will discontinue reporting taxi measures. As taxi customer satisfaction survey data was not collected for most of 2017-18, a reliable 2017-18 Estimated Actual result is not available.

²⁸ Qld Budget 2018-19 Service Delivery Statements Department of Transport and Main Roads Pg 18-19 <https://budget.qld.gov.au/files/SDS-Transport%20and%20Main%20Roads-2018-19.pdf>

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- TMR do have a spreadsheet template to collect data from Authorised Booking Entities²⁹
- However, this only collects a single data point for Taxi Subsidy Scheme (TSS) work (amongst other data) – and doesn't collect data for all journeys provided to People with Disabilities – in particular - it doesn't collect transport-related data regarding those who need to use large motorised mobility devices.
 - There are people with TSS cards who don't require a Wheelchair Accessible Taxi and who can travel in a conventional sedan
 - There are people who require the use of large powered mobility devices who are ineligible for a TSS card but who do require transport for themselves and their mobility device
 - Non-taxi Authorised Booking Entities are unable to accept TSS cards – therefore the current TMR data collection tool will not collect any data on the level of service these non-taxi Authorised Booking Entities provide to PWD³⁰

²⁹ <https://personalisedtransport.tmr.qld.gov.au/33519/documents/> & <https://personalisedtransport.tmr.qld.gov.au/33519/documents/79228/download>

³⁰ Submissions to Qld Parliament Transport and Public Works Committee Transport Technology Inquiry Number 20
<http://www.parliament.qld.gov.au/documents/committees/TPWC/2018/7TransportTechnology/submissions/Q20.pdf>

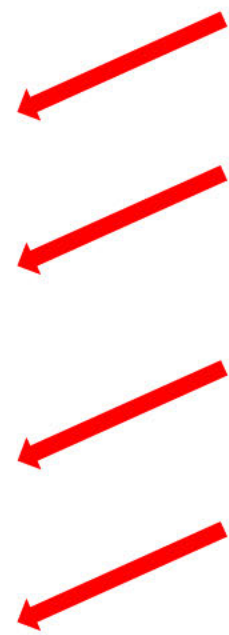
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These data issues regarding transport services for People with a Disability are clearly demonstrated in the Qld Budget 2018-19 Service Delivery Statements - Department of Transport and Main Roads (above) and with additional explanatory notes from the Department of Transport and Main Roads Annual Report 2017-2018²⁴:

Service standards	Notes	2017-18 Target / Estimate	2017-18 Actual	Status
Effectiveness measures				
Wheelchair accessible taxi response times compared to conventional taxi fleet response times	1			
Peak				
Percentage within 18 minutes				
Conventional		85	No Data	No Data
Wheelchair		85	No Data	No Data
Percentage within 30 minutes				
Conventional		95	No Data	No Data
Wheelchair		95	No Data	No Data
Off peak				
Percentage within 10 minutes				
Conventional		85	No Data	No Data
Wheelchair		85	No Data	No Data
Percentage within 20 minutes				
Conventional		95	No Data	No Data
Wheelchair		95	No Data	No Data

“Notes

*1. The Queensland Government is in the process of delivering significant reform to the personalised transport industry. The intent of the reforms is to ensure Queensland residents have access to safe, accessible, affordable and accountable personalised transport services. The reform process has been underway since mid-2016. **Given the significant changes in the personalised transport sector and in the department’s role as regulator of the industry, the department has discontinued reporting taxi measures.** As taxi data was not collected for the majority of 2017–18, a reliable 2017–18 actual result is not available.”*



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Despite these objective realities around data issues regarding transport services for People with a Disability, there are current government policy documents aspiring to “Improve data collection” regarding services for People with a Disability³¹.

Again words, ‘Plans’, and ‘Dialogue’ mean nothing in isolation. These only have relevance if the government **actions demonstrate a true commitment** to inclusion and equality and, when actions and inaction by government is incompatible with Human Rights, there **MUST be a robust and empowered mechanism that is capable of holding the government to account to ensure Human Rights are protected**

The above examples demonstrate that wording from the disability consultation document ‘Reshaping the Disability Services Act 2006 An inclusive and accessible Queensland’³¹, advocating *“Improved data collection - Requiring government to collect data and report on how people with disability are using mainstream services could help measure the effectiveness of disability planning”*³¹

is not matched by actual government actions.

The information outlined above demonstrates the government is actually reducing data collection and abandoning monitoring and public reporting of disability-related data

Again, this example **demonstrates the need for amendment of the Human Rights Bill 2018 in order to achieve and deliver a Human Rights Bill that instils and ensures entrenched Human Rights in order to help achieve the stated objective²⁰ of the Bill – ie “to ensure that public functions are exercised in a way that is compatible with human rights”²⁰.**

³¹ Reshaping the Disability Services Act 2006 An inclusive and accessible Queensland
<https://www.communities.qld.gov.au/resources/dcdss/disability/disability-services-act/disability-review-options.pdf>