

**Disability Action Plan**

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**1. Forward**

The Clarks Logan City Bus Service Pty Ltd is aware of its roles and responsibilities in providing and maintaining effective and efficient Disability Transport Services on all Bus Route work conducted by the company. Clarks Logan City Bus Service will endeavour to comply with the below compliance needs with due diligence and duty of care being effected by:

* + Effective Monitoring of the Disability Standards and compliance with these
	+ Effective Training of all Bus Operators in the delivery of Disability Travel Standards
	+ Maintaining a pro-active view in respect to the improvement of disability travel standards on all bus services delivered by the company

Clarks Logan City Bus Service operates an efficient and effective public transport bus service under contract to the Queensland Government (through Translink) on the southern side of the Brisbane.

The Bus services provided in these areas are predominantly;

* School Bus Routes
* Local community Bus Routes
* South East Queensland Bus Way Routes from the Logan Hyperdome into the Brisbane CBD

This action plan addresses implementation and application across the company operating areas:

* The legal responsibility the company has to maintain the disability standards
* Compliance within the Guiding Principles for integrated accessible disability services and
* Progress to date and the future strategies for the successful provision of accessible transport services

The right to have access to Bus Services without discrimination is a basic human right for all people with disabilities.

The introduction of the Disabilities Discrimination Act 1992 , The Disability Standards for Accessible Public Transport Guidelines 2004 and the Guide , Hearing and Assistance Dogs Act 2009 ( in Queensland) places legal obligations on the company and the individual employees who deal with and assist disabled persons on or off buses and in and out of company facilities

The elimination of discrimination makes good business sense and thus the basis upon which this Disabilities Action Plan has been collated and produced as part of the Management Operating Systems for Clarks Logan City Bus Services Pty Ltd to ensure compliance with the company contractual arrangements with Translink to provide efficient bus services in the South East Queensland Area

**Graham Davis**

**Chief Executive Officer**

**Clarks Logan City Bus Service**

**2. Company Disabled Person Travel Policy Aim:**

To provide effective and efficient travel facilities for disabled persons in a non-discriminatory manner on all bus services provided by the company

**General Considerations:**

* + The relevant Acts , Regulations and Standards applied to Disabled Person Public Transport shall be acknowledged and applied where applicable
	+ Relevant training will be conducted and routinely re-enforced with Bus Operators relating specifically to:
	+ The types of disabilities that may be encountered
	+ The types of aid equipment that can be used
	+ The times of travel for disabled persons (without being discriminatory)
	+ Allowable disabled person equipment that can be use on buses
	+ The need to ensure disabled persons are not directly or indirectly discriminated against whilst boarding, travelling on and getting off company buses
	+ The rights and responsibilities of disabled persons accessing public transport
	+ The acknowledgement needs of Carers, Assistants and Assistance Animals
	+ The acknowledgement of Companion Carers for disabled persons travelling on public transport
	+ The acknowledgement of persons with a Vision Impairment Travel Pass
	+ Specific Bus Operator duties to ensure that all relevant pre-check duties are carried out and established for a low floor bus to be disable person ready for transport
	+ Where a a specific challenge or encumbrance relating to the transport of a disabled person occurs this shall be referred to Operational Management for determination and remedy
	+ Ongoing monitoring of the Disability Standards

**3. Applicable Acts, Regulations and Compliance Standards**

* The Disability Discrimination Act 1992 as amended
* The Disability Standard for Accessible Public Transport Guidelines ( 2004) as amended
* The Guide, Hearing and Assistance Dogs Act 2009 as amended
* Disability Discrimination Act 1992 – Information for the Queensland Bus Industry – QBIC/Qld Transport Department
* Anti-Discrimination Act 1991 as amended
* Information provided by the Accessible Public Transport National Advisory Committee, specifically pertaining to Disabled Person Bus Travellers
* Translink (Qld Transport) Disability Action plans as circulated
* Convention on the Rights of persons with Disabilities – Australian Human Rights Commission

**4. Definitions**

**The Commonwealth Disability Discrimination Act 1992.**

The Commonwealth Disability Discrimination Act 1992 seeks:-

(a) To eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:

1. Work, accommodation, education, access to premises, clubs and sport; and
2. The provision of goods, facilities, services and land; and
3. Existing laws; and
4. The administration of Commonwealth laws and programs; and

(b) To ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and

(c) To promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

**“Discrimination” is:-**

Treating people with a disability less favourably than people without the disability would be treated under the same circumstances; or

A condition or requirement imposed which may be the same for everyone but which unfairly excludes or disadvantages people with a disability (e.g. in employment, education or access to goods and services).

The Disability Discrimination Act 1992 prohibits discrimination not only against people who have a disability, but also against a person who is an 'associate' of a person with a disability, e.g. a spouse, relative, carer, or a person in a business, sporting or recreational relationship with a person with a disability.

 **“Disability” is:-**

1. Total or partial loss of the person’s bodily or mental functions; or
2. Total or partial loss of a part of the body; or
3. The presence in the body of organisms causing disease or illness; or
4. The presence in the body of organisms capable of causing disease or illness; or
5. The malfunction, malformation or disfigurement of a part of the person’s body; or
6. A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
7. A disorder, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour and includes a disability that:
8. Presently exists; or
9. Previously existed but no longer exists; or
10. May exist in the future; or
11. Is imputed to a person.

As a provider of coach and bus services, Clarks Logan City Bus Service has a responsibility to eliminate discrimination in the provision of its services.

**The Queensland Anti-Discrimination Act 1991.**

The Anti-Discrimination Act 1991 of Queensland also prohibits discrimination on the basis of:-

Sex, relationship status, pregnancy, parental status, breast feeding, age, race, impairment, religious belief or religious activity, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality, family responsibilities, and association with, or relation to, a person identified on the basis of any of the above attributes.

**Disability Standards for Accessible Public Transport 2002.**

The Disability Standards for Accessible Public Transport 2002 set out minimum requirements for public transport operators, with a twenty year timetable for compliance.

Target dates for compliance as set out in Schedule 1 of that act are:-

All public transport coach and bus services are to comply fully with the relevant Standards as of the 31 December 2022.

**Translink Contract Statement**

The following clause from the Translink Contract refers to the company obligations :

Section 18.10 – The Operator will comply with all State and Commonwealth Government laws in relation to Vehicle Accessibility Standards and Vehicle emission standards , and in particular with the Disabilities Standards for Accessible Public Transport 2002 and accompanying guidelines under the commonwealth Disabilities Discrimination Act 2002

**Company Operating Procedures**

Refer to ***CLCPP 326 -* OPERATING PROCEDURES FOR ASSISTING A PERSONS WITH A DISABILITY USING BUSES**

A copy of this Operating Procedure is attached.

**5. Disability Action Plan Directions and Actions**

In order to comply with the necessary Disability Legislation, Standards and Codes of Practice , the company has completed the following Directions and actions to enable a holistic focus on achieving disabilities recognition and compliance within the operations of the company under the following headings:

A Supporting the Disabled on Company Buses

B Company Business Based Practices in Support of Disability Compliance needs

C Physical Access to Buses and other company workplace venues

The following charts should be read in conjunction with the rest of the company disabilities Action Plan in a holistic manner:

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| **A - Supporting the Disabled on Company Buses:** |
| **Identified Need** | **Strategy to Achieve** | **Actions Required** | **Time frames applicable** | **Responsible persons** | **Evaluation Methods** |
| Induction Training | All employees are effectively trained | Effective training methods applied | As required to meet the intended need and upon commencement with the company | Manager PCT | ObservationWritten Assessment |
| Ongoing Professional Development  | Training needs are ascertained and applied where need | Effective training methods applied | As required to meet the intended need | Manager PCT | ObservationComplaint monitoring |
| Ongoing Monitoring | Continual monitoring is maintained | Complaints are monitored a from passengers and corrective actions applied | As required to meet the intended need and compliance standards | Operations ManagerSupport Services ManagerManager PCT | ObservationComplaint monitoring |
| Complaint Recognition and Actioning | Continual monitoring of complaints and queries applied | Complaints are monitored a from passengers and corrective actions applied | As required to meet the intended need | Operations ManagerSupport Services Manager | ObservationComplaint monitoring |
| Meeting the legal compliance needs | Updates in legislation and codes of practice are maintained where needed | Constant monitoring of legislative requirements | As required to meet the intended need and compliance standards | Operations ManagerSupport Services ManagerManager PCT | ObservationComplaint monitoringLegislative compliance reviews |

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| **B - Company Business Based Practices in Support of Disability Compliance:** |
| **Identified Need** | **Strategy to Achieve** | **Actions Required** | **Time frames applicable** | **Responsible persons** | **Evaluation Methods** |
| All employees have knowledge and skills associated with disabled person travel on buses | Continual surveillance and actioning where need | Induction Training provided Ongoing Professional Development provided | As Required to meet compliance standards | Chief Executive OfficerSenior Management Group | ObservationComplaint monitoring |
| Effective Training Delivery | All employees to be trained  | Induction Training provided Ongoing Professional Development provided | As Required to meet compliance standards | Senior Management GroupManager PCT | ObservationComplaint monitoring |
| Effective Monitoring of disabled person travel on buses | Continual surveillance and actioning where need | Complaints Monitored and acted upon where needed | As Required to meet compliance standards | Operations ManagerSupport Services Manager | ObservationComplaint monitoring |
| Compliance auditing of existing bus fleet | Continual surveillance and actioning where need | Regular Audits carried out  | As Required to meet compliance standards | Chief Executive OfficerWorkshop Manager | ObservationComplaint monitoring |
| Negotiation needs between disabled person and company | Continual surveillance and actioning where need | As required or determined | As Required to meet compliance standards | Chief Executive Officer | ObservationComplaint monitoring |
| Auditing Needs associated with the provisioning of Disability person travel equipment provided on buses | Continual surveillance and actioning where need | Regular Audits carried out | As Required to meet compliance standards | Chief Executive OfficerWorkshop Manager | ObservationComplaint monitoring |

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| **C - Physical Access to Buses and other company workplace venues:** |
| **Identified Need** | **Strategy to Achieve** | **Actions Required** | **Time frames applicable** | **Responsible persons** | **Evaluation Methods** |
| Compliance with Australian Bus standards | Ability to apply access knowledge to the buses based on current legislative and bus design need | Due diligence in new bus design  | As Required to meet compliance standards | Chief Executive OfficerWorkshop Manager | Contract compliance upon purchase of buses |
| Wheel Access to Buses | Ability to apply access knowledge to the buses based on current legislative and bus design need | Due diligence in new bus design  | As Required to meet compliance standards | Chief Executive OfficerWorkshop Manager | Contract compliance upon purchase of buses |
| Bus Wheel chair Securing  | Ability to apply access knowledge to the buses based on current legislative and bus design need | Due diligence in new bus design  | As Required to meet compliance standards | Chief Executive OfficerWorkshop Manager | Contract compliance upon purchase of buses |
| Bus Floor lowering  | Ability to apply access knowledge to the buses based on current legislative and bus design need | Due diligence in new bus design  | As Required to meet compliance standards | Chief Executive OfficerWorkshop Manager | Contract compliance upon purchase of buses |
| Bus Wheel Chair Ramps | Ability to apply access knowledge to the buses based on current legislative and bus design need | Due diligence in new bus design  | As Required to meet compliance standards | Chief Executive OfficerWorkshop Manager | Contract compliance upon purchase of buses |
| Bus Disabled Person Signage | Ability to apply access knowledge to the buses based on current legislative and bus design need | Due diligence in new bus design  | As Required to meet compliance standards | Chief Executive OfficerWorkshop Manager | Contract compliance upon purchase of buses |

**References**

**Disabilities Discrimination Act 1992 – Information for the Queensland Bus Industry**

 **– QBIC/Queensland Transport Publication**

**The Disability Discrimination Act 1992 as amended**

**The Disability Standard for Accessible Public Transport Guidelines ( 2004) as amended**

**The Guide, Hearing and Assistance Dogs Act 2009 as amended**

**Anti-Discrimination Act 1991 as amended**

**Operating Procedure – “Equity Issues relating to Disabled Persons Travelling on Company Buses”**

**Convention on the Rights of Persons with Disabilities – Australian Human Rights Commission**

**Safer Travel for Passengers using Mobility Aids on Public Transport (Translink)**

## OPERATING PROCEDURES FOR ASSISTING A PERSONS WITH A DISABILITY USING BUSES

1. Purpose
	1. Clark’s Logan City Bus Service Pty Ltd (‘**Logan City Bus Service**’) is committed to eliminating, as far as possible, discrimination of passengers on the basis of their disabilities.
	2. Logan City Bus Service has a legal responsibility not to discriminate and to take all reasonable steps to prevent disability discrimination. Accordingly, Logan City Bus Service aims to provide transport services which are compliant with the Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3) (‘**Disability Standards**’) and the *Disability Discrimination Act 1991* (Cth).
	3. Logan City Bus Service will use its best endeavours to respect and promote the dignity and independence of all passengers.
	4. This Procedure seeks to provide guidance to workplace participants in providing services which eliminate as far as possible, discrimination against Logan City Bus Service passengers.
2. scope
	1. This Procedure applies to employees, agents, contractors (including temporary contractors and ‘workers’ as otherwise defined under relevant OHS/WHS legislation) of Logan City Bus Service, collectively referred to in this Procedure as ‘**workplace participants**’.
	2. This Procedure does not form part of any employee's contract of employment. Nor does it form any part of any other workplace participant's contract for service.
3. Commencement of PROCEDURE
	1. This Procedure will commence from July 2016. It replaces all other procedures of Logan City Bus Service (whether written or not) concerning.
4. disability standards & disability discrimination
	1. The Disability Standards prescribe national requirements that public transport service providers must meet in order to comply with the *Disability Discrimination Act 1992* (Cth).
	2. Disabilities may be physical, intellectual, psychiatric, emotional or sensory in nature. Disabilities may include, but are not limited to, the following:
		1. partial or total loss of sight;
		2. partial or total loss of hearing;
		3. partial or total loss of speech;
		4. disfigurements or deformities;
		5. difficulties in walking (including partial or total loss of use of legs);
		6. difficulties in fully using arms (including gripping);
		7. learning and orientation difficulties;
		8. sensitivity to chemicals causing malfunction to a person’s body;
		9. chronic diseases, illnesses or other medical conditions; and
		10. emotional or behaviour conditions.
	3. Discrimination can occur either directly or indirectly. In the context of the provision of public transport, direct disability discrimination arises if an operator i.e. Logan City Bus Service, treats a person with a disability less favourably than another person in a similar situation. Indirect disability discrimination arises when the impact of an operator’s service is less favourable for a person with a disability than for a person without a disability.
5. driver duties
	1. Logan City Bus Service expects its drivers to use their best endeavours to respect and promote the dignity and independence of all passengers.
	2. Drivers of Logan City Bus Services vehicles must comply with the following procedure when transporting passengers with a disability:
		1. check the kneeling capacity of the vehicle as part of the start-up procedure (where applicable);
		2. establish if the passenger requires assistance;
		3. ensure the passenger is seated/secured before moving off;
		4. ensure that passengers in a wheelchair are not strapped in any way to the vehicle.
		5. ensure that passengers in wheel chairs or other mobile aids do not use the luggage rack as an anchor point;
		6. assist passengers to board/alight if requested by the passenger. Except in the case of an emergency.
		7. provide ongoing support to passengers in accordance with their disability;
		8. park the vehicle close and parallel to the kerb;
		9. if necessary, lower the wheelchair access ramp; and
		10. inform relevant passengers of the need to vacate priority seats and spaces for persons with disabilities.
	3. Any assistance provided by drivers must be in response to the person’s independence and should enable the person to preserve his or her dignity.
	4. Drivers must advise relevant passengers that Logan City Bus Service vehicles do not have the facilities to strap mobility devices into all our vehicles. This will allow the passenger to make an informed decision regarding their method of transport. If the passenger with a disability requires anchoring, the passenger should be directed to use specifically equipped vehicles such as “Maxi Taxis” which contain purpose built ramps and hydraulic loading facilities.
	5. Some passengers may need to be accompanied by a carer or an assistance or service animal. An assistant or service animal is an animal trained by a recognised individual or agency and is not subject to a fare.
	6. A person with a disability may have a Companion Card. This card allows a carer to travel free with the person with the disability.
6. CUSTOMER SERVICE
	1. Workplace participants should ensure that all interactions with passengers are done in such a way that does not discriminate against people with disabilities.
	2. It is important that workplace participants provide assistance that is helpful without being patronising in language, attitude or actions.
	3. Workplace participants should avoid attitudinal or informational barriers that may limit the accessibility of public transport for some passengers.
7. training & education
	1. Workplace participants will receive training on disability awareness and rights to enable workplace participants to provide assistance that is helpful without being patronising in language, attitude or actions.
8. complaints of discrimination
	1. If a person believes that Logan City Bus Service is failing to implement the requirements of the Disability Standards, the person may lodge a complaint with the Australian Human Rights Commission (**AHRC**).
	2. To minimise the possibility of AHRC complaints, workplace participants must immediately advise management if a complaint is made to them by a member of the public about their interactions with a person with a disability. If a workplace participant deliberately fails to report a complaint of this nature, it may result in disciplinary action, including termination of employment.
	3. Workplace participants are encouraged to discuss with management any ideas they may have as to how Logan City Bus Service can improve the services it provides to persons with disabilities.

## VARIATIONS

Logan City Bus Service reserves the right to vary, replace or terminate this Procedure from time to time.

## ASSOCIATED DOCUMENTS

## Policy version and revision information

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|  Revision History |
| Document Ref: | OPERATING PROCEDURE FOR ASSISTING A PERSONS WITH A DISIBILITY USING BUSESCLCPP - 326 | Version: | 1 | Approval Date: | 12/07/2016 |
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## Workplace participant acknowledgement

I acknowledge:

* receiving the *Logan City Bus Service Operating Procedures for Assisting A Person With A Disability Using Buses*;
* that I will comply with the Procedure; and
* that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment, the cancellation of my engagement, or the loss of my position.

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| Your name: |   |
| Signed: |   |
| Date: |   |