



12 January 2018

Australian Human Rights Commission
SYDNEY NSW 2000
legal@humanrights.gov.au

Dear Madam/Sir,

RE: *Submission in response to Application for Temporary Exemption for the NGR trains by the State of Queensland and Queensland Rail.*

MS Queensland represents people living with multiple sclerosis (MS) providing information, education, treatment, care and support across Queensland. Our vision is a world free from MS and its devastating impact. We exist to help people living with MS to get the best out of life; to advocate for change and to search for a cure.

People living with MS often experience a range of symptoms, some of which do not always manifest into visible and obvious disability, including mobility, vision, balance and cognitive issues.

With this in mind, the most significant concerns regarding the New Generation Rollingstock (NGR) are:

1. Access to toilets;
2. Toilet design;
3. Guard cab location; and
4. Platform assistance

It is our view that Application for Temporary Exemption for the NGR trains by the State of Queensland and Queensland Rail is potentially treating people with disability unfavourably.

The NGR should be brought to a state of Disability Discrimination Act (DDA) compliance before it enters service.

We tender the following submission to the Australian Human Rights Commission relating to the Application for Temporary Exemption for the NGR trains by the State of Queensland and Queensland Rail.

Yours faithfully,

Lincoln Hopper
CEO | MS Queensland

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A submission in response to an Application for temporary exemptions for the New Generation Rollingstock trains (NGR).

We 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.

A completely new product should not be eligible for a Temporary Exemption and none should be granted. The NGR should be brought to a state of Disability Discrimination Act (DDA) compliance before it enters service.

A Temporary Exemption for the NGR only rewards poor procurement practice and legitimises a refusal to consult with the disability sector pre-procurement.

The procurement process, and the product procured, is inconsistent with the Objects of the Disability Discrimination Act (DDA).

Our concerns:

Access to Toilets

The allocated spaces in the MA car are not connected to the accessible toilet in the MB car by an access path. The path provided between these two cars is only +/-650 mm in places. Most wheelchair users in the MA car will not be able to travel to the toilet in the MB car.

Toilet Design

The distance from the centreline of the pan to the far wall falls short of the 1150 mm required for compliance. This is due to the curved shape of the door. Most wheelchair users will not be able to perform a side transfer onto the pan with the current door design and pan location as their wheelchairs will not fit easily into the available space.

Guard Cab Location

Rather than being located mid train as is currently the case with six car City Trains, the NGR guard cab is in the last car of the train (car 6). This puts guards +/- 70m from customers waiting for boarding assistance at the mid platform assisted boarding point. Note: the CityTrain Network comprises over 150 stations and the assisted boarding point has been purposefully located mid platform at every station, creating a predictable, reliable point of interface between staff and customers.

Because the NGR's middle cars (MA and MB) are the accessible cars, as per the current City Train fleet, moving the assisted boarding point to the end of the platform nearer the guard is not feasible. Guards in car 6 will rely on carriage mounted closed circuit video systems to survey the platform and particularly to view who is waiting for boarding assistance. Electronic equipment of this type is prone to failure, which would render customers waiting for assistance invisible to the guard. Further, at peak hours when crowding occurs, a customer in a wheelchair is unlikely to be visible when surrounded by standing patrons, people with invisible disabilities even more difficult to identify. At 70m distance, communication with customers, or with platform staff who may have assisted the customer to board, is all but impossible. Information on customer destination will not be conveyed to the guard.

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Platform Assistance Proposal

Platform staff assistance has been offered as the solution to the dilemma of the NGR guard's remoteness from the assisted boarding point. Currently, many Queensland Rail (QR) stations are only staffed for a few hours per day and a small minority are staffed 24/7. Therefore, staffing all 150+ stations throughout operational hours will require the hiring and rostering of a considerable body of people.

Over the expected 30+ year service life of the NGR the wages bill of these extra staff is likely to be astronomical, with an estimated scenario of \$450 million, and therefore susceptible to cutting. It is doubtful that future governments will fund these extra positions.

What will be the impact on individuals?

The Application for Temporary Exemption for the NGR trains by the State of Queensland and Queensland Rail is potentially treating people with disability unfavourably. The end result being to effectively ask people with disability who currently do, or would otherwise access public train transport, to put aside choice and control in their lives - to put on hold employment opportunities, education and training, recreation, access to daily living and health services.

The NGR should be brought to a state of Disability Discrimination Act (DDA) compliance before it enters service.