



Thank you for the opportunity to provide a submission to this crucial inquiry. This is an inquiry which is overdue. Unfortunately it is also an inquiry that does not go far enough in terms of its terms of reference.

I commend to you the submission of Rail Back on Track for which I also was involved in the creation of. As do I strongly recommend the commission read the submissions from all on the matter to the Australian Human Rights Commission during the exemption application process.

In reference to prior communication between myself and the commission re terms of reference:

I wrote to the commission upon the opening of submissions seeking clarification on the terms of reference. I held grave concerns that this inquiry would not answer critical questions that will lead to learnings and ensuring a repeat of this debacle does not occur once again.

Regrettably my concerns were validated that the commission would not be seeking to answer key questions of, Why did it take till September 2017 for an application for a temporary exemption be made to AHRC when Disability Advocates and others had been warning of accessibility issues since 2015? and who decided that new non compliant trains could be used on the network without the protection of an exemption? Did the Queensland Rail Board approve of this action?

The decision to exclude these from the terms of reference casts a shadow on the inquiry. An inquiry that could have been an exercise of true fact gathering and learning will now be seen as a political blame game. This is truly disappointing. These questions must be answered in order for the disability sector to have any faith in negotiating with the current government moving forward.

I will still be providing input into these questions as the commission needs to consider them. Whether answers to these questions come in a measured and respectful fashion from the commission or through other public pressure is immaterial to myself as they will come out.

Early consultations

The disability sector negotiated in good faith with successive governments of both LNP and Labor persuasions during the early years of NGR procurement. Unfortunately it seems the government did not. Queensland Rail was put forward as the lead agency for us to raise concerns with. It was not for some years were we informed that Queensland Rail place in the matter was tangential at best. For it was Department of Transport and Main Roads that held carriage of the project and the associated budget. We were speaking to deaf ears.

Years were wasted during this time that could well have been used to fix the issues. They could have been caught well prior to first train manufacture.

It became clear to the disability sector that during the tender process despite Queensland Rail providing reference designs to Department of Transport and Main Roads these designs were altered to the point where compliance was no longer a surety. A second toilet was removed which has subsequently been added back into consideration before cabinet at this date. The tender specifications much less the successful tender should never had received sign off from government at this point.

Those in charge of the project knew next to nothing regarding disability standards and those within Queensland Rail who did were sidelined.

It was during 2015 when the disability sector first saw mock ups of the NGR that we knew we had to escalate issues

beyond Queensland Rail as we saw our advice and guidance was not being used.

2015 onwards

August 2015 the matter of non compliance was first raised ministerially with then Minister for Transport Jackie Trad. It was at this point that heads should have rolled and decisive action should have been taken. The issue raised with Ms Trad at this point was that of the guard location. Guard location is a critical issue and one still not receiving its due in the conversation to this day. Queensland Rail is at constant risk of disability discrimination complaint with a service response being used to compensate for the movement of guard position.

However gaining no traction on this issue due to the lack of understanding or admittance that service failings were just as disastrous as hard measurements not being met in the Disability Standards for Accessible Public Transport Standards the disability sought to find an issue that was a hard measurement. It was then through a concerted push that the disability sector discovered the trains would fail both bathroom width and aisle width dimensions.

Only now are these issues being talked about as being rectified. After a failed Australian Human Rights Commission exception application and roll out of almost half the NGR fleet. Putting government at great risk of complaints and legal action.

However this is to be frank work that could have and should have been done when the issues were first identified by myself and the disabled community in late 2015. Nothing has been done here that should be seen as ground breaking or best practice. The work done by the PWG should be seen simply as the bare minimum to achieve government business as usual consultation benchmarks.

Work must be done to investigate how and why the concerns of the disabled community raised through the Queensland Rail Accessibility Reference Group in these early years were not passed on. It is Inclusion Moves firm belief that Queensland Rail accessibility team were doing 'as instructed'. They can not be blamed in this. Their ability to meaningfully engage with the disabled community was stymied by the other departments involved. Showing the consultative mechanisms to be broken. I have raised this with Minister Bailey and yet no governance arrangements have changed, showing that the government is happy with the current situation as it suits their motives.

Government should and must do more to meaningfully co design with the disabled community. A human rights act is a good start but the truth of the matter is that good work can be done without one. Inclusion Moves has invested heavily in changing the culture of government with respect to this issue and will continue to push hard. No more can the government simply look to a ministerially appointed reference groups or government funded organisations for a tick and flick. The disabled community will be loud and proud. For this reason alone it must be respected, as if it should not have been respected otherwise?

Minister Bailey has put out a statement in March 2018 with stated objectives meant to allay fears from the disability sector that there could be a repeat of the NGR debacle. Those around procurement changes and those around inclusion of PwD on industry groups still remain unfulfilled. This government simply is not learning from mistakes of the past. <http://statements.qld.gov.au/Statement/2018/3/29/statement-from-transport-and-main-roads-minister-mark-bailey>

I am more than willing to speak to the commissioner further on the matter raised within this short submission. However in conclusion as alluded to earlier the narrow focus of the terms of reference make it simply not worthy of time spent on issues that are self obvious (that the tender specifications should and could have been improved to strengthen their adherence to DSAPT compliance) when further lessons could and should be learned.

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