

31 August 2018

Mr Michael Forde
Commissioner
Commissioner of Inquiry into the New Generation Rollingstock Train
Level 18, 53 Albert Street, Brisbane 4002

Dear Commissioner Forde,

QDN is an organisation of, for, and by people with disability. The organisation's motto is "nothing about us without us." QDN operates a state-wide network of over 1400 members and supporters who provide information, feedback and views from the perspective of people with disability to inform systemic policy to Government and peak bodies. All QDN's voting members are people with disability. QDN also provides information and referral support to people with disability.

QDN welcomes the opportunity to provide a submission to the review of the circumstances leading up to and associated with the procurement of New Generation Rollingstock (NGR) trains that fail to comply with the *Disability Discrimination Act (DDA) 1992* and the *Disability Standards for Accessible Public Transport (DAPT) 2002*.

QDN notes the Terms of Reference have regard to: the procurement process; the obligations of contractual parties; and the design process under the contract and decisions made by respective governments, statutory authorities and departments that caused or contributed to non-compliance with the *Disability Discrimination Act 1992* and the *Disability Standards for Accessible Public Transport (DSAPT) 2002* and any reasons provided for those decisions.

While QDN recognises that the procurement of the NGR trains has been a large and complicated infrastructure project for successive Queensland governments, QDN and our allies and supporters have repeatedly expressed strong concerns about the lack of consultation with people with disability around NGR procurement and design processes.

In September 2012, the Department of Transport and Main Roads (TMR) became the principal delivery agency for the NGR project with the responsibility for project procurement located under Projects Queensland (now Queensland Treasury Commercial Group). At that time, the specification provided to Treasury included a six-car driver-only train, with one toilet in the middle to align with the platform assisted boarding point. The decision to include only one toilet rather than two was made by Cabinet at that time.

In January 2014, the Queensland Government awarded a contract for 75 six-carriage electric multiple units to the Qtetic consortium. The Queensland Government only consulted with people with disability in 2014 after the design of the train had been finalised.

In August 2014 and March 2015, sessions were held with representatives from the Queensland Rail's (QR) Accessibility Reference Group (ARG) to demonstrate a physical mock-up of a portion of the train. These sessions were held post-procurement when the NGR design was a reality. At that point, the ARG, who represent a cross section of the state's peak disability sector organisations and whose role is to provide community input into the development of non-discriminatory procedures, design work, construction and customer services, could only provide comment on the fit-out of the NGR rather than its design. The ARG was not informed until the March 2015 session that a redesign of the NGR was not negotiable. During this time, the Minister for Transport provided correspondence to the ARG that this was because the Queensland Government was now under contract and that the cost of a redesign was prohibitive.

In terms of NGR design, one of the key concerns for people with disability is the location of the guard in Car 6 rather than mid-train which is current practice. This means that the guard is located 70 metres from the mid-platform assisted boarding point. Locating guards far from the platform assistance point is likely to diminish service levels for people who require assistance to board or alight especially where platforms are unmanned. The likelihood that people with disability could be forgotten and left on the train or behind on the platform is very real.

In response to NGR trains being used as part of the current fleet, TMR has offered platform staff assistance as the solution to the location of the guard's distant location from the assisted platform boarding point. However, many QR stations are only staffed for a few hours per day with the minority being staffed 24 hours a day, seven days a week. QDN has expressed our concern about this as a long term solution to this issue, given the potential annual cost of additional staff to the TMR budget. QDN argues that throughout the service life of the NGR, only a mid-train guard cab could ensure that, on unstaffed platforms, boarding and alighting assistance will be available to customers who require boarding and disembarking assistance. This position allows a practical and conversational distance for the guard to see people who need assistance.

While there are a range of plans in place including TMR's State Disability Plan 2017-2020, QR's 2014 Accessibility Action Plan and QR's Customer Charter, QDN observes these have not translated into the appropriate actions and implementation with regards to the NGR Project. Although the Accessibility Action Plan states that, as part of the NGR Project, QR consulted people with disability on range of access provisions; people with disability were not consulted on fundamental design elements of the NGR such as the location of the guard or the number of toilets. QR's Customer Charter also states that customers will be involved in initiatives concerning service delivery for boarding and alighting customers.

Investment in effective engagement and consultation processes would have highlighted issues with the NGR accessibility design earlier, as described above. One of the measures of success for TMR's State Disability Plan is the capacity for the ARG to be included in meaningful agenda consultation opportunities for TMR projects. QDN believes the lack of commitment to these actions under TMR's

State Disability Plan, the Accessibility Action Plan and the Customer Charter have contributed to the procurement of the NGR trains that fail to comply with the *Disability Discrimination Act 1992* and the *Disability Standards for Accessible Public Transport 2002* and functional requirements.

Although the trains failed to comply with legislative requirements, the Queensland Government made the decision to bring forward the introduction of the new fleet to meet mass transit needs and have adequate transport infrastructure in place during the April 2018 Commonwealth Games held on the Gold Coast. QDN provided a submission to the Australian Human Rights Commission in response to the Queensland Government's NGR Exemption application. QDN notes the 2 March 2018 Australian Human Rights Commission determination not to grant the exemptions requested by TMR and QR pursuant to S 55 of the *DDA 1992* and S 33A.1 *DSAPT*. The decision to refuse these exemptions noted conspicuous accessibility issues with the NGR configuration.

As previously stated, the NGR design was finalised and the contract agreed without due process and consultation with people with disability. QDN argues that TMR should engage its customers as project partners from the beginning and that people with disability are part of the planning, design, delivery and evaluation of projects and initiatives. Customers with have a vital stake in TMR's projects as they are the users of public transport, often who may rely on public transport as their main form of transport.

Should you have any queries regarding this letter please contact Ms Paige Armstrong, Chief Executive Officer, Queenslanders with Disability Network, on telephone 3252 8566 or via email ceo.qdn.org.au.

Kind Regards


Paige Armstrong

CEO, QDN