



# Disability Action Plan

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## 1. Forward

The Disability Discrimination Act 1992 seeks to eliminate discrimination, 'as far as possible', against people with disabilities. Public transport is a service area covered by the Act and Disability Standards for Accessible Public Transport (Transport Standards) were introduced in 2002 to assist with compliance to the requirements of the Act.

The exclusion of dedicated school buses from "physical" access parts of the Transport Standards was a response to the identified costs of these particular parts, which require investment in low-floor buses or retro-fitting of coaches. While not a full exclusion, the remaining applicable parts only provide a small degree of accessibility, primarily to those students with a vision impairment (through the requirements around signs, illumination and information), or perhaps a hearing impairment.. The exclusions remove any requirement that dedicated school buses are accessible for any student using a mobility device, or any student who has a mobility impairment which means that they cannot negotiate a series of stairs to enter and exit the bus.

A dedicated school bus service is defined in the Transport Standards as a service that operates to transport primary or secondary students to or from school (or for other school purposes). These services are excluded from a large portion of the Transport Standards and these exclusions comprise 26 in all.

Despite this, Buslink Sunshine Coast does operate some low floor buses, on school runs, and is committed to ensuring we incorporate the needs of people with a disability into our operations wherever possible and as a minimum, as specified under the Transport Standards.

Buslink will endeavour to comply with the below compliance needs with due diligence and duty of care being affected by:

- Effective Monitoring of the Disability Standards and compliance with these
- Effective Training of our staff 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

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

- The legal responsibility the company must maintain according to 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 Buslink Sunshine Coast to ensure compliance with the company's contractual arrangements with Translink to provide efficient bus services.

## 2. Disabled Person Travel Policy Aim

To provide effective and efficient travel facilities for disabled persons in a non-discriminatory manner, wherever possible, on 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 staff 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 used 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 driver duties to ensure that all relevant pre-check duties are carried out and established for a low floor bus to be disabled person ready for transport
- Where a specific challenge or encumbrance relating to the transport of a disabled person occurs this shall be referred to the Service Delivery Manager 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 Travelers
- 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:
  - I. Work, accommodation, education, access to premises, clubs and sport; and
  - II. The provision of goods, facilities, services and land; and
  - III. Existing laws; and
  - IV. 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”:-

- a) Total or partial loss of the person’s bodily or mental functions; or
- b) Total or partial loss of a part of the body; or
- c) The presence in the body of organisms causing disease or illness; or
- d) The presence in the body of organisms capable of causing disease or illness; or
- e) The malfunction, malformation or disfigurement of a part of the person’s body; or
- f) A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- g) 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:
  - h) Presently exists; or
  - i) Previously existed but no longer exists; or
  - j) May exist in the future; or
  - k) Is imputed to a person.

As a provider of coach and bus services, Buslink 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 section from the Translink Contract refers to the company's obligations:

### 2.4 Disability Action Plan

- (a) The Disability Action Plan must comply with the requirements of the *Disability Discrimination Act 1992* (Cth).
- (b) The Disability Action Plan must specify the steps the Service Provider will take to comply with the:
  - (i) *Disability Discrimination Act 1992* (Cth);
  - (ii) *Disability Standards for Accessible Public Transport 2002* (Cth); and
  - (iii) *Anti-Discrimination Act 1991* (Qld)

## Company Operating Procedures

Refer to the Buslink *Assisting A Person With a Disability Using Buses* procedure

A copy of this Procedure is attached as [Appendix I](#).

## 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:

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	<ul style="list-style-type: none"> <li>• Manager</li> </ul>	Observation Written Assessment
Ongoing Professional Development	Training needs are ascertained and applied where need	Effective training methods applied	As required to meet the intended need	<ul style="list-style-type: none"> <li>• Manager</li> </ul>	Observation Complaint 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	<ul style="list-style-type: none"> <li>• Service Delivery Manager</li> </ul>	Observation Complaint 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	<ul style="list-style-type: none"> <li>• Service Delivery Manager</li> </ul>	Observation Complaint 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	<ul style="list-style-type: none"> <li>• Service Delivery Manager</li> <li>• Compliance</li> </ul>	Observation Complaint monitoring Legislative compliance reviews

<b>B - Company Business Based Practices in Support of Disability Compliance:</b>					
<b>Identified Need</b>	<b>Strategy to Achieve</b>	<b>Actions Required</b>	<b>Time frames applicable</b>	<b>Responsible persons</b>	<b>Evaluation Methods</b>
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	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Senior Management Team</li> </ul>	Observation Complaint monitoring
Effective Training Delivery	All employees to be trained	Induction Training provided Ongoing Professional Development provided	As Required to meet compliance standards	<ul style="list-style-type: none"> <li>• Senior Management Team</li> </ul>	Observation Complaint 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	<ul style="list-style-type: none"> <li>• Service Delivery Manager</li> </ul>	Observation Complaint monitoring
Compliance auditing of existing bus fleet	Continual surveillance and actioning where need	Regular Audits carried out	As Required to meet compliance standards	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Fleet Manager</li> </ul>	Observation Complaint monitoring
Negotiation needs between disabled person and company	Continual surveillance and actioning where need	As required or determined	As Required to meet compliance standards	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	Observation Complaint 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	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Fleet Manager</li> </ul>	Observation Complaint monitoring



## 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	<ul style="list-style-type: none"> <li>General Manager</li> <li>Fleet Manager</li> </ul>	Contract compliance upon purchase of buses
Wheel Chair 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	<ul style="list-style-type: none"> <li>Fleet Manager</li> </ul>	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	<ul style="list-style-type: none"> <li>Fleet Manager</li> </ul>	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	<ul style="list-style-type: none"> <li>Fleet Manager</li> </ul>	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	<ul style="list-style-type: none"> <li>Fleet Manager</li> </ul>	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	<ul style="list-style-type: none"> <li>Fleet Manager</li> </ul>	Contract compliance upon purchase of buses

## Assisting A Person With a Disability Using Buses Procedure

### 1. Purpose

- 1.1 Buslink is committed to eliminating, as far as possible, discrimination of passengers on the basis of their disabilities.
- 1.2 Buslink has a legal responsibility not to discriminate and to take all reasonable steps to prevent disability discrimination. Accordingly, Buslink 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* (Commonwealth).
- 1.3 Buslink will use its best endeavours to respect and promote the dignity and independence of all passengers.
- 1.4 This Procedure seeks to provide guidance to workplace participants in providing services which eliminate as far as possible, discrimination against Buslink passengers.

### 2. Scope

- 2.1 This Procedure applies to employees, agents, contractors (including temporary contractors and 'workers' as otherwise defined under relevant OHS/WHs legislation) of Buslink, collectively referred to in this Procedure as '**workplace participants**'.
- 2.2 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

- 3.1 This Procedure will commence from July 2016. It replaces all other procedures of Buslink (whether written or not) concerning Disability Standards and Disability Discrimination.

### 4. Disability Standards and Disability Discrimination

- 4.1 The Disability Standards prescribe national requirements that public transport service providers must meet in order to comply with the *Disability Discrimination Act 1992* (Commonwealth).
- 4.2 Disabilities may be physical, intellectual, psychiatric, emotional or sensory in nature. Disabilities may include, but are not limited to, the following:
  - (a) partial or total loss of sight;
  - (b) partial or total loss of hearing;
  - (c) partial or total loss of speech;
  - (d) disfigurements or deformities;
  - (e) difficulties in walking (including partial or total loss of use of legs);
  - (f) difficulties in fully using arms (including gripping);
  - (g) learning and orientation difficulties;
  - (h) sensitivity to chemicals causing malfunction to a person's body;
  - (i) chronic diseases, illnesses or other medical conditions; and
  - (j) emotional or behaviour conditions.
- 4.3 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. Buslink, 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

- 5.1 Buslink expects its drivers to use their best endeavours to respect and promote the dignity and independence of all passengers.
- 5.2 Drivers of Buslink vehicles must comply with the following procedure when transporting passengers with a disability:
- (a) check the kneeling capacity of the vehicle as part of the start-up procedure (where applicable);
  - (b) establish if the passenger requires assistance;
  - (c) ensure the passenger is seated/secured before moving off;
  - (d) ensure that passengers in a wheelchair are not strapped in any way to the vehicle.
  - (e) ensure that passengers in wheel chairs or other mobile aids do not use the luggage rack as an anchor point;
  - (f) assist passengers to board/alight if requested by the passenger. Except in the case of an emergency.
  - (g) provide ongoing support to passengers in accordance with their disability;
  - (h) park the vehicle close and parallel to the kerb;
  - (i) if necessary, lower the wheelchair access ramp; and
  - (j) inform relevant passengers of the need to vacate priority seats and spaces for persons with disabilities.
- 5.3 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.
- 5.4 Drivers must advise relevant passengers that Buslink 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.
- 5.5 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.
- 5.6 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

- 6.1 Workplace participants should ensure that all interactions with passengers are done in such a way that does not discriminate against people with disabilities.
- 6.2 It is important that workplace participants provide assistance that is helpful without being patronising in language, attitude or actions.
- 6.3 Workplace participants should avoid attitudinal or informational barriers that may limit the accessibility of public transport for some passengers.

## 7. Training and Education

- 7.1 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

- 8.1 If a person believes that Buslink is failing to implement the requirements of the Disability Standards, the person may lodge a complaint with the Australian Human Rights Commission (**AHRC**).
- 8.2 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.
- 8.3 Workplace participants are encouraged to discuss with management any ideas they may have as to how Buslink can improve the services it provides to persons with disabilities.

## Variations

Buslink reserves the right to vary, replace or terminate this Procedure from time to time.

## Workplace Participant Acknowledgement

*I acknowledge:*

- *receiving the Buslink **Assisting Persons With A Disability Using Buses Procedure**;*
- *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.*

Your name:

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Signed:

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Date:

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