

Physical Disability Australia Ltd
4/36 Holland Street
Toowong QLD 4066.
T | 1800 PDA ORG (1800 732 674)
E | manager@pda.org.au
🌐 | www.pda.org.au



28 December 2016

Mr Michael Skinner
Austroads Ltd
Level 9, 287 Elizabeth Street
Sydney NSW 2000

RE: Your letter – 30 November 2016

Dear Mr Skinner

Thank you for your letter regarding our media release on 23 November 2016 that expressed our concern over Standards Australia's Draft Technical Specification for powered wheelchairs including mobility scooters (SA TS 3695) and its invitation to meet with you.

Physical Disability Australia (PDA) is a national peak body for people living with a physical disability, founded in 1995. We have over 1,000 members from all states and territories. Our purpose is:

- To remove barriers through systematic advocacy to all levels of government to enable every Australian living with a physical disability to realise their full potential;
- To proactively embrace and promote difference and diversity for an inclusive society; and
- To include within all our operations the active promotion of the rights, responsibilities, issues and participation of people with a physical disability.

While the PDA Manager is based in Brisbane, the President and Mr Bruce Becker (who is our representative on the relevant Standards Australia sub-committee) reside in Darwin and Adelaide respectively. This makes a face-to-face meeting impractical, but we would be happy to arrange a tele-conference in the new year to discuss our concerns.

Further to our media statement, this matter is of great concern to PDA members for a number of reasons:

- SA TS 3695 is an un-necessary red-tape burden on people with physical disability. As far as PDA is aware there is no evidence to suggest that users of powered wheelchairs and mobility scooters or members of the public are at risk of injury from devices that exceed the dimension limits of the proposed standard. Similarly, there is no risk that is mitigated by its manoeuvrability performance requirements.
- As with all red-tape solutions to non-existent problems, SA TS 3695 will increase the cost whilst reducing the range of products available to those who need them. This will impact particularly on those who, due to the nature of their impairment, need larger and heavier devices and on those who, due to their lack of funds, can only afford low-end mobility scooters.

- If implemented, SA TS 3695, opens the door to technocratic discrimination against people with physical disability. Whilst many gains have been made in removing barriers to participation in the social and economic life of the community, there are still those who resent the cost and inconvenience of providing access to premises, community infrastructure and public transport. Those with otherwise legitimate denial of access complaints will have their claims rejected for lack of a 'blue label'.
- If implemented, SA TS 3695 would put Australia in contravention of Article 20 'Personal Mobility' of the United Nations' Convention on the Rights of Persons with Disabilities¹:

States Parties [i.e. signatory countries] shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- (a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;*
- (b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost; ...*

As you can see, the possible implementation of SA TS 3695 is not a trivial inconvenience for PDA, its members and any Australian who may find themselves with a physical disability and reliant on a powered mobility aid. It is a serious human rights concern. The *Disability Standards for Accessible Public Transport (DSAPT)* that you reference in your letter states:

The purpose of these Standards is to enable public transport operators and providers to remove discrimination from public transport services.

This Commonwealth legislative instrument applies to the providers of public transport not the people with physical disabilities who still, at times, find themselves denied access to the services other Australians take for granted. We do not want to see these hard-fought-for but still less-than-perfect standards become the high watermark with regard to the mobility aids that Australians with physical disabilities have access to.

Yours Sincerely



Liz Reid
President and Director (NT)
Physical Disability Australia



Simon Burchill
Manager
Physical Disability Australia

¹ <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#20>