

Submission to the Freedom of Information Act 1992 Discussion paper 2008.

This submission is an attempt to show how the present FOI laws are being abused by a State Government Department. I give an example of my experience and the failure of the Department to supply data it has on hand to a relevant Federal Government inquiry.

In 2005 I initiated an FOI request to Queensland Transport on taxi Minimum Service Level performance data that applied to my local taxi district, Cairns. The matter was granted in my favour in November 2005 however this decision was overturned on appeal in January 2006. I then took the matter to the Office of the Information Commissioner who finally found in my favour in November 2006. I might add in a most convincing manner (decision 53652).

However a subsequent request made in early 2007 to Queensland Transport for more up to date data has not been successful. Some corrupted information relating to a broader taxi area was supplied but not what was asked for. This matter is ongoing.

A Federal Government review of its Disability Discrimination act Transport Standards (2002) was commenced in 2007. The draft report was released in January 2008. The review made a request for data to show compliance with the Standards as well as any data on increased patronage.

Queensland Transport in its submission failed to supply or mention that it has data on the performance of wheelchair accessible taxis compared to standard taxis throughout Queensland and the growth of usage of the service over many years.

The data has been accumulated via reporting by taxi companies on their service contract performance levels as well as audits of Queensland Transport on taxi subsidy vouchers. Queensland Transport entered into service contracts with Queensland taxi dispatch companies in 1996. A condition of the contract was for equal service to wheelchair customers compared to standard customers as measured within prescribed Minimum Service Levels. Taxi subsidy vouchers have been in existence since the late 1980s.

Queensland Transport's submission to the Federal inquiry stated in part “ *recording data about patronage numbers of people with a disability is impossible, as well as contradictory to the spirit of the Transport Standards. Queensland Transport is of the understanding that the Transport Standards are premised upon creating access to transport for those members of society with a disability in a way that is at all times respectful, non-confrontational and unimposing. Recording the patronage numbers of people with a disability would appear to undermine the very equity of treatment the Transport Standards set out to achieve*”

My point is that Queensland Transport has successfully hidden behind FOI laws and bureaucratic indifference in dealing with me and has continued to do so with the Federal inquiry. The law needs amendment to stop abuse by Government Departments.

The Transport Operations (Public Transport) Act 1994 has not been upheld as Queensland parliament requires. The Queensland public are the losers accordingly.

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