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Department of Infrastructure and Regional Development



Review of the Disability Standards for Accessible Public Transport 2002

Final Report

July 2015

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Abbreviations

AAWG	Aviation Access Working Group
ABS	Australian Bureau of Statistics
ACCC	Australian Competition and Consumer Commission
ACT	Australian Capital Territory
ADR	Australian Design Rules
AFDO	Australian Federation of Disability Organisations
AHRC	Australian Human Rights Commission
APTJC	Accessible Public Transport Jurisdictional Committee
APTNAC	Accessible Public Transport National Advisory Committee
ARA	Australasian Railway Association
ATIA	Australian Taxi Industry Association
ATSA	Assistive Technology Suppliers Australasia
BIC	Bus Industry Confederation
BITRE	Bureau of Infrastructure, Transport and Regional Economics
CASA	Civil Aviation Safety Authority
CBS	Centralised Booking System
COAG	Council of Australian Governments
DAFP	Disability Access Facilitation Plan
DDA	<i>Disability Discrimination Act 1992</i>
DTPLI	Victorian Department of Transport, Planning and Local Infrastructure
HACC	Home and Community Care
Infrastructure	Australian Government Department of Infrastructure and Regional Development
MMD	Motorised Mobility Device
MPT	Multi-Purpose Taxi
NDS	National Disability Strategy

NSPs	Network Service Providers
NSW	New South Wales
NT	Northern Territory
NTRG	National Taxi Regulators' Group
PIAC	Public Interest Advocacy Centre Limited
PID	Public Information Displays
Qld	Queensland
SA	South Australia
SCOT	Senior Officials' Committee on Transport
SDAC	Australian Bureau of Statistics Disability, Ageing and Carers Survey
SORT	Social Research in Transport Clearinghouse
Tas	Tasmania
TGSI	Tactile Ground Surface Indicator
TMR	Queensland Government Department of Transport and Main Roads
TSS	Taxi Subsidy Scheme
TTY	Teletypewriter
CRPD	United Nations Convention on the Rights of Persons with Disabilities
VCOSS	Victorian Council of Social Services
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
Vic	Victoria
WA	Western Australia
WAT	Wheelchair Accessible Taxi
WCAG	Web Content Accessibility Guidelines
WCBS	WAT Centralised Booking System

Style notes for this report

Use of acronyms

The full title of an organisation or document or other phrase is spelt out in full in its first use *in each chapter*, before being abbreviated to an acronym e.g. ‘the Bus Industry Confederation (BIC)’. All subsequent references to the title in a chapter use its acronym and the first reference to the title in subsequent chapters is also spelt out in full.

There are two exceptions to this approach in the report:

- where the meaning of an acronym is commonly understood the title is not spelt out in full
- where a particular title is continuously used throughout the report it is only spelt out in full in its first use e.g. wheelchair accessible taxi (WAT).

References to submissions and consultation comments

The report refers extensively to the many submissions and consultation presentations prepared for this report. In many cases, participants’ arguments have been summarised rather than presented.

Executive summary

The *Disability Discrimination Act 1992* (DDA) allows the Australian Government to make standards to ensure that people with disability are not discriminated against, and to provide information about these standards. The purpose of the *Disability Standards for Accessible Public Transport 2002* (Transport Standards) is to enable public transport operators and providers to remove discrimination from public transport services.

Part 34 of the Transport Standards requires the Minister for Infrastructure and Regional Development, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within five years of them taking effect, with subsequent reviews every five years. This report of the *Review of the Disability Standards for Accessible Public Transport 2002* (this review) assesses how accessible public transport systems are to people with disability. Under its Terms of Reference, publicly released on 19 October 2012, this review was required to:

- report the views of people with disability, and the community generally, on progress towards achieving the targets set out in the Transport Standards
- assess compliance with the requirements set out in Schedule 1 of the Transport Standards, in particular the targets listed under Part 2 of Schedule 1
- identify initiatives and actions for removing discrimination from public transport services delivered by state and territory governments since the 2007 Review
- assess the progress of implementing the response to the 2007 Review of the Disability Standards for Accessible Public Transport 2002 (the 2007 Review).

The effectiveness and efficiency of the Transport Standards is vital for people with disability to engage and participate in the community. The *2012 Australian Bureau of Statistics (ABS) Disability, Ageing and Carers Survey* (SDAC) released in November 2013 shows that the number of people with disability in Australia is 18.5 per cent of the population or 4.2 million people. Of these people, 1.4 million had a profound or severe limitation affecting their mobility, self-care or communication. The rate of disability increased with age, with less than 5 per cent of children under the age of five having a disability compared to almost 90 per cent of people aged 90 years and over.

There has been no improvement in the labour-force participation rate by people with disability since the SDAC was last conducted in 2009. The 2012 SDAC also shows that just over 50 per cent of people with disability aged between 15 and 64 were participating in the labour force in 2012, compared with 80 per cent of people without disability.

An accessible public transport system is also important for planning for Australia's ageing population. In 2012 there were around 3.3 million older people (aged 65 years and over), representing 14 per cent of the population. This proportion has risen from 12.6 per cent in 2003. Around half of Australia's older population have disability. As such, older people with disability now form a larger part of the Australian population than previously measured.

The Transport Standards also help to ensure Australia meets its international obligations. The ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008 reflects the Australian Government's commitment to promoting and supporting the equal and active participation by people with disability in economic and social life. The *National Disability Strategy* (NDS) incorporates the principles underpinning the CRPD into the government's policies and programs directed towards people with disability. The NDS Policy Direction 4 of Outcome 1 focuses on developing a public, private and community transport system that is accessible to the whole community.

Implementation of the 2007 Review recommendations

The 2007 Review was released in June 2011. It made a number of recommendations that the (then) Australian Government supported. This review is required by its Terms of Reference to report on the implementation of these recommendations.

Between the release of the 2007 Review in 2011 and the start of this review in October 2012, only limited progress had been made towards implementing the recommendations of the 2007 Review. Three out of the ten recommendations that were agreed to or supported by the (then) Australian Government have been completed, with the rest not implemented. This largely reflects a lack of agreement between jurisdictions, transport providers and the disability sector on the adequacy or otherwise of existing services, the technical challenges posed by some of the Transport Standards and/or a lack of funding. This review has found that a number of the unresolved issues from the 2007 Review continue to cause concern. A number of these issues are again reflected in the recommendations of this review. The recommendations of this review supersede those of the 2007 Review as they reflect the latest findings and issues relating to the Transport Standards. Replacing the 2007 recommendations with updated recommendations also ensures that parties responsible for implementation of the recommendations are able to focus on the most relevant and up-to-date issues with the Transport Standards.

Stakeholders in commenting on the poor implementation of the 2007 Review's recommendations have expressed their disappointment and concern that the 2007 Review implementation process resulted in little progress towards more efficient and effective Transport Standards. The lack of implementation of recommendations concerning community transport and dedicated school buses are specifically identified by disability sector organisations as being of great concern.

Findings of this review

Effectiveness of the Transport Standards

All governments (local, state, territory and the Australian Government) have reported progress towards implementing the Transport Standards since the 2007 Review, and have advised that the majority of the December 2012 compliance targets have been met. It does appear that the Transport Standards continue to be effective in bringing forward investment in accessible infrastructure and conveyances, and in requiring governments, public transport operators and providers to plan and implement upgrades to the conveyances and associated infrastructure they are responsible for.

However, this review found that progress against the Transport Standards is occurring at an uneven rate depending on the location, population and demand for accessible public transport. While acknowledging that progress has been made, most submissions from the disability sector, local governments and other bodies advise of continuing deficiencies in the physical accessibility of public transport conveyances and infrastructure, the quality of public transport information and engagement of public transport staff, and a lack of effective planning for whole-of-journey accessibility. There was also widespread criticism of the absence of a national system of reporting on compliance.

All of these factors affect the ability and desire of people with disability to use public transport, causing them instead to rely on taxi services as their only means of interacting with their communities — generally a more expensive option for passengers.

The majority of submissions to this review concentrated on accessibility issues in major urban areas. Little input was provided about accessibility issues experienced in regional and rural areas. However, as stated in Recommendation 7 of the Australian Government's response to the 2007 Review, it can still be determined that, in most cases, regional and rural areas continue to fall behind urban areas in providing accessible public transport services.

This review also found that although the Transport Standards have overall been effective in removing discrimination, they are not optimal in their present form. This review discovered that a number of parts of the legislation, as well as the legislative guidelines, may need to be amended to provide a more flexible response to cover the different modes of public transport and the different environments in which public transport networks operate across jurisdictions.

Efficiency of the Transport Standards

Since 2002, the state and territory governments have made a concerted effort to ensure the accessibility of their public transport systems. Most submissions from the disability sector and local government acknowledge these improvements. With the Transport Standards now in operation for more than 10 years, these significant financial investments are now starting to result in across-the-board improvement. All governments have provided details on resourcing, and a number have provided details on future initiatives that require considerable capital investment to continue making their public transport systems more accessible.

However, a number of private operators are facing the challenge of finding the necessary resources to update their fleets and associated infrastructure out of their own funds.

Submissions to the review by some governments flag that although the 2012 compliance targets have generally been met, or are close to being met, the December 2017 targets calling for public transport systems to be 80 per cent or 90 per cent accessible may be difficult to achieve unless significant resources are found. These concerns came from the states that operate larger transport systems. These states generally have older heritage and 'legacy' assets — and consequently backlogs of work — that require extensive upgrades and investment to bring them up to the requirements of the Transport Standards.

Public transport providers and operators continue to flag that they face challenges in meeting future compliance targets and called for greater flexibility to be allowed in the delivery of accessible services under the DDA.

This review also received submissions from local governments that, while having the best intentions to ensure accessibility for people with disability, especially through providing accessible bus stops, they bear a large part of the burden of providing infrastructure with little or no financial assistance. These concerns were further detailed in submissions on the draft report.

To assess whether targets are being met, this review has determined that national reporting on compliance is essential. While government-contracted operators generally report on compliance as part of their contractual requirements, there is currently no requirement for private operators to provide compliance data unless it is required as part of the DDA complaints process. There was broad support for this recommendation in submissions on the draft report. There were, however, concerns about how it would be implemented and the additional burden of reporting which were raised by governments and public transport operators and providers. This review still maintains that reporting needs to occur and proposes a number of options that should be further considered by governments.

Finally, perceived inadequacies in the complaints process continue to draw widespread concern from the disability sector. This process is currently the only way of ensuring that non-compliance is addressed. This review received submissions arguing for this process to be strengthened to better enable community members to pursue complaints through the court system, where appropriate.

Implementation of recommendations arising from the second review

As a result of the poor implementation of recommendations arising from the 2007 Review, submissions questioned the ability of government to implement the recommendations of this review. Concerns regarding the effectiveness of governance structures put in place to carry out future implementation were raised, as was the crucial need for adequate funding to be provided for successful implementation to occur.

A number of submissions argued that the recommendations contained within the draft report are weak and non-specific. In response the review maintains that the recommendations within this report, if fully implemented, will bring about real improvements in the accessibility of public transport systems.

Summary of recommendations

Recommendation 1 — Modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, commence a process for updating and modernising the Transport Standards. This work should be undertaken in close consultation with local government, industry and the disability sector, and include research on the technical issues raised in this review, the development of options, and assessment of the impact of any proposed changes to the standards, with this work to be completed by 30 June 2017.

Recommendation 2 — National reporting on progress against the Transport Standards

That the Australian Government, jointly with state and territory governments, establish a national framework for reporting on progress against the Transport Standards by 31 December 2016.

Recommendation 3 — The complaints process

That the Australian Government considers the concerns raised about the complaints process.

Recommendation 4 — Whole-of-journey accessibility

That the Australian Government, jointly with state, territory and local governments, develop accessibility guidelines for a whole-of-journey approach to public transport planning by 30 June 2016.

Recommendation 5 — National motorised mobility aid labelling scheme

That the Australian Government, in collaboration with state and territory governments, develop and implement a national motorised mobility aid labelling scheme.

Recommendation 6 — National wheelchair accessible taxi compliance milestones

That the Australian Government, jointly with industry, state and territory governments, develop consistent national compliance milestones and response times for wheelchair accessible taxis by 31 December 2016.

Recommendation 7 — Review of Disability Access Facilitation Plan

That the Department of Infrastructure and Regional Development, in close consultation with the Aviation Access Forum, undertake a review of the Disability Access Facilitation Plan initiative by 30 June 2015, with the aim of improving the overall effectiveness and accessibility of the plans.

1. Introduction

The Disability Standards for Accessible Public Transport 2002 (Transport Standards) operate under the Commonwealth *Disability Discrimination Act 1992* (DDA). The Transport Standards set the framework for public transport operators and providers to remove discrimination against people with disability to access public transport services. The efficiency and effectiveness of the Transport Standards is vital for meeting the needs of people currently with disability, as well as the future demands of an ageing population.

Part 34 of the Transport Standards requires the Minister for Infrastructure and Regional Development, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within five years of them taking effect, with subsequent reviews to be undertaken every five years. The first five-year statutory review was undertaken in 2007, resulting in the *Review of the Disability Standards for Accessible Public Transport 2002*, which was released in June 2011.

The Department of Infrastructure and Regional Development (Infrastructure) commenced the second five-year statutory review of the Transport Standards in 2012, which resulted in this report. This report contains findings on the effectiveness and efficiency of the Transport Standards in removing discrimination against people with disability in their access to public transport services as at 31 December 2012.

This report:

- assesses progress in implementing the Australian Government's response to the previous review
- considers the views of people with disability and the organisations and individuals representing them, transport operators and providers, local governments, state and territory governments, and Australian Government agencies on the efficiency and effectiveness of the Transport Standards, and on related issues
- identifies initiatives and actions taken by state and territory governments since the 2007 Review that are directed at removing discrimination against people with disability in their access to transport services
- develops recommendations to further progress achieving the objectives of the Transport Standards.

1.1. Background

The DDA prohibits direct and indirect discrimination on the grounds of disability against people with disability and their family members, carers and friends.

The DDA allows disability standards to be formulated in a range of areas to define specific rights and obligations under the Act, and provides greater certainty about its requirements. The Transport Standards were formulated by the Attorney-General under subsection 31 (1) of the DDA. The Minister for Infrastructure and Regional Development has responsibility for the Transport Standards. In addition to the Transport Standards, disability standards have also been developed for education and buildings: the Disability Standards for Education 2005 (the Standards) and the Disability (Access to Premises — Buildings) Standards 2010 (Premises Standards). These standards are the responsibility of the Minister for Education and Minister for Industry, respectively.

The Transport Standards were first released on 23 October 2002 and subsequently amended in 2004, 2005 and 2011. The current Transport Standards were released in May 2011 and reflect the Disability Standards for Accessible Public Transport Amendment 2010 (No.1). These amendments were made to transfer public transport building elements from the Transport Standards to the Premises Standards 2010.

The Transport Standards seek to provide certainty to operators and providers of public transport services and infrastructure about their responsibilities under the DDA, including the progressive compliance timeframes between 2007 and 2032.

A public transport service is defined under the Transport Standards as an enterprise that conveys members of the public by land, water or air, and includes both publicly and privately owned services. The Transport Standards set compliance target dates at 31 December every five years from 2007 until 2022, and then ten years to 2032 for rail and tram public transport owners and operators to progressively remove constraints on accessibility within public transport conveyances, premises and infrastructure. The DDA and the Transport Standards operate within a broader international and national legal and government policy framework for removing discrimination against people with disability.

In 2008, Australia ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD). By ratifying the Convention, Australia joined other countries in a global effort to promote the equal and active participation of all people with disability.

In 2011, the (then) Australian Government launched the National Disability Strategy (NDS), which incorporates the principles underpinning the CRPD into the government's policies and programs directed towards people with disability. The NDS Policy Direction 4 of Outcome 1 focuses on developing a public, private and community transport system that is accessible to the whole community. The ability to move around the community underpins all aspects of life for people with disability — from learning and skills, to employment and the enjoyment of rights.

In 2014, Community and Disability Services Ministers at federal, state and territory levels will report to the Council of Australian Governments (COAG) on achievements under the NDS, including reporting from other portfolio Ministers in their respective jurisdiction. These two-yearly reports will be made available to the community and placed on the Australian Government's website.

1.2. Approach to this review

In conducting this review, Infrastructure adopted a mostly qualitative approach focused on feedback from a range of stakeholders through submissions and public consultations. Where available and appropriate, quantitative data provided by stakeholders has been used for clarification and support.

This review involved the following phases:

- The limited release of draft Terms of Reference were distributed in July 2012 to consider the views of the disability sector, transport industry and state and territory governments. The Terms of Reference were developed by Infrastructure in conjunction with the Attorney-General's Department.
- The final Terms of Reference were publicly released on 19 October 2012 following approval by the former Minister for Infrastructure and Transport in consultation with the Attorney-General.
- The Issues Paper for this review was publicly released on 27 November 2012 following consultation with the Attorney-General's Department and the (then) Department of Families, Housing, Community Services and Indigenous Affairs.
- Stakeholders were invited to make written submissions to this review, after the release of the Issues Paper. A total of 95 submissions were received from people with disability, organisations, public transport operators and providers, governments, statutory bodies, relevant industry peak bodies, access consultants and expert technical advisors.
- Infrastructure held 13 public consultation sessions around Australia to seek the views and advice of stakeholders. Consultation sessions were held in the following locations and dates:
 - Canberra 23 April
 - Sydney City 1 May
 - Penrith 9 May
 - Darwin 24 May
 - Melbourne 31 May (two sessions)
 - Perth 13 June
 - Adelaide 18 June
 - Brisbane 20 June
 - Hobart 27 June
 - Launceston 28 June
 - Wodonga 4 July
 - Geelong 11 July (via teleconference)
 - Townsville 24 July.

- The draft report of the Transport Standards review was released for public consultation on 9 May 2014. A total of 58 written submissions were received from people with disability, organisations, public transport operators and providers, governments, statutory bodies, relevant industry peak bodies, access consultants and architects.

1.3. Terms of Reference

Following are the Terms of Reference used to determine the scope and focus of this review. They are reproduced here as originally circulated to all stakeholders.

The Disability Standards for Accessible Public Transport 2002 (Transport Standards) state that their purpose is to enable public transport operators and providers to remove discrimination from public transport services. Part 34 requires the Minister for Infrastructure and Transport, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within five years of their taking effect, with subsequent reviews every five years.

The first review of the Transport Standards was initiated in 2007 and together with the accompanying Government response was publicly released in June 2011. Implementation of the response is being progressed through the Accessible Public Transport Jurisdictional Committee (APTJC) and the Accessible Public Transport National Advisory Committee (APTNAC), which were reconvened for this purpose as part of the response. Implementation of the 2011 response is ongoing and will extend beyond 2012.

The 2012 Review will be undertaken by the Department of Infrastructure and Transport in consultation with APTJC and APTNAC and the Attorney-General's Department. The Department of Infrastructure and Transport will provide a final written report for consideration by the Minister for Infrastructure and Transport in consultation with the Attorney-General.

Scope

As required by Part 34 of the Transport Standards, this review will review the efficiency and effectiveness of the Transport Standards and will:

- *assess whether discrimination has been removed, as far as possible, according to the requirements for compliance set out in Schedule 1 of the Transport Standards; and*
- *advise on any necessary amendments to the Transport Standards.*

The Review will focus on:

- *reporting public views of people with disability, and the community generally, on progress towards achieving targets set out in the Transport Standards;*
- *assessing compliance with the requirements set out in Schedule 1 of the Transport Standards, in particular those under Part 2 of Schedule 1;*
- *identifying initiatives and actions with respect to removing discrimination from public transport services undertaken by state and territory governments since the 2007 Review; and*
- *assessing the progress of the implementation of the response to the 2007 Review.*

*Anthony Albanese
Minister for Infrastructure and Transport*

2. Implementing the 2007 Review

The former Minister for Infrastructure and Transport publicly released the findings of the first five-year statutory review of the Transport Standards, the 2007 Review, on 3 June 2011. The 2007 Review found that the introduction of the Transport Standards has significantly changed the way government and public transport operators and providers deliver access to public transport for people with disability.

The 2007 Review provided 15 recommendations to improve accessibility of public transport for people with disability. In considering its response to the 2007 Review, the (then) Government:

- agreed in principle with recommendations 2 and 3
- supported in principle recommendations 1, 4, 5, 6, 9, 13, 14 and 15
- noted recommendations 7, 8, 10, 11 and 12.

The Accessible Public Transport Jurisdictional Committee (APTJC), which consists of representatives of all state and territory governments, the Australian Local Government Association and the Attorney-General's Department, chaired by Infrastructure, was charged with coordinating and leading the implementation of the recommendations. The Accessible Public Transport National Advisory Committee (APTNAC), comprising representatives from the disability sector, public transport industry, governments, the Australian Human Rights Commission (AHRC) and the Attorney-General's Department, was to provide support and advice to APTJC (as per Recommendation 9).

This chapter, as required by this review's Terms of Reference, details progress made against each of the recommendations up until December 2012 and the commencement of the second five-year statutory review.

Draft review report responses

Submission responding to the implementation of the 2007 Review recommendation as detailed in this chapter generally expressed their disappointment and concern that the implementation process resulted in very little change toward more efficient and effective Transport Standards. The non-implementation of Recommendations 13 and 14, was specifically identified as a great cause for concern by the disability sector (discussed in Chapter 10) while the NSW Government stressed that the failure to implement Recommendation 7 which called for Australian Government funding for rural and regional projects was a significant oversight.

Recommendation 1

Establish a national framework for Action Plan reporting and annual reporting by each state and territory government.

Supported in principle

Current status of Recommendation 1: in progress

In July 2011, APTJC considered discussions between Infrastructure and the former Department of Families, Housing, Community Services and Indigenous Affairs on providing a single reporting plan for the National Disability Strategy (NDS) and the Transport Standards. This followed the release of the NDS and its requirement for a report to the Council of Australian Governments (COAG) in 2014.

However, as the report to COAG would be based on the 2012 Australian Bureau of Statistics (ABS) Disability, Ageing and Carers Survey (SDAC), and was to include details on progress on the implementation of the Transport Standards, APTJC decided to delay the development of a national reporting framework until the release of the report on this review. It was assumed this report would include states and territories' advice on progress of their compliance against the Transport Standards.

Further discussion on the provision of national reporting on compliance is in Chapter 10.

Recommendation 2

Request the ABS include questions on public transport patronage in their disability surveys

Agreed in principle

Current status of Recommendation 2: completed

The 2012 ABS SDAC, conducted between August 2012 and March 2013, contained modules about public transport assistance. Questions included:

- the ability to use public transport
- reasons for inability to use some or all forms of public transport
- whether public transport is available in the respondent's areas of travel.

The ABS released the Summary of Findings for the 2012 SDAC in November 2013. An overview of these findings is provided in the Executive Summary.

At the invitation of the ABS, Infrastructure provided input gathered from APTJC and APTNAC members for the development of the next SDAC scheduled for 2015.

Recommendation 3

A technical experts group be convened, with Standards Australia, to develop technical standards specifically suited to public transport conveyances and infrastructure. Once developed, these standards should be referenced in the Transport Standards, and made available for public use.

Agreed in principle

Current status of Recommendation 3: not completed

APTJC agreed to consider a revised approach to this recommendation, which involved developing broader policy on public transport accessibility combined with details of minimum compliance standards referenced to the Transport Standards. This approach is in contrast to the original intent of the recommendation for convening an expert group to develop technical standards for referencing in the Transport Standards, specifically suited to public transport conveyances and infrastructure. APTJC considered there was a need to get the balance right between specific standards and broader accessibility for the whole community. Strict adherence to the Transport Standards was seen as having the potential to affect current services and possibly cause some services to be terminated. APTJC considered it needed to further discuss and consider a national approach to accessibility.

With the possible legalisation of co-regulatory compliance codes under the *Disability Discrimination Act 1992* (DDA) included in the Consolidation of Commonwealth Anti-Discrimination Laws project, APTJC decided to hold off further work.

Given the subsequent release of the exposure draft of the Human Rights and Anti-Discrimination Bill 2012, APTJC noted that its revised approach needed further consideration. However, in the absence of a technical experts group, the development of technical standards specifically suited to public transport conveyances and infrastructure was not possible in the short term. APTJC agreed that the issue would need to be reconsidered in this review.

This review has been made aware of a widespread call for a number of the Transport Standards to be reviewed and amended to reflect the current needs of governments, providers, operators and people with disability. This review considers that these amendments may meet some of the concerns that formed the basis of Recommendation 3 of the 2007 Review.

Recommendation 4

Mode specific guidelines be developed by modal sub-committees. These guidelines would be a recognised authoritative source for providers that can be used during a complaints process.

Supported in principle

Current status of Recommendation 4: not completed

APTJC's initial response to this recommendation was to examine existing state and territory modal guidelines as a possible basis to develop national documents. The former Victorian Department of Transport provided a number of examples to the committee.

In 2011, the Australasian Railway Association (ARA), on behalf of the Rail Industry Safety and Standards Board (RISSB), formally approached relevant Australian Government departments and APTJC about legally adopting a National Code of Practice for Accessible Rail Services (the Code). The ARA believes that legal recognition of the Code was vital for providing greater certainty to the rail industry for procuring rolling stock and establishing accessible stations for people with disability. In July 2011 the AHRC wrote to Infrastructure expressing support for the Code and detailing that the Code was developed by the RISSB in conjunction with the Commission and the Australian Federation of Disability Organisations (AFDO) with the aim to accommodate the unique environment of the rail and maintain adequate access to rail passengers with disabilities.

APTJC consequently decided to wait to see whether co-regulatory compliance codes would be allowable under the DDA as part of the Consolidating of Commonwealth Anti-Discrimination laws project, before developing specific guidelines. However, as the Human Rights and Anti-Discrimination Bill 2012 did not receive sufficient parliamentary support, the Bill was not progressed and it was decided to wait for the outcomes of this review before the issue was considered further.

On 25 September 2013, the ARA formally applied to the AHRC for temporary exemptions from the DDA and the Transport Standards for a period of five years on the condition that members of the ARA comply with the proposed Code. In the case these exemptions are not granted, the ARA has also formally applied to extend current exemptions and to grant further exemptions (discussed in detail in Section 10.2).

The AHRC advised that it will be conducting public consultations on the proposed ARA exemptions in 2014. Infrastructure will continue to consider this issue after the consultation process and the AHRC's decision.

This review received a submission from the Bus Industry Confederation (BIC) for the development of a Code of Practice for Bus Operations and Transport Standards. BIC stated the code should provide practical advice and guidance to operators on how to meet the requirements of the Transport Standards, and provide guidance on appropriate equivalent access provisions.

Recommendation 5

A mobility-labelling scheme be developed that identifies the weight of the mobility aid and whether its dimensions fit within the dimensions for allocated spaces, boarding devices, access paths and manoeuvring areas on conveyances, as specified in the Transport Standards.

Supported in principle

Current status of Recommendation 5: in progress

Infrastructure, when initially considering this recommendation, sought the assistance of the Australian Competition and Consumer Commission (ACCC), which was undertaking research and work in relation to the safety and usage of mobility scooters nationally. The ACCC informed Infrastructure that any mandatory labelling scheme would need to be

underpinned by a relevant Australian Standard, none of which had been fully developed at that time.

APTJC deliberated on whether a proposed scheme should be based on a mandatory or a self-regulatory approach. Even though an industry self-regulatory option was seen by some stakeholders to be an unsatisfactory option, the ACCC confirmed that significant penalty provisions existed under the Competition and Consumer Protection Act 2010 to be applied to importers, distributors or suppliers who misrepresent by applying the label to non-compliant devices.

Infrastructure discussed issues surrounding the development of a scheme with the mobility aid industry's peak representative body, Assistive Technology Suppliers Australasia Inc. (ATSA). Following these discussions, APTJC agreed that development of a detailed mapping process was required and that a sub-group with representatives from different stakeholder sectors was needed to progress work. Subsequently, the APTJC Mobility Aid Labelling Scheme Group, chaired by Infrastructure with membership from the mobility aid industry, public transport, government and health sectors agreed that the design of the scheme should be cost effective, practical and inform both consumers purchasing mobility aids and transport operators who are seeking to make decisions about which devices can board conveyances.

In November 2012, Infrastructure was invited to participate in an Austroads Registration and Licensing Taskforce project to develop a nationally consistent approach to the use of motorised wheelchairs and other motorised mobility devices, known as the Austroads Motorised Mobility Device (MMD) Project. Austroads is the association of Australian and New Zealand road transport and traffic authorities and provides expert technical input to national policy development on road and road transport issues. Consideration of the use of motorised mobility devices on public transport was included under the scope of the MMD Project.

Work on the MMD Project has continued throughout 2013 and 2014. Further discussion on the project is in Chapter 11.

Recommendation 6

A best practice clearinghouse be established in a government agency or research body to collect and disseminate best practice solutions and ideas relating to accessible public transport.

Supported in principle

Current status of Recommendation 6: not completed

At APTJC's suggestion, in 2011 Infrastructure approached the Social Research in Transport (SORT) Clearinghouse based at Monash University in Melbourne about engaging its services. SORT is the only dedicated research clearinghouse in Australia that specifically focuses on transport research and it responded positively to the proposal. However, due to a lack of funding, the proposal was not able to be progressed.

The proposal has not been raised in the context of this review.

Recommendation 7

Federal, state and territory governments provide funding for projects in regional and rural regions where local governments are unable to resource upgrades of public transport infrastructure.

Recommendation was noted

Current status of Recommendation 7

The (then) Australian Government determined that funding for projects was a matter for each government to consider, including in the context of existing regional infrastructure programs and budget deliberations. The (then) Australian Government committed to consider the eligibility criteria for existing regional and rural transport and infrastructure programs to ensure no inappropriate exclusions applied to projects that would support compliance with the Transport Standards.

Recommendation 8

The AHRC be tasked with providing greater support for representative complaints on behalf of people with disability, reducing the legal cost burden on individuals.

Recommendation was noted

Current status of Recommendation 8

The (then) Australian Government noted this recommendation and advised that it was reviewing and consolidating Commonwealth anti-discrimination legislation, including considering gaps in protection and an effective complaints system. However, the Human Rights and Anti-Discrimination Bill 2012 did not receive sufficient parliamentary support and has not progressed since. The complaints issue is discussed further in Chapter 11.

Recommendation 9

New governance arrangements be implemented to establish accountability for progressing recommendations from the five-year Review. APTJC should have coordinating responsibility for new initiatives (including modal committees and the technical experts group) in partnership with APTNAC.

Supported in principle

Current status of Recommendation 9: completed

APTJC met nine times between February 2011 and March 2013 to coordinate and lead the former Australian Government response to the 2007 Review.

In providing support to APTJC, APTNAC met four times with the last meeting just before the start of this review public consultation sessions in April 2013.

Governance arrangements after the completion of this review are discussed in Chapter 11.

Recommendation 10

The 2017 compliance milestone for tram conveyances and infrastructure be reduced from 90 per cent to 80 per cent to better reflect vehicle replacement cycles.

Recommendation was noted

Current status of Recommendation 10

Victoria and South Australia agreed to take responsibility for this recommendation. Victoria is facing the biggest challenge to meet proposed compliance targets for trams and it determined that further stakeholder consultation and regulatory analysis was needed before any decision could be made. The Victorian Government's response to this review of tram compliance is detailed in Chapter 4. Victoria has signalled that meeting the 2017 compliance targets will be problematic.

Recommendation 11

The taxi modal sub-committee be tasked with developing a staged implementation timeframe similar to that for other modes of transport, and an appropriate performance measure to replace the 2007 milestone for Wheelchair Accessible Taxi compliance.

Recommendation was noted

Current status of Recommendation 11

In May 2011, the National Taxi Regulators Group (NTRG) agreed that it would progress work in relation to this recommendation on behalf of APTJC, but, to date, no solution has been able to be reached. This partly reflects the inherent difficulties associated with the wide variation in regulatory arrangements for the taxi industry across Australia. Further discussion on this issue is in Chapter 10.

Recommendation 12

Government commission research into the safety of passengers travelling in conveyances whilst seated in mobility aids. This research should make recommendations around whether there is a need for an Australian Standard addressing this aspect of safety for mobility aids.

Recommendation was noted

Current status of Recommendation 12

Research conducted by APTJC indicates that state and territory government transport regulators use different standards according to their own particular requirements to inform their regulations and that recently developed Australian Standards would only be considered as guidance if there was a perceived benefit. APTJC agreed that further research and analysis was required. However, due to the unavailability of funding, this work was not progressed. This issue is discussed further in Chapter 11.

Recommendation 13

The Transport Standards be amended to require new community transport vehicles greater than 12-seat capacity to comply with the Transport Standards commencing in 2017, (with full compliance by 2032).

Supported in principle

Current status of Recommendation 13: not completed

In early 2012, APTJC agreed that the 2007 Review did not sufficiently demonstrate that mandating all community transport vehicles over 12 seats comply with the Transport Standards from 2017 would result in increased service delivery for clients with a mobility disability. It was agreed that additional research and analysis would be required before a recommendation of such significance could be supported.

In response to APTJC's position, disability sector members of APTNAC, while expressing serious concern that extensive consultation must be undertaken before a final decision is made, agreed with government and transport industry representatives that further data collection and analysis is needed. Further discussion on this issue is in Chapter 10.

Recommendation 14

The phased application of dedicated school bus services to physical access requirements in the Transport Standards, commencing in 2029 and being fully required by 2044.

Supported in principle

Current Status of Recommendation 14: not completed

In responding to this recommendation in April 2012, APTJC reflected that although the precise number of accessible school buses in Australia is unknown, state and territory government feedback suggests that the majority of mainstream school bus services in Australia do not comply with the Transport Standards. Despite this non-compliance, jurisdictions were of the view that there is no obvious area of unmet transport need for students with disability in Australia who have access to a wide range of transport services, depending on their individual circumstances. The available services include public transport services, dedicated school bus services, accessible dedicated school bus services, minibuses, taxis, accessible taxis or private vehicles.

APTJC concluded that the current approach to meeting the transport needs for students with disability was adequate and was tailored to their needs. APTJC recommended that Recommendation 14 not proceed.

Disability sector members of APTNAC and the Australian Human Rights Commissioner expressed serious concern about APTJC's decision. In response, APTNAC reiterated that the rationale behind the exemption of school buses from the Transport Standards was that special schemes were not a long-term solution and that they were only intended to be allowed until mainstream school buses were accessible. APTNAC also questioned what constituted 'unmet need'.

A common view was reached by both committees — stakeholders and governments want to deliver the best possible outcomes for school students with disability. However, there was a major difference in views between the two committees regarding how greater accessibility should be achieved. APTNAC agreed that further data collection and analysis on the use of buses for school services was required before governments could make a final decision. State and territory governments were of the view that existing para-transport arrangements adequately provide for the transport needs of school students with disability. APTJC considers that implementation should not proceed until evidence is provided of a need for all school bus fleets to become disability accessible. Further discussion on this issue is in Chapter 10.

Recommendation 15

Air travel modal sub-committee (the Aviation Access Working Group) be tasked to develop guidance on the carriage of mobility aids on aircraft.

Supported in principle

Current status of Recommendation 15: completed

The former Aviation Access Working Group, now Aviation Access Forum, developed guidance for carrying mobility aids on aircraft. This guidance was publicly available on the former Australian Department of Infrastructure and Transport's website in May 2012 and is now available at www.infrastructure.gov.au/aviation/aawg/index.aspx.

Other recommendations — Appendix E

Review proposals for Parts requiring amendment.

Current status of other recommendations: not completed

The 2007 Review contained a number of proposals to make minor technical amendments to the Transport Standards, some of which are mode-specific. APTJC agreed to link these proposals with the work to be carried out for Recommendations 3 and 4, which relate to modal technical aspects and guidelines. Further discussion on these proposed amendments is in Chapter 10.

3. Accessibility of trains

Submissions to this review from governments at all levels provided details on passenger train travel in all states and territories except Tasmania, the Northern Territory and the Australian Capital Territory. This chapter looks at the details in the submissions, the initiatives undertaken, and the concerns of the disability sector about the accessibility of trains.

The Transport Standards prescribe the following requirements for trains and rail infrastructure.

Schedule 1 Part 2, 31 December 2012 Transport Standards Compliance Requirements

- 2.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to gateways and vending machines (except bus stops).
- 2.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to surfaces, handrails and grab rails, except bus stops and premises to which the Disability (Access to Premises — Buildings) Standards 2010 (Premises Standards) apply.
- 2.4 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture (except bus stops).
- 2.5 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, lifts, stairs, toilets, tactile ground surface indicators, controls, doorways and doors except bus stops and premises to which the Disability (Access to Premises-Buildings) Standards 2010 (Premises Standards) apply.

Schedule 1 Part 1, 31 December 2007 Transport Standards Compliance Requirements

- 1.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to waiting areas, furniture and fittings, information, booked services, food and drink services, belongings and priority.
- 1.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to symbols, signs, alarms, lighting and hearing augmentation.

3.1. Accessibility of trains

Government submissions indicate that the 2012 compliance targets for the accessibility of trains have been met or are close to being met. However, in a number of instances these arrangements involve staff or carers directly assisting passengers with disability. Some submissions provided data on rail accessibility in regional and metropolitan areas as shown in Table 1.

Table 1: Train accessibility reporting by state and territory (as at December 2012)

State	Metropolitan area (target of 55 per cent)	Regional areas (target of 55 per cent)
New South Wales	Heavy rail services	
	<p>As at December 2012, 23 per cent of the Sydney Trains fleet of 176.5 sets were fully accessible with 'direct assistance' using a boarding ramp.</p> <p>A total of 100 per cent of trains in use by Sydney Trains are accessible for mobility-aid users with 'direct assistance' using a boarding ramp.</p>	<p>All NSW Trains (country lines) provide accessible seating, wheelchair spaces and toilets. Mobility-aid boarding is via 'direct assistance'. Some inter-city carriages do not have sufficient door width or internal spaces to provide allocated spaces for wheelchairs. NSW Trains requires its contracted coach service operators to provide accessible services.</p>
	Light rail services	
	<p>The Sydney light rail network links Central Station with Sydney's Inner Western Suburbs and is fully accessible with 'direct assistance' using a boarding ramp. The NSW Government is expanding the network to operate as a 'turn up and go' service, with services running every two to three minutes in peak times, and less frequently in off-peak. Printed timetables will not be used.</p>	<p>Not applicable</p>
Victoria	<p>A total of 98 per cent of the suburban fleet of 204 carriages were accessible</p> <p>Mobility-aid boarding is only available at the front carriage in Melbourne.</p>	<p>A total of 92 per cent of the 62 trains were accessible</p> <p>Mobility-aid boarding is available at any carriage. Some of the older carriages are not compliant for manoeuvring areas and allocated spaces.</p>
Queensland	<p>No percentages of compliance were provided by Queensland Rail. The Queensland submission claims that City Train network will achieve compliance sooner than legislated timeframes.</p>	<p>No percentages of compliance were provided by Queensland Rail. The Queensland submission claims that the fleet largely relies on direct assistance and the use of an on-board wheelchair.</p>
South Australia	<p>The SA submission reports that electric trains are fully accessible.</p>	<p>No information was provided.</p>
Western Australia	<p>The WA submission reports that the 2012 train compliance targets have been met or exceeded. Disability-accessible upgrade work has commenced on 'A' series rolling stock in the Transperth rail fleet. The newer 'B' series rolling stock in the Transperth rail fleet is designed to meet standards requirements.</p>	<p>The vehicles comprising the Transwa fleet providing transport to major regional centres in WA will be made fully compliant within the timeframes set by the Standards. The Australind railcars in the Transwa fleet underwent a major refit program to improve vehicle accessibility and further assessment is scheduled to modify the vehicles for full compliance with the standards.</p>

Numerous submissions to this review noted that trains are becoming more accessible to people with disability. In Western Australia, trains are viewed by some people with disability as the most reliable and safe mode of transport. Stations are marked in such a way that the train stops and the accessible doors line up with designated boarding points. Ramps are automatic and there is a carriage with allocated spaces for wheelchair users. Submissions from the South Australian disability sector recognise accessibility improvements. As the South Australian Equal Opportunity Commissioner remarked (Submission 55), 'Accessible train transport has made significant and welcome progress in South Australia'. In Queensland, the refurbishment of the City Train fleet was acknowledged by the disability sector and assistance from rail staff is seen as adequate to good. Submissions have noted that the majority of Brisbane City Train rail car sets have a compliant number of allocated spaces.

The review heard that access to regional train services is enhanced by a greater level of direct assistance from staff. Transperth offers a call service for people with disability to receive familiarisation training.

3.2. Disability sector concerns with accessibility of trains

The review also received information about a number of areas that still need to be addressed. Usage by other passengers of space allocated for people with disability continues to cause frustration to people with disability. Submissions recounted bicycle owners storing their bikes in allocated spaces or during peak hour these areas become crowded creating specific manoeuvring difficulty for those with mobility aids. Submissions called for these spaces to be clearly marked as disability priority areas and notices to be displayed informing other passengers of the need to keep these areas vacant for those with disability.

Some people with disability commended direct assistance if offered, however the need to contact rail authorities at some locations before a proposed journey to ensure staff are available to assist is a cause of frustration and is also seen as discriminatory. The ability to undertake spontaneous and unscheduled journeys, as enjoyed by people without disability, is negated by this process.

The impact of limited rail transportation in regional and rural areas was highlighted. For people living in regional locations, access to train services is often problematic because old and inaccessible rolling stock is still in use. Social isolation as a result of this situation was identified as a major concern.

Boarding the train

Providing access only at the front carriage of a train, particularly during peak travel times, is considered unsatisfactory. Waiting in a designated space at the platform and having to inform the driver of the need for a ramp continues to distress people with disability. The review received submissions about the need for station platform upgrades to ensure the smooth movement from the platform into any train carriage without the need to use ramps.

In response to issues surrounding entry to and exit from trains and trams, the former Victorian Department of Transport (Submission 93), has called for a review of Section 8.2 of

the Transport Standards, in consultation with people with disability. The main aim of this would be to develop specific standards for trams and trains for ‘boarding’.

The former Victorian Department of Transport notes that while there are high levels of accessibility on metropolitan train carriages, people with disability often require direct assistance from railway staff or carers to board the trains via ramps. Current operating practice is for people with mobility aids to enter trains from the front carriage where drivers deploy ramps. Victoria states that the lack of independent access means passengers with disability find boarding trains highly unpredictable and challenging.

The review notes that as an interim measure, Metro Trains Melbourne has provided raised platforms at several locations across the Melbourne metropolitan train network for mobility aid access to the front carriage of trains. The raised platforms, which take account of train door height and fill the horizontal gap between the platform and train by using a combination of solid rubber and rubber bristles, remove the need for direct assistance.

3.3. Accessibility of rail infrastructure

Submissions from governments and transport providers provided a variety of data about the accessibility of rail infrastructure.

Table 2: Rail infrastructure accessibility reporting by state and territory (as at December 2012)

State	Metropolitan area (target of 55 per cent)	Regional areas (target of 55 per cent)
New South Wales	The wheelchair accessibility of stations has improved from 98 stations (31.8 per cent) in 2007 to 146 stations (47.4 per cent) in 2013. Currently, 68 stations (38 per cent) on the Sydney Trains network are fully accessible and another 30 stations (17 per cent) provide street-to-platform access.	The NSW Trains network includes 132 inter-city stations and 62 stations in rural areas. Currently, 77 stations (39.7 per cent) provide street-to-platform access. Regular coaches that replace trains at some junction points are 100 per cent accessible.
Victoria	Access to metropolitan railway stations is around 55 per cent of the 208 metropolitan railway stations on 15 train lines.	Access to regional railway stations is 55 per cent of the 87 regional railway stations on 8 train lines.
Queensland	No percentages provided. Queensland Rail states that accessibility improvements have been undertaken at 117 stations including 17 major station upgrades.	No percentages provided. Queensland Rail states that travel network stations are very close to full compliance and well exceed the 2007 and 2012 targets.
South Australia	No percentages provided. Since 2007, upgrades to rail stations have included installation of tactile ground surface indicators, complaint signage, a lighting upgrade to Adelaide Railway Station and full upgrades to two stations involving raising platforms, new shelters and	No information provided.

State	Metropolitan area (target of 55 per cent)	Regional areas (target of 55 per cent)
	seating, and upgrades to lighting, ramps and pedestrian mazes.	
Western Australia	<p>Approximately 50 per cent of compliance targets were met at train stations. No figure was provided on allocated spaces, although the submission states that there is adequate space for passengers with a mobility aid to wait for the trains.</p> <p>The submission notes that train platform gaps and hearing augmentation have been impractical or difficult to implement.</p>	Accessible stations are located on the Kalgoorlie and Bunbury lines as strategic locations and provide a level entry point between the platform and railcar.

3.4. Disability sector concerns with accessibility of rail infrastructure

A number of submissions recognise that rail infrastructure accessibility has improved in several areas since 2007, including better use of signage, a greater availability of tactile ground surface indicators (TGSI), handrails and grab-rails, and greater accessibility to protective safety officers at railway stations. However, station accessibility in regional and rural areas was highlighted as requiring attention.

Access concerns

Submissions detailed some major concerns with rail infrastructure. The review heard that one of the biggest problems with rail infrastructure accessibility is the use of ramps and lifts to access the train station and platform. In situations where lifts are the only means of access to and from railway stations, if they are out of service the stations become inaccessible to people with disability:

In a number of cases lifts have broken down, including through vandalism, resulting in passengers requiring level access being unable to use the service, and even be stranded on the platform, unable to leave the station.

Submission 90 — Victorian Council of Social Services

Accessibility to conveyances at newly constructed or renovated public train stations have only been available by lift or stairs. The Standards need to specify the requirement of ramp access. The imperative for ramp access means that the platform is constantly accessible, and not subject to vandalism, malfunction or electricity failures.

Submission 12 — Disability Justice Advocacy Inc.

The Victorian Council of Social Services (VCOSS) supported Part 14.1 of the Transport Standards, which states that stairs must not be the sole means of access to public transport infrastructure. VCOSS also considered that this requirement needs to be further elaborated for train stations and that all train station platforms should be accessible by ramps or by at least two lifts.

24-hour provision of accessible toilets

The lack of availability of 24-hour accessible toilets for people with disability was raised in submissions. The review heard that while standard toilets often remained open, disabled toilet facilities were closed to prevent vandalism. The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) provided details of an investigation undertaken in 2011, where VEOHRC found that accessible toilets were locked at 29 stations in Melbourne while adjacent standard toilets remained unlocked.

Submissions called for access to disabled toilets at large transport hubs to be upgraded to ensure they can be used by people with profound physical and mental disabilities. Enhanced facilities including height adjustable adult-sized changing benches, tracking hoist systems and additional space would ensure people with disability and their carers are able to use toilets effectively and with dignity. The provision of these 'premium toilets' has been championed by Maroondah City Council (Submission 33) and Knox City Council (Submission 52). Both councils have advocated the United Kingdom's successful '*Changing Places*' scheme as a model.

Tactile ground surface indicator placement

Concern with the placement of TGSIs was raised in several submissions. Correct placement was seen as critical to ensuring visually impaired or blind passengers could successfully navigate rail infrastructure and access conveyances.

Delivery of information in trains and at stations was raised in submissions as an area requiring attention. This concern is discussed in more detail in Chapter 9.

Governments and rail providers indicated that providing accessible rail infrastructure is a key challenge. Upgrading legacy and heritage infrastructure, especially in confined, densely populated urban areas constitutes a major problem involving significant cost and construction challenges particularly when compared to building new stations in newer areas.

3.5. Overall achievement of accessibility to date

According to the submissions, trains have become more accessible since the 2007 Review and governments and train services providers have made substantial investments to ensure trains meet compliance milestones under the Transport Standards.

However, accessibility is achieved in some train networks via the use of equivalent access provisions — ramps and direct assistance from train station staff. This is still seen to be an unsatisfactory arrangement by the disability sector, especially if access is only via the front carriage of the train.

Another aspect that causes frustration in the disability sector is the use of allocated spaces for people with disability by passengers without disability, especially where access to the train is only via the front carriage. The review heard that train services providers need to do more to ensure these spaces are kept vacant for those with disability.

Ensuring increased accessibility of rail infrastructure poses a substantial challenge to governments and train service providers, especially upgrading legacy infrastructure in

confined urban settings. Access to train stations and platforms at these locations is a major source of concern for people with disability. Steep ramps and train stations where access is only via a single lift are seen as unsatisfactory. The disability sector called for two access points at train stations to ensure continuous access.

Provision of rail infrastructure in newly developed areas poses less of a challenge as governments are able to ensure that proposed station sites are large enough for accessibility requirements to be met. This review received limited information about the accessibility of rail infrastructure in regional areas.

4. Accessibility of trams

The Victorian and South Australian Governments provided details on trams and tram infrastructure accessibility. They are the only jurisdictions with tram services. This chapter looks at the details in the submissions, the initiatives undertaken, and the concerns of the people with disability about the accessibility of trams.

The Transport Standards prescribe the following requirements for trams and tram infrastructure.

Schedule 1 Part 2, 31 December 2012 Transport Standards Compliance Requirements

- 2.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to gateways and vending machines (except bus stops).
- 2.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to surfaces, handrails and grab rails except bus stops and premises to which the Disability (Access to Premises-Buildings) Standards 2010 (Premises Standards) apply.
- 2.4 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture (except bus stops).
- 2.5 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, lifts, stairs, toilets, tactile ground surface indicators, controls, doorways and doors except bus stops and premises to which the Disability (Access to Premises-Buildings) Standards 2010 (Premises Standards) apply.

Schedule 1 Part 1, 31 December 2007 Transport Standards Compliance Requirements

- 1.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to waiting areas, furniture and fittings, information, booked services, food and drink services, belongings and priority.
- 1.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to symbols, signs, alarms, lighting and hearing augmentation.

4.1. Accessibility of trams

The former Victorian Department of Transport's submission (Submission 93) noted that the 2012 compliance targets for the accessibility of trams have not been met. The South Australia Department of Transport and Infrastructure's submission (Submission 94) noted that trams have met the 2012 compliance targets.

The former Victorian Department of Transport cited operational and logistical challenges in providing manual or power-assisted tram boarding where independent access to trams cannot be achieved by people with disability. There is no standard specifying the vertical and horizontal gaps that should not be exceeded for independent access. Tolerances are inferred from Section 8.2 of the Transport Standard governing the use of boarding devices which specify a boarding gap of 12 mm (vertical) and 40 mm (horizontal), based on an Australian Standard for hoists and ramps used for road transport including buses and taxis. However, there is no specific standard for trams, and European standards have different vertical and horizontal gap requirements for the deployment of ramps.

Table 3: Tram accessibility reporting by state (as at December 2012)

State	
Victoria	<p>Currently, 100 low-floor accessible trams are in operation in Melbourne’s tram fleet of 487 cars. The former Victorian Department of Transport noted that the 2012 compliance targets for tram rolling stock have not been met and compliance is currently around 23 per cent. Victoria argued that older, high-floor trams cannot be retrofitted and made accessible, reflecting the absolute dependence of tram upgrade cycles on the turnover of existing rolling stock for new trams.</p> <p>The former Victorian Department of Transport reiterated its commitment to improving access to tram services and meeting Transport Standards milestones and the eventual compliance targets in 2032. The submission emphasised that trams have a replacement cycle of 30 years; therefore, Victoria is likely to have difficulty meeting the 2017 milestones. A tram replacement program is current with 50 low-floor trams on order.</p>
South Australia	<p>The South Australian Department of Transport and Infrastructure advised that the South Australian tram fleet is fully accessible.</p>

4.2. Accessibility of tram infrastructure

The former Victorian Department of Transport advised that in 2012, 65 per cent of the 1,770 tram stops in Melbourne met the accessibility requirements of Transport Standards. This advice was presented with a caution that this is a network-wide figure based on 30 Transport Standards criteria and does not mean that 65 per cent of stops are fully accessible. Victoria states that it is a measure of partial access across the network as only 21 per cent of tram stops are platform and easy-access stops that can be considered to be fully accessible. In Melbourne, most tram stops have kerbside access. Many of these meet some Transport Standards requirements, but not boarding access for people who have a mobility aid that requires a ramp or assisted access.

Victoria has, however, continued to build level-access tram stops over the last five years up to the current total of 381. Other low-floor tram routes are receiving power upgrades and accessibility improvements. Route 96 will be the first route on which the new low-floor trams will operate.

The former Victorian Department of Transport emphasised the considerable challenges in constructing new tram stops and making the tram network more accessible. Its submission identified significant issues associated with traffic congestion, parking availability, business and residential access, and in certain situations local business viability that makes constructing level access stops difficult and complex. The construction process for the level-access stops can be delayed by the need to consult with the community, businesses, local government and other government agencies.

4.3. Disability sector concerns with accessibility of trams

The review heard that purchasing low-floor trams and providing accessible tram stops in Melbourne needs to increase. Submissions noted that the majority of tram stops do not have a raised kerb, and where they do, the horizontal gap is still exceeding the allowable distance of 40 mm under the Transport Standards. While bridging plates are now available on some versions of the new low-floor trams, they need to be available on all new tram roll-outs, as well as signage indicating that the service is available and how it is activated. Irrespective of new infrastructure improvements to the tram network, without a consistent roll-out of bridging plates the accessibility of trams will still not have improved. The tram network still does not provide an unhindered access pathway throughout the entire journey. Melbourne's disability sector has highlighted that when they get on a tram at one of the new super-stops, they cannot be sure if there will be a super-stop at the other end of their journey.

South Australian disability sector submissions raise an issue surrounding the correct provision of tactile ground surface indicators (TGSIs). The Royal Blind Society of South Australia recommended that the Transport Standards be amended to include at least one tactile boarding point, with drivers being instructed to align the first door with the tactile boarding point.

4.4. Overall achievement of accessibility to date

The former Victorian Department of Transport submission acknowledges that the Melbourne tram fleet has not met the 2012 compliance targets and states that measures have been put in place to ensure that this situation is rectified. Ensuring the accessibility of Melbourne tram infrastructure also poses considerable challenges, especially in areas where road vehicles and vehicle parking compete for limited available space. The review has heard that steady progress is being made.

The South Australian Department of Transport and Infrastructure assured this review that its tram system is accessible, although the review was informed that issues surrounding the placement of TGSIs causes frustration for blind or vision-impaired passengers.

5. Accessibility of taxis

Submissions from all state and territory governments provided details on taxi accessibility. This chapter looks at the details in the submissions, the initiatives undertaken, and the concerns of the disability sector about the accessibility of taxis.

The Transport Standards prescribe the following requirements for taxis.

Schedule 1 Part 2, 31 December 2012 Transport Standards Compliance Requirements

- 2.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to surfaces, handrails and grab rails.
- 2.3 Full compliance with the relevant Standards by accessible taxi operators in relation to 1,500 mm minimum headroom and vertical door opening.
- 2.4 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture.
- 2.5 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, lifts, stairs, toilets, tactile ground surface indicators, controls, doorways and doors.

Schedule 1 Part 1, 31 December 2007 Transport Standards Compliance Requirements

- 1.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to waiting areas, furniture and fittings, information, booked services, food and drink services, belongings and priority.
- 1.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to symbols, signs, alarms, lighting and hearing augmentation.
- 1.3 Response times for accessible vehicles are to be the same as for other taxis.

5.1. Accessibility of taxis

Government submissions to this review indicate that since 2007, wheelchair accessible taxi (WAT) services have improved in a number of areas and that WAT fleets have increased to provide a better service to people with disability. However, only the Australian Capital Territory (ACT) Government advised that networks reported achieving WAT response times equivalent with standard taxis for the 2011-12 financial year.

Proportion of wheelchair accessible taxis in state and territory fleets

Table 4 shows the available data on WATs as a proportion of taxi fleets in each state and territory.

Table 4: Wheelchair accessible taxis as a proportion of taxi fleets in each state and territory for 2001, 2007 and 2012

State or Territory	2001	2007	2012
	%	%	%
New South Wales	5.4	9.9	12.3
Victoria	6	8.1	11.9 ¹
Queensland	10	15.2	19.7
South Australia	7	7	9
Western Australia	8	6.3	4.9 ²
Tasmania	0	7.8	11.4
Northern Territory	4.9	18.8	19
Australian Capital Territory	9.4	5.2	5

5.2. Wheelchair accessible taxi compliance and associated initiatives

New South Wales

Transport for NSW's submission (Submission 95) indicates that despite substantial gains in the number of WATs, average response times of 9.22 minutes continues to be slower than the standard taxi response time of 6.05 minutes. Response times for WATs outside of the metropolitan area are not available. Recent customer research indicates WAT response times are only slightly behind standard taxis and that most customers find WAT response times to be acceptable. In addition:

- for the 61.4 per cent of WAT customers who booked in advance, 93 per cent of their WATs were on time or early
- for the 32 per cent of WAT customers who booked immediately, 79 per cent of WATs arrived in 20 minutes; 3 per cent of customers waited over an hour
- 91 per cent of WAT customers found their waiting time 'acceptable', with only 5 per cent reporting a 'completely unacceptable' wait time, and 4 per cent had a wait time that was 'a little unacceptable'.

In the research, customers identified the most important aspect of service was safety, particularly safe wheelchair securement.

¹ Figure provided by the Victorian Taxi Services Commission, 8 January 2014.

² Figure provided by WA Department of Transport, 4 February 2014.

Transport for NSW continues to implement incentive programs to improve the take-up of WAT licences and to increase the availability of vehicles:

- in urban areas, WAT licences are \$1,000 per annum (compared to around \$35,000 for a general taxi licence in Sydney) and in regional areas they are free
- the provision for WATs to be new vehicles has been relaxed, but the 10-year age limit remains
- WAT drivers are fully reimbursed for the costs of specialist driver training and assessment costs
- regional operators can obtain interest free loans to purchase WATs.

Victoria

The former Victorian Department of Transport's submission (Submission 93) argues that since 2007, significant improvements have been made through a range of targeted initiatives aimed at addressing accessibility of taxi services.

In greater Melbourne, 530 additional taxi licences (10-year terms) were introduced, which included 286 WAT licences and the introduction of tactile signs that are compliant. Also, in greater Melbourne, there has been a significant increase in the annual subsidy cap and trip cap for the Multi-Purpose Taxi Program.

The WAT subsidy scheme has approved 63 subsidy applications for new or replacement WATs across regional Victoria. Since January 2011, ramps fitted to WATs must have a gradient not steeper than one-in-six when deployed. Ramps with gradients of one-in-four are being phased out. Also since January 2011, each wheelchair position in new or replacement taxis must meet the requirements of Section 9.3 of the Transport Standards.

The Business and Service Standards for Network Services Providers (NSPs) outline specific conditions aimed at ensuring that WAT vehicles primarily cover bookings for wheelchair and scooter users. NSPs agree to 'offer all WAT bookings to drivers as a priority'. If that booking is not accepted and is outstanding for more than five minutes, the NSP will cease to offer conventional bookings to WAT drivers who could reasonably accept the wheelchair booking.

In 2008, driver training was rolled out in regional Victoria to ensure all WAT drivers met the required standards in delivering services to people with disability. Under recent changes, operators and NSPs in urban and country areas may now train drivers in WAT work.

In the Victorian Government response to the Victorian Taxi Industry Inquiry (May 2013), the government supported the introduction of a central booking service for WATs in Melbourne and stated that it would work with community representatives and the users of WATs to design and develop the service. The Victorian Government's response to the Inquiry also noted that people with disability, although comprising a considerable proportion of taxi customers, continued to experience unacceptable levels of service quality, availability and accessibility.

Queensland

The Queensland Department of Transport and Main Roads (Submission 75) advised that in April 2008, 15.2 per cent of the taxi fleet in Queensland was accessible (476 WAT licences). Since then, 138 of the 200 taxi licences released throughout Queensland have been WAT licences. The number of WATs in the Queensland taxi fleet is now 644 or 19.7 per cent.

The submission details that standard taxis were compliant against 2012 targets in all categories except response times for booked services, which reflected the variable response times — between 60 per cent and 100 per cent — achieved across Queensland. The 2012 targets were generally achieved in smaller cities, but not in larger ones.

The submission indicates that WATs were compliant with the Transport Standards in relation to allocated space, doorways and doors. The Queensland Government has introduced several initiatives to improve the accessibility of WATs.

Amendments to the Transport Operations (Passenger Transport) Regulation 2005 came into effect in July 2008, requiring taxi drivers to be logged on to a taxi booking system at all times and to accept all reasonable fares.

In 2008, the terms and conditions that apply to taxi licences were expanded to reflect the requirements of the Transport Standards relating to vehicles, equipment and providing appropriate service to people with disability. The documentation for future tenders was also amended for consistency.

South Australia

The South Australian Department of Transport and Infrastructure's submission advised that the metropolitan Adelaide taxi fleet includes 100 wheelchair accessible taxis out of a total 1,108 taxis (a 45 per cent increase since 2006-07). The South Australian Government provides a performance-based 'on-time bonus' payment to drivers if WAT jobs are picked up within 30 minutes, and an additional payment to the Centralised Booking Service (CBS) if the job is picked up in under 13 minutes.

For metropolitan Adelaide, Access Taxis must provide a dedicated WAT service between 7.30 am and 6.30 pm daily. All WATs must operate on dedicated serviced days, such as Christmas Day, and they must belong to a single CBS contracted to the South Australian Government. They must give priority to WAT work from this CBS outside of dedicated hours.

The South Australian Government introduced a multi-seat tariff for carrying five or more passengers to support large WAT vehicles outside of dedicated hours. The South Australian Government subsidises taxi travel for people with permanent disability through the South Australian Transport Subsidy Scheme.

Western Australia

The Western Australian Department of Transport's submission (Submission 77) noted that since the last compliance review in 2007, the size of the multipurpose taxi (MPT) fleet has increased by 33 per cent from 83 MPTs in 2007 to 110 MPTs in 2013.

The WA Government also identified that the growth in the number of MPT vehicles has not matched the growth in standard vehicles.

In 2007, about 94 per cent of all taxi bookings were serviced. In 2012, this percentage has increased to 97 per cent, although the increase could reflect users choosing to make private appointments with drivers. As of July 2012, the 'on-time' target for 'ASAP' jobs (jobs that have been booked less than 30 minutes in advance) during off-peak periods has improved from within 20 minutes to within 15 minutes, to align with the target for standard taxis.

Following trials in 2008, a standby vehicle scheme was implemented in March 2010. A standby vehicle is a WAT solely dedicated to MPT jobs that would otherwise not be covered. If a WAT job is not taken by a driver within 10 minutes, it is allocated to the standby vehicle. The standby vehicle operates daily from 8 am until 6 pm. The number of off-peak MPT jobs not covered has decreased from 5.45 per cent in 2007 to 2.49 per cent in 2012. These off-peak taxi periods are the times of the greatest MPT demand. The standby vehicle conducts about 3,200 WAT jobs a year.

Tasmania

The Tasmanian Department of Infrastructure, Energy and Resources' submission (Submission 83) stated that 11.4 per cent of the Tasmanian taxi fleet is now accessible.

The Tasmanian Government introduced incentives for operators to invest in WATs. Initial limited licence releases between 2004 and 2006 enabled 36 licences to operate across the four metropolitan centres at the time of the 2007 Review. Subsequent opening up of the licensing regime resulted in 65 WAT licences operating across Hobart, Launceston, Devonport and Dover. The number of WATs operating in Tasmania since the 2007 Review has more than doubled.

New legislation was passed in 2008 to provide for unlimited numbers of WAT licences to be available. WAT licences are available at no capital cost, subject to the operator having a suitable vehicle.

In 2011–12, Transport Access Scheme members undertook almost 82,000 individual journeys in WATs. Wheelchair-dependent travellers accounted for 65,000 of these trips. Tasmanian Government subsidies to WAT operators in the year to 30 June 2012 totalled more than \$1.6 million, about one-third of the total subsidy provided for taxi services.

Northern Territory

The Northern Territory Department of Transport's submission (Submission 24) advised that 19 per cent of the taxi fleet in Darwin and Alice Springs is wheelchair accessible.

Northern Territory standards for wheelchair space allocation in taxis are consistent with the Transport Standards. The Taxi Subsidy Scheme provides assistance to permanent Northern Territory residents who have been assessed as having disability or significant mobility restriction that prevents them from being able to use public transport to access the community.

The Lift Incentive Scheme has increased from \$10 to \$20 per trip for MPT drivers and is mandated to ensure drivers receive it. The total number of lift incentives has been increased from 120 to 180 per year.

New taxi and minibus information poles will be implemented at ranks in the design and consultation phase. Information on these poles will be similar to those in place for buses and will include the location, a map, booking phone numbers, police contact details and the Northern Territory Department of Transport's website. The information will also be available in braille.

An audit of taxis and mini taxis in Darwin, Alice Springs and Katherine is also being finalised. The outcomes of the audit will inform a proposal to upgrade taxi ranks across the Northern Territory.

Australian Capital Territory

The ACT Government's submission (Submission 88) advised data reported by taxi networks indicates that equivalent response times for WATs were met in 2012. However, the ACT Government has identified some inconsistencies in the way networks collected data due to some limitations with the network booking data system.

As at 10 April 2013, 335 taxis operated in the ACT, 18 of which are WATs. Five surrendered WAT licences were released by ballot in 2012, bringing the total number of WATs to 5 per cent of the taxi fleet in the ACT.

Following recommendations from the 2010 Taxi Industry Review, the ACT Government implemented a WAT Centralised Booking Service (WCBS) in mid-December 2012. The WCBS is under contract to provide a dedicated booking service for all WATs regardless of the taxi operator's network affiliation. The WCBS was implemented to provide a more efficient and reliable taxi service to people with disability.

In July 2011, the ACT Government required that all new WATs have a minimum passenger head height of 1500 mm and are capable of carrying two wheelchairs.

5.3. Disability sector concerns with the accessibility of taxi services

The major issues with the accessibility of taxis raised by the disability sector were a continuing shortage of available WATs and inadequate WAT response times compared to standard taxis. Other issues that continue to be a source of frustration, and in some cases distress, include driver service and payment, location of taxi ranks, prohibitive cost and vehicle design.

Numbers of wheelchair accessible taxis

Even though governments have advised that efforts are being made to increase the number of available WATs, the disability sector has informed this review about the frustration and inconvenience in trying to travel in one. Limited WAT coverage in outer metropolitan and regional areas is a major issue. Submissions have called for improvement because WATs are often the only transport option on Sundays and public holidays.

In its response to the 2013 Victorian Taxi Industry Inquiry, the Victorian Government reported significant shortages of appropriate vehicles for taxi users with disability. The Queensland disability sector reported that WAT numbers appear to remain largely static. As a result, accessing a WAT during peak times (especially school opening and closing times) continues to be problematic.

This review heard that there are no WAT services available in many parts of Tasmania, especially the north-east of the state. The Tasmanian Government has advised that the take-up of further WAT licences is a matter for the industry, and that there is little scope for further intervention in the market if National Competition Policy principles are to be observed.

The Australian Taxi Industry Association (ATIA) advised that taxi networks and cooperatives do not control the number or proportion of WATs affiliated with their fleets as these matters are under the exclusive control of state and territory governments as the industry's regulators. Further, in response to the draft review report the ATIA (Submission 52) advised that governments have the capacity to address the market failure that causes WAT supply to be insufficient for WAT demand through provision of more direct and indirect subsidies by governments to offset the extra cost associated with WAT acquisition and operation. The ATIA also saw the promotion of WAT revenue opportunities via multi-use (e.g high occupancy fares) and the maintenance of realistic taxi fare structures as other possible remedies.

Response times of wheelchair accessible taxis

The disability sector consistently highlighted unreasonable waiting times of up to two hours for a WAT. They emphasised the embarrassment, financial costs and effect on their employment prospects. If WATs are booked days in advance, they are informed that the taxi may be early or late, or they find that the taxi leaves without them if they are not waiting outside when it arrives.

In some locations the inability of disability sector members to catch a WAT at night, particularly those using mobility aids, was highlighted as a serious personal safety and social inclusion issue.

The review heard that the lack of a standardised measure of WAT response times leads to an undesirable reliance on complaints to gauge the extent to which the Transport Standards are met. One submission noted that WATs operate best where there is a relationship between the driver and the person with disability, however this system creates a preferential service for people who are regular users. This is seen to limit the opportunity for people with disability to travel independently and leads to social exclusion.

The 2007 Review concluded that response times for WATs were not the same as those for other taxis as required in the 2007 compliance timetable. Recommendation 11 of the 2007 Review called for a taxi modal sub-committee to develop a staged implementation similar to that for other modes of transport, and an appropriate performance measure to replace the 2007 milestone.

In response, the Australian Government noted Recommendation 11 and recognised the difficulties in determining compliance with the target schedule of the Transport Standards. The response proposed that the former Australian Transport Council (now Transport and Infrastructure Council) consider the most appropriate mechanism to progress further action from this recommendation (refer to Chapter 2).

Subsequently the National Transport Regulators Group (NTRG) accepted an invitation from the Accessible Public Transport Jurisdictional Committee (APTJC) to progress this recommendation. However, significant difficulty was experienced in reaching a consistent, national position. This partly reflects the absence of a national approach to taxi regulation as each jurisdiction adopts a different approach and methodology to the measurement of waiting times for conventional taxi and WAT services.

While acknowledging that WAT response times have been progressively improving, the Australian Taxi Industry Association (ATIA) has advised this review (Submission 85) that it is not possible for taxi networks to ensure response times for WATs and other taxis. The ATIA maintains that networks do not control a number of important elements in the service supply chain, and therefore are unable to assume full responsibility for actual response times. Furthermore, the ATIA maintains that taxi networks do not control the number or proportion of WATs affiliated with their fleets or the price of taxi services, nor do they have control over taxi drivers or operators. ATIA maintains that taxi networks cannot guarantee, and therefore should not be held accountable for WATs response times that differ from other taxi response times.

The Tasmanian Government argued in its submission that fully implementing the 2007 Review Recommendation 11 will be difficult. This is because non-financial measures, which have contributed significantly to the achievement of targets to date, are not likely to deliver further increase in compliance.

The NSW Government (Submission 95) supported a review of the current compliance target of equivalent response time and acknowledged the difficulties faced by the NTRG in developing an appropriate alternative. In NSW the comparative response time is measured

as monthly 'average' response times for bookings made through a network. This averaging process masks differences in response times for different parts of a licensed area or different times of day. Response time data has only recently become available for rural and regional NSW. In some locations where the overall demand for taxi services is low, there are no WATs; availability can also be highly variable in other regional locations. NSW notes that if the current measure is replaced with a staged implementation timeframe similar to that for other modes of transport, an end target of 100 per cent of fleet is not needed to satisfy demand for WAT services.

The ACT Government stated that in order to improve WAT response times it implemented a WAT Centralised Booking System (WCBS) in December 2012. Preliminary user feedback has been positive with a number of passengers indicating an improved confidence in WATs services as a result of the WCBS.

The ATIA has advised that it is willing to participate in implementing Recommendation 11 of the 2007 Review. In cooperation with the disability sector it firmly believes that new targets can be developed that set practical and achievable benchmarks and can lead to improved service levels.

Location of taxi ranks

The location of taxi ranks and WAT off-load areas were raised in submissions. Ensuring placement of taxi ranks close to public transport facilities such as airports and rail stations was seen to greatly assist people with disability. The safe placement of WAT off-load areas was raised in submissions. At times, mobility aid users had to reverse their mobility aids out into on-coming traffic in order to access the nearest footpath.

Driver service and payment

Inconsistent taxi driver service and assistance was a source of distress for people with disability including instances where drivers were unwilling to transport a person using an assistance animal. There was a general call for wider taxi driver education to better understand and meet their needs.

Taxi vouchers also presented unique challenges to people who are vision impaired and there were frequent complaints that taxi drivers took longer routes or enlarged fares. Organisations representing the blind and vision impaired (Submissions 37 and 49) in response to the draft review report indicated that there appears to be an increasing reliance by drivers on GPS directions often resulting in the taking of an indirect route. This was seen to result in a person with vision impairment being disorientated on even familiar routes and could potentially lead to exploitation through increased distance and, therefore, increased cost. Submissions also noted that the addition of talking taxi meters as committed to by the Victorian Government was seen as critical to ensuring a service that is fully accessible to people with a print disability.

The draft review report noted recommendations concerning the need for raised taxi registration numbers, currently required to be placed on the exterior of passenger doors, to be provided in both tactile and braille forms on the inside passenger side of the vehicle. This would assist a person with vision impairment both when entering the taxi and if there were

concerns during the journey. The ATIA (Submission 52), in response to this, opposes such a requirement as it would constitute an unnecessary regulatory burden because network affiliated taxis can be identified via existing dispatch technology. However, the review notes that the call for internal identification emanates from the immediate need of a person with vision impairment to identify vehicles, which is not addressed by seeking this information from networks after the journey is complete.

Responses to the draft review report, while acknowledging that issues concerning driver service had been highlighted, were critical that no mention was made of the need for appropriate enforceable sanctions to serve as a disincentive for drivers to not abide by provisions contained within the Transport Standards. The review, while noting these views, contends that the provision of any form of sanctions is a matter for individual state and territory governments and not for consideration of incorporation into the Transport Standards.

Prohibitive cost

Many people with disability find the cost to hire taxis prohibitive however they may be the only means to provide access to the community. A lack of affordability leads to social isolation.

A number of state and territory governments provided details on government subsidy schemes designed to assist people with disability to pay for taxi services. The disability sector acknowledged this valuable assistance however, expressed concern that payments made under these schemes should be annually reviewed to ensure they maintain their effectiveness.

Allocated space in Wheelchair Accessible Taxis

Issues surrounding WAT design were raised in a number of submissions. The Transport Standards require the minimum allocated space in a WAT to be 1300mm (length) by 800 mm (width) by 1500 mm (height) however this review heard that a number of vehicle-modifiers have designed vehicles to operate as WATs that have inadequate room inside due to the rear door and folding attached ramp encroaching into the allocated space when the passenger is sitting on their mobility aid. Submissions from the disability sector strongly recommend that the minimum allocated space definition be prescriptive and state that it is required to be a three-dimensional rectangular prism, with no encroachments.

In offering a different position on this issue, the Victorian Government provided support for Recommendation 3.1 of the Victorian Taxi Industry Inquiry that the state taxi regulator be given some flexibility in regard to minor intrusions into the allocated space. This was in response to the Taxi Industry Inquiry recommendation that a wider range of vehicles are eligible for all wheelchair trip incentives, including vehicles similar to the London 'black cab' and the New York Nissan NV200.

The review notes that this recommendation was clearly opposed by the ATIA (Submission 85). Further, in its' response to the draft review report (Submission 52) the ATIA provides that an accessible version of the New York Nissan NV200 would comply with the three-dimensional rectangular prism without the need for regulator flexibility however, the London 'black cab' is materially short in regard to Transport Standards allocated space requirements and so would require an unreasonable amount of flexibility to be considered a WAT for the purposes of the Standards.

Safe restraining of mobility aids

The ATIA informed this review that the safety of people travelling in wheelchairs, and anyone travelling with wheelchairs or mobility scooters in the passenger compartments of a WAT, is seriously at risk of injury due to inadequate identification and certification of safe anchorage points on mobility aids. The ATIA asserts that drivers cannot reasonably be expected to determine whether the best available anchorage points on a mobility aid will be safe or hazardous in the event of motor vehicle crashes. The ATIA sees the burden of responsibility placed on the WAT driver to make such a decision as unfair and unreasonable.

The NSW Government in considering the WAT restraint issue calls for the Transport Standards to directly reference requirements for wheelchair tie-down systems. All WATs in NSW need to meet wheelchair tie-down requirements as detailed in the NSW Wheelchair Accessible Taxi Measurement Protocol 2008. The protocol references Australian Standard (AS) 2942-1994 Wheelchair Occupant Restraint Assemblies for Motor Vehicles and AS/NSW 3856-1998 Parts 1 and 2, Hoists and ramps for people with disabilities – Vehicle mounted.

5.4. Overall achievement of accessibility to date

Submissions to this review stated that WATs have improved since the 2007 Review and governments have made substantial efforts to improve WAT services. Data provided by governments generally indicate that the number of WATs available, as a percentage of taxi fleets, has increased since 2007. However, only one jurisdiction has advised that equivalence response times in relation to standard taxi times have been met in the 2011-12 financial year. This issue continues to cause concern as people with disability experience longer waiting times than those requiring standard taxis.

Other factors that are seen to negatively impact on the ability of mobility aid users to travel safely in WATs include driver service and payment, the poor location of taxi ranks, prohibitive costs experienced by people with disability and vehicle design.

6. Accessibility of buses and coaches

All government submissions provided details on the accessibility of bus services. The review was provided with limited information on the accessibility of coach services. This chapter looks at the details in the submissions, the initiatives undertaken, and the concerns of the disability sector about the accessibility of bus and coach services.

The Transport Standards prescribe the following requirements for bus and coach services.

Schedule 1 Part 2, 31 December 2012 Transport Standards Compliance Requirements

- 2.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to gateways and vending machines (except bus stops).
- 2.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to surfaces, handrails and grab rails except bus stops and premises to which the Disability (Access to Premises — Buildings) Standards 2010 (Premises Standards) apply.
- 2.4 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture (except bus stops).
- 2.5 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, lifts, stairs, toilets, tactile ground surface indicators, controls, doorways and doors except bus stops and premises to which the Disability (Access to Premises — Buildings) Standards 2010 (Premises Standards) apply.
- 2.6 Provider compliance with the relevant Standards by 55 per cent of bus stops in relation to access paths, manoeuvring areas, passing areas, ramps, waiting areas, boarding, allocated space, surfaces, information, street furniture, lighting, tactile ground surface indicators, signs, symbols, stairs, handrails and grab rails.

Schedule 1 Part 1, 31 December 2007 Transport Standards Compliance Requirements

- 1.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to waiting areas, furniture and fittings, information, booked services, food and drink services, belongings and priority.
- 1.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to symbols, signs, alarms, lighting and hearing augmentation.

6.1. Accessibility of buses

Government submissions indicate that the majority of bus services are close to, or have achieved, the 2012 compliance target of 55 per cent. Programs have been put in place to ensure bus fleets are increasingly accessible and meet future Transport Standards compliance requirements. However, the extent that these compliance levels apply to private bus operators is unclear because of a lack of reporting.

Table 5: Bus service accessibility reporting by state and territory (as at December 2012)

State	
New South Wales	<p>As at 30 June 2013, 1,743 buses in the State Transit Authority fleet were accessible. This represents 82 per cent of the State Transit Authority fleet, increased from 35.5 per cent in 2007.</p> <p>Contracted services operate 1,196 accessible buses (66.7 per cent of fleet) in the Metropolitan region and 388 accessible buses (55 per cent of fleet) in the Outer Metropolitan region.</p> <p>Fewer services are available in rural and regional areas, with approximately 50 per cent of rural and regional bus companies operating fewer than ten vehicles and 19 per cent fewer than five vehicles.</p> <p>The Transport for NSW's submission (Submission 95) states that providing accessible bus services in rural and regional areas is more challenging than in metropolitan areas. In 2012, data from private bus services operating under contract in rural and regional areas indicated that 17 per cent of buses were wheelchair accessible; however, approximately 30 per cent of services are timetabled as being wheelchair accessible.</p>
Victoria	<p>The former Victorian Department of Transport's submission (Submission 93) advised that in metropolitan Melbourne, the Bus Replacement Program comprising a total of 1,421 low-floor buses had achieved 75 per cent compliance with the Transport Standards. All low-floor buses have manual ramps fitted that can be deployed by the driver. These buses meet requirements for priority seating, allocated spaces and manoeuvring.</p> <p>Approximately 49 per cent of the 554 buses that operate in regional towns and rural areas of Victoria are accessible and meet compliance requirements. However, the Victorian Government argues that the greater mix of old and new buses in regional areas means that this figure should be treated with caution. While below the Transport Standards 2012 compliance target of 55 per cent, the Bus Replacement Program will increase the number of low-floor accessible buses in regional areas over time.</p> <p>For regional coach services operated by V-Line, 56 per cent of the total fleet of 103 coaches are accessible and meet the requirements of the Transport Standards. The biggest accessibility challenge for passengers of coach services is the constraints on their ability to use mobility aids on these services.</p>

State	
Queensland	<p>The Queensland Department of Transport and Main Roads (Submission 75) advised that while Queensland meets the required targets in 50 per cent of the relevant Transport Standard sections, it is above the target in important areas such as manoeuvring areas, ramps, boarding and allocated space. The submission stated that it is government policy that all government-contracted buses should be compliant with Transport Standards requirements, which produces continuous improvement ahead of the compliance targets specified under the Transport Standards. The Queensland Government offers financial assistance to bus operators to assist in vehicle replacement — funding is only provided for vehicles that are compliant with the Transport Standards.</p> <p>The submission also stated that coach services did not meet the 2012 targets in any relevant categories apart from doorways and doors, controls and hearing augmentation systems. Since 2007, Queensland has provided ongoing funding towards the delivery and operation of 10 accessible long-distance coaches through its service contracts. The submission asserted that, on average, 55 per cent of long-distance coach services will become accessible.</p>
South Australia	<p>The South Australian Department of Transport and Infrastructure's submission (Submission 94) advised that the Adelaide Metro bus fleet is approximately 86 per cent accessible and is two years ahead of schedule to be 100 per cent compliant by 31 December 2022. In regional areas, all new service contracts established to provide regular passenger transport services require that all public transport conveyances must be fully accessible with allocated space for at least one mobility aid.</p>
Western Australia	<p>The Western Australian Department of Transport's submission (Submission 77) reported that the majority of bus and coach compliance targets have been met. As at 30 June 2012, Transperth (the public transport system servicing the Perth metropolitan area) operated 994 accessible buses out of a total fleet of 1,253 (79.3 per cent). The entire Transwa country coach fleet meets Transport Standards requirements. The submission noted that Western Australian is moving quickly to ensure that 100 per cent of the bus fleet is wheelchair accessible.</p>
Tasmania	<p>The Tasmanian Department of Infrastructure, Energy and Resources' submission (Submission 83) reported that more than 55 per cent of buses were compliant with the 2012 targets. Urban fringe services delivered by both public and private providers had improved, with over 60 per cent of these services delivered by accessible vehicles.</p>
Northern Territory	<p>The Northern Territory Department of Transport's submission (Submission 24) stated that the urban bus fleets in Darwin and Alice Springs are 100 per cent compliant with the Transport Standards and all have low floors.</p> <p>In regional and remote areas bus trials have been undertaken. New accessible vehicles were provided during the trial, which significantly increased transport accessibility.</p>
Australian Capital Territory	<p>The ACT Government (Submission 88) stated there are three accredited regular-route bus services in the ACT, with the main regular-route public bus service (ACTION) being operated by the ACT Government. The submission stated that ACTION buses had exceeded the 2012 Transport Standards compliance target</p>

State	
	<p>of 55 per cent.</p> <p>In the 2012–13 Budget, the ACT Government committed funding over a five-year period to ensure that ACTION will meet the 31 December 2017 target of 80 per cent of the bus fleet being accessible. ACTION will also continue to work towards all public bus routes to be serviced with accessible buses by 2022.</p> <p>In 2012, free travel on ACTION buses was extended to include Gold Card holders (over 75 years) in addition to vision-impaired and blind passengers and holders of a Companion Card.</p>

6.2. Disability sector concerns with the accessibility of buses

The disability sector acknowledged that improvements have taken place and the number of accessible bus services has increased. However, a number of concerns that impact on their ability to use bus services were raised including:

- the intermittent availability of low-floor accessible buses
- the inability of people with mobility aids to board buses and coaches
- problems experienced by the vision impaired and blind in flagging down buses in motion
- a lack of driver understanding of the needs of people with disability
- allocated space on accessible buses being used by bicycle owners and passengers without disability.

Intermittent availability of low-floor accessible buses

Even though the disability sector recognise improvements in accessible bus services, this review heard widespread concerns regarding the intermittent availability of low-floor accessible buses and a general call for more accessible buses. Submissions to the review show that some operators are well behind in meeting the 2012 compliance schedule.

The lack of accessible bus services in outer suburban areas was raised as an issue. The need to phone ahead in some instances to check whether buses are accessible causes frustration. The inconsistent availability of accessible buses causes people with disability to revert to travel by the more expensive wheelchair accessible taxi (WAT).

Inability of people with mobility aids to board buses and coaches

Entering and exiting buses can be difficult for mobility-aid users. Having to allow users on and off from crowded buses can cause delays, which have resulted in commuter anger and embarrassment for the affected passenger. Mobility-aid users have also been left at bus stops as drivers have told them that their buses are not accessible.

The review heard that some drivers will not activate bus ramps, while others cause distress and in some cases injury to unrestrained mobility-aid users by braking or cornering too quickly. The lack of mobility restraints on buses has been detailed in a number of submissions.

Vision-impaired experience difficulty in flagging down buses in motion

People who are blind or vision-impaired have experienced difficulty flagging down buses in motion. This frustration is also experienced by some people with severe mobility impairment who are unable to indicate to drivers. Even though they are waiting at a bus stop, people with disability have reported not being noticed by the bus driver, and therefore not picked up.

Lack of driver understanding of difficulties faced by people with disability

The need for driver-awareness education about the difficulties people with disability face on a daily basis and the need to courteously engage with them was raised in numerous submissions and at public consultation sessions. While commending some bus drivers as polite, courteous and helpful, this review heard of instances where inappropriate and discriminatory conduct by drivers and other public transport patrons without disability have caused unnecessary distress to people with disability.

Priority seating for people with disability

The need to ensure visibility of priority seating information was also raised. Conflict with owners of bicycles over the use of allocated spaces on accessible buses was identified as an issue that caused distress. The review was advised that this problem could be resolved by improved signage and operators actively enforcing that people with disability have first use of these spaces.

6.3. Accessibility of bus infrastructure

Submissions indicate that the accessibility of bus stop infrastructure has improved since 2007.

Table 6: Bus infrastructure accessibility reporting by state and territory (as at December 2012)

State	
New South Wales	<p>The Transport for NSW's submission advised that all State Transit Authority bus depots are fully accessible for customers to collect lost property or to undertake travel training.</p> <p>Bus operators in both metropolitan and regional areas also have identified particular difficulties with the provision and maintenance of infrastructure by local councils. While transport operators are making their best efforts to comply with the Transport Standards requirements, the inability of local government to supply accessible bus stops and roadside infrastructure compromises these efforts and undermines the benefit accruing from investing in new and upgraded accessible transport vehicles.</p>
Victoria	<p>The former Victorian Department of Transport's submission detailed that overall access to metropolitan bus infrastructure is around 52 per cent of the 17,961 bus stops and 52 per cent of the 6,136 stops located around regional Victoria. While this falls short of the 2012 compliance milestone, Victoria argues that significant advances have been made to improving access to bus services since 2007. The submission provides that there have been 10,000 upgrades to bus stops including the installation of tactile ground surface indicators (TGSI), access paths and surface upgrades.</p>

State	
Queensland	<p>The Queensland Department of Transport and Main Roads' submission showed that bus-related public transport infrastructure met the 2012 Transport Standards targets in most categories. However, the shortfall in meeting targets for symbols and signs was common across ferry, bus, and park 'n' ride infrastructure. Similarly, there were shortfalls in the information for bus and park 'n' ride services, which did not meet the targets for handrails and grab-rails.</p> <p>The submission detailed that the Department assessed the compliance of bus stops with the Transport Standards on the basis of funding and estimates that, based on the amount of funding, approximately 53 per cent of local government-owned bus stops should be compliant.</p>
South Australia	<p>The South Australian Department of Transport and Infrastructure's submission stated that it is currently assisting local governments to replace and upgrade bus shelters. Councils are matching SA Government funding, with 500 grants provided since 2010.</p>
Western Australia	<p>The Western Australian Department of Transport's submission advised that the majority of targets for bus stations have been met, although hearing augmentation has not been provided as no automated announcements are made at the bus stations. Also, while adequate space has been provided for passengers with a mobility aid to wait for a bus, these spaces have not been signed for the purpose.</p>
Tasmania	<p>The Tasmanian Department of Infrastructure, Energy and Resources' submission stated Metro Buses have received additional funding since 2009–10 to upgrade urban bus stops. Metro Buses has upgraded over 600 bus stops statewide in its urban network, although the submission did not specify whether these upgrades conformed to the accessibility requirements of the Transport Standards.</p> <p>The submission emphasised that funding these upgrades is challenging in Tasmania, which has over 3,300 bus stops, not including dedicated school bus stops. Tasmania's ability to undertake capital expenditure in public transport infrastructure is constrained by its low and dispersed population and small budget. Topographic challenges and the heritage values of many Tasmanian streets prevent the technical requirements of the Transport Standards from being fully implemented. The cost of bus stop upgrades is a significant issue for all providers.</p>
Northern Territory	<p>The Northern Territory Department of Transport advised that bus stops in Darwin are 50 per cent compliant with the Transport Standards and there is an ongoing program to upgrade and replace bus shelters to be fully compliant with the Transport Standards. Bus stop information is also being improved in Darwin and Alice Springs through an upgrading and replacement program. There are new compliant 'totems' in place that provide timetable information, maps and a braille section. TGSI are also in place.</p>
Australian Capital Territory	<p>The ACT Government's submission reported that in the period to December 2012, Roads ACT had upgraded a further 26 per cent of bus stops bringing the total to 54 per cent being either partially or fully compliant with the Transport Standards.</p> <p>The submission advised that, due to their location and extraordinary technical or geographical factors, not all bus stops will be able to be upgraded to meet full compliance targets as set out in the Transport Standards. The longitudinal gradient of 2.5 per cent for bus stop pads is not possible to achieve when the slope of the road exceeds this gradient, which occurs in one out of three bus stops. This will present a challenge for the ACT to reach the 2017 compliance target and full compliance in 2022.</p> <p>The ACT has committed funding in the 2013–14 Budget to undertake a detailed investigation of the bus interchange facilities to identify and detail any outstanding Transport Standards compliance issues.</p>

6.4. Disability sector concerns with the accessibility of bus infrastructure

Submissions detailed the challenges faced by people with disability in finding accessible bus stops at the times they needed to travel as well poorly located and designed bus stops and interchanges. In some instances, there was no overriding organisation checking to see whether upgraded bus shelters met Transport Standards requirements.

One submission noted that bus stops located along arterial and main roads are often on the opposite side of the road for the return journey and there is no connection between these areas. Provision of safe refuge islands and/or signalised crossing points was seen to further improve safety and accessibility for all users.

There was strong support for providing wayfinding mechanisms between different modes of transport including to and from bus stops. Planning for these mechanisms should consider issues such as TGS placement, access paths, text and symbol signage and accessible controlled pedestrian crossings.

Concerns raised by local government

Challenges surrounding the provision of accessible bus stops were raised by local governments and local government bodies. Local Government NSW (Submission 29) advised this review that in NSW, there are approximately 7,200 regular route bus services in greater metropolitan Sydney; approximately 1,000 routes in rural and regional NSW; 37,200 bus stops in Sydney; and 10,000 bus stops outside of Sydney (excluding the hail and ride stops which are common especially in rural and regional NSW).

Local Government NSW noted that the introduction of the Transport Standards was not accompanied by any additional funding for implementation, nor was there a process to allow the full impact or cost-shifting implications on local government to be fully assessed. The submission reiterates that without appropriate funding to address the compliance targets, local councils may be unable to resource the required works in the target timeframes under the Transport Standards.

The City of Newcastle (Submission 32) reiterated its support for the aims of the Transport Standards. However, its submission detailed that to achieve compliance for the 1,720 transport stops under its responsibility the costs are projected at between \$12 million and \$16 million. These costs do not include furniture for shelters and seating. Due to the challenges associated with the geography of the city, the submission asserted that approximately 30 per cent of all transport stops will never be fully compliant under the Transport Standards.

Several local government bodies detailed the difficulties of providing accessible bus stops in areas of challenging topography and the apparent lack of available guidance or flexibility on the matter (discussed further in Chapter 11).

6.5. Accessibility of coaches

Limited information was provided about the accessibility of coach service infrastructure.

6.6. Overall achievement of accessibility of buses and coaches to date

This review notes that the majority of bus services are close to, or have achieved, the 2012 compliance target of 55 per cent and that providers and governments have put in place measures to ensure the increasing accessibility of their bus fleets. However, the extent to which these compliance levels apply to private operators is unclear because they have not been reported.

The disability sector generally acknowledge that the number of accessible bus services has increased although, at this stage of 55 per cent compliance, the only way to successfully catch an accessible bus is to seek the required information prior to travel. Other issues such as lack of driver understanding and issues surrounding priority seating impact on a person with disability's capacity to travel and desire to use the bus service.

Providing accessible bus shelters poses a considerable challenge to governments across Australia due to the substantial numbers involved, challenging topography and perceived lack of guidance offered by the Transport Standards. All governments report that although bus infrastructure targets may not have been met or are close to being met, there have been improvements since 2007.

7. Accessibility of ferries and jetties

The Queensland, Western Australian and Northern Territory Governments provided details on the accessibility of ferries and their associated infrastructure to this review. This chapter looks at the details in the submissions, the initiatives undertaken, and the concerns of the disability sector about the accessibility of ferries.

The Transport Standards prescribe the following requirements for ferries.

Schedule 1 Part 2, 31 December 2012 Transport Standards Compliance Requirements

- 2.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to gateways and vending machines (except bus stops).
- 2.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to surfaces, handrails and grab rails except bus stops and premises to which the Disability (Access to Premises — Buildings) Standards 2010 (Premises Standards) apply.
- 2.4 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture (except bus stops).
- 2.5 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, lifts, stairs, toilets, tactile ground surface indicators, controls, doorways and doors except bus stops and premises to which the Disability (Access to Premises — Buildings) Standards 2010 (Premises Standards) apply.

Schedule 1 Part 1, 31 December 2007 Transport Standards Compliance Requirements

- 1.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to waiting areas, furniture and fittings, information, booked services, food and drink services, belongings and priority.
- 1.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to symbols, signs, alarms, lighting and hearing augmentation.

7.1. Accessibility of ferries

The review was advised that ferry services generally met the 2012 compliance targets. However, a number of governments experience problems in making ferry infrastructure accessible due to challenging topographic and tidal environments. These challenges appear to limit the ability of people with disability, especially those in mobility aids, to board the ferries without assistance.

Table 7: Ferry accessibility reporting by state and territory (as at December 2012)

State	
New South Wales	<p>The Transport for NSW submission (Submission 95) advised that all 28 Sydney Harbour City Ferries and the State Transit Authority's two Newcastle ferries are wheelchair accessible via direct assistance. However, a number of shortcomings were acknowledged in relation to compliance with audio/visual information systems not installed on the majority of vessels and accessible toilets are generally not provided on-board.</p> <p>As ownership of 22 out of the 46 commuter wharves was transferred to the NSW Government in 2007 when a number of local government authorities conceded that they were unable to maintain and improve wharf infrastructure, there is a significant backlog in wharf infrastructure development to be addressed. This work has been incorporated into the \$770 million Transport Access Program.</p> <p>As at June 2013, 43 per cent of wharves provide accessibility from the wharf to the vessel with steep topography continuing to restrict access in a number of locations. In many locations around Sydney Harbour, access from the street to the wharf remains non-compliant and the cost of doing so is prohibitively high. Transport for NSW is not the owner of these assets.</p>
Queensland	<p>The Queensland Department of Transport and Main Roads' submission (Submission 75) advised that ferry services achieved targets for all categories except handrails and grab-rails, symbols, controls and booking services. Compliance against Part 30 of the Transport Standards (belongings) was inadvertently omitted from the audit request and data was not available. Since 2007, government funding has supported the purchase of three new accessible ferries servicing the Southern Moreton Bay Islands. A staged upgrade to the Brisbane City Council's CityCat fleet of 19 vessels is underway.</p> <p>The submission reported that the majority of jetty infrastructure was compliant. However, doorways and doors, stairs, symbols, signs, tactile ground surface indicators (TGSIs), furniture and fitments and gateways did not meet the targets.</p>
Western Australia	<p>The Western Australian Department of Transport's submission (Submission 77) advised that ferry compliance targets have been met or exceeded and the majority of jetty targets have been met.</p>
Northern Territory	<p>The Northern Territory Department of Transport's advised at the public consultation session held in Darwin that the two ferries in Darwin are not compliant. This review was also advised that the associated jetties are not compliant, mainly due to topographical reasons, although efforts are being made to rectify this situation.</p>

7.2. Disability sector concerns about the accessibility of ferries

The Queensland disability sector recognised that refitting CityCat and monohull ferries to provide sufficient allocated spaces per vessel has commenced. Comment was also provided that existing CityCats have reasonable access paths on-board, but too few allocated spaces. Members also reported that deployable boarding ramps are badly designed and the focus of much complaint. It was acknowledged that the deployable boarding ramp must function in a dynamic environment, bridging between two moving surfaces such as pontoon and vessel, and that this will influence its profile. However, its design must first and foremost permit people with disability to travel safely between the ferry and pontoon. At some terminals, the current convex profile forms an angle between pontoon and ramp that is too steep for many wheelchair users to board the ferries independently.

8. Accessibility of air transport

8.1. Introduction

The past five years have seen continued strong growth in Australian domestic aviation. This growth has been driven in part by the increasing operations of low-cost carriers whose operating model places particular importance on maximum aircraft utilisation (including fast turnaround) and on reducing costs through automation and deploying fewer service staff. This model raises specific challenges to air transport accessibility.

The Transport Standards prescribe the following requirements for air transport.

Schedule 1 Part 2, 31 December 2012 Transport Standards Compliance Requirements for Aviation

- 2.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to gateways and vending machines.
- 2.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to surfaces, handrails and grab rails, with the following exemptions:
 - airports that do not accept regular public transport services
 - premises to which the Disability (Access to Premises-Buildings) Standards 2010 (Premises Standards) apply
 - small aircraft in relation to the provision of handrails on steps, above access paths and where fees are paid.
- 2.4 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture, with the following exemptions:
 - airports that do not accept regular public transport services in relation to resting points, allocated space and street furniture
 - small aircraft in relation to boarding.
- 2.5 Operator/provider compliance with the relevant Standards by 55 per cent of each type of service, in relation to access paths, manoeuvring areas, passing areas, ramps, lifts, stairs, toilets (wide body twin aisle aircraft only), tactile ground surface indicators, controls, doorways and doors, with the following exemptions:
 - airports that do not accept regular public transport services
 - premises to which the Premises Standards apply
 - small aircraft in relation to ramps, stairs and doors.

Relevant Schedule 1 Part 1 – 31 December 2007 Transport Standards Compliance Requirements

- 1.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to waiting areas, furniture and fittings, information, booked services, food and drink services and belongings, with an exemption concerning airports that do not accept regular public transport service in relation to waiting areas and distance around accessible tables.
- 1.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to symbols, signs, alarms, lighting and hearing augmentation, except for premises to which the Premises Standards apply.

Note: Small aircraft are defined in the Transport Standards as those with less than 30 seats for the carriage of passengers.

8.2. Accessibility of air transport

The operation of the aviation sector has different elements to other transport modes in Australia.

A mainly privatised sector since the mid-1990s, aviation is largely economically deregulated and subject to broad competition and trade practices legislation rather than mode-specific regulation. While deregulation has led to increased competition with more flights and cheaper fares, it does create challenges for air passengers with disability, especially when there is an increasing trend for the passenger to part manage their own travel in pursuit of lower travel costs.

Service provision is not an area that forms a major part of the regulatory relationship between government and aviation operators, unlike intra-state public transport systems where state and territory governments have the capacity to set service level standards either through their direct ownership and control of service providers, or through contractual arrangements.

There is now better publicly available information from airline and airport operators about how the industry has acted to improve aviation accessibility over the last five years. There are also a number of disability-friendly facilities that have been established on aircraft or at airports. Better information is also available about what services airlines and airport operators do and do not provide for passengers with disability.

However, there are no performance compliance reporting requirements for airline and airport operators associated with the Transport Standards. It should also be noted that while the major federally leased airports operate under a Commonwealth legislative regime (the *Airports Act 1996*), other airports operate under state and local government planning regimes.

The level of compliance with the Transport Standards and level of services offered by different airline and airport operators varies around Australia. The Transport Standards are just one part of the overall picture of accessibility to air transport. Much of the comment received about the performance of the aviation industry in this area is directed at service standards, either that airlines and airports do not sufficiently meet the specific needs of people with disability or that they do not live up to the services airline and airport operators have published on their websites. One submission to this review specifically claims access

paths, circulation spaces, waiting areas and sanitary facilities vary in their compliance between and within airports.

Variations in service standards may simply reflect the structural limitations of the different size and the capacity of certain aircraft or the level of available infrastructure at smaller airports. They may also reflect the business models adopted by different airlines, from full service to low-cost airlines.

8.3. Disability sector concerns with the accessibility of air transport

The major aviation-related issues raised in submissions to this review covered four main areas: mobility aids, terminal access, carriage of assistance animals in the aircraft cabin and inconsistent service practice.

Mobility aids

a. Airline two wheelchair policies

A number of submissions voiced concerns about the adoption by some Australian domestic airlines (Virgin Australia, Tiger Airways and Jetstar Airways) of ‘two wheelchair’ policies, which allow no more than two passengers requiring the use of wheelchairs on a single flight.

Some submissions from the disability sector called for an end to the policies, claiming the practice is unreasonable and discriminatory. A number of submissions recounted personal experiences resulting in the passenger being unable to take their desired flight. The impacts of the policy were said to be exacerbated when passengers travel to and from remote locations without regular air transport services, or when groups of passengers who require assistance, travel to the same location.

Some people with disability claim there is insufficient notification by airlines at the booking stage when the two-wheelchair limit has been reached. It was suggested that airlines review their booking practices if they insist on maintaining this policy.

People with disability commented they would like airlines to consider the passenger’s level of disability when determining whether the airline is able to accommodate the passenger on a flight. For example, airlines may be able to allow three or four passengers travelling with lightweight manual wheelchairs who are able to assist with their own transfer to and from an aircraft seat on the one flight.

Smaller aircraft face greater challenges when carrying motorised mobility aids due to their weight and size restrictions. It was suggested by the Regional Aviation Association of Australia (Submission 74) that, due to the increase in the weight and size of motorised mobility aids, aircraft with a cargo hold less than 9.5 cubic metres should be exempt under the Transport Standards, from having to carry motorised mobility aids.

This review heard that the Department of Infrastructure and Regional Development has consulted with the aviation industry and disability sector regarding the two wheelchair policies of some Australian airlines. A draft policy paper, taking into consideration the views and concerns of the disability sector and relevant airline operators, was released by the

Department for public comment in April 2014. The Department is continuing to work with relevant airlines and members of the Aviation Access Forum on this matter.

b. Cabin/aisle wheelchairs and seating allocation

Some people with disability expressed the view that airlines are overusing aisle wheelchairs, which have an adverse effect on the independence and comfort of passengers with disability. Conventional wheelchairs are often too wide to fit along narrow aircraft aisles and using aisle wheelchairs enables passengers with disability to board and move through the cabin to their seat. Submissions cited examples of passengers waiting in aisle wheelchairs for extended periods without assistance from airline staff, creating great discomfort for the passenger. This issue is heightened by the fact that passengers with disability are often required to be present at the departure gate well before the boarding time for other passengers. Submissions also claim aisle wheelchairs are poorly designed and lack heel and calf restraints.

Some submissions claimed that airlines are unwilling to accommodate the specific seating requests of passengers with disability. It was suggested that a request for non-aisle seats should be considered if the passenger does not require the assistance of cabin crew to transfer to their preferred seat. One submission also called for more airlines to use eagle lifters to assist passengers to transfer from aisle wheelchairs to aircraft seats and another called for the addition of on-board aisle wheelchairs to assist with access to toilets for passengers with mobility restrictions.

Airlines advised that seating arrangements for passengers with disability are an operational and safety decision for airlines taking into consideration the individual design features of each particular aircraft, as well as workplace health and safety requirements. For the purposes of safety in the event of an emergency, airline operators are to refrain from seating passengers with disability in exit rows under the requirements of Civil Aviation Order 20.16.3.

Smaller airlines have indicated that they face unique challenges when assisting passengers with disability due to limited staff and resources. One submission suggested allowing airlines to require passengers with mobility restrictions to provide a companion capable of assisting the passenger to transfer between the wheelchair and the aircraft seat and provide assistance during the flight where the aircraft only has one or no flight attendants.

c. Labelling of mobility aid weight and size dimensions

Submissions revealed that both the aviation industry and the disability sector would like to see better labelling of mobility aids with weight and size dimensions. Further information about the benefits of a labelling scheme for mobility aids can be found in Chapter 11.

Terminal access

Individual airport operators determine the arrangements for passengers with disability that are manageable within the operator's particular operational, environmental and security context. While submissions acknowledged that services may vary between airports due to

available infrastructure especially in regional and remote locations, a number raised concerns about inconsistencies in services provided between airports of a similar size.

The following issues surrounding access to the airport terminal by passengers with disability were raised in public consultations and in a number of submissions.

a. Location of drop-off points and pick-up areas

Some submissions indicated that a number of airports lack safe accessible and convenient drop-off and pick up locations that are in close proximity to main terminal entrances. These locations are the responsibility of airport operators, taking into consideration passenger facilitation, traffic flow and security issues. Airport operators have the opportunity to address these accessibility issues when planning and developing new infrastructure or modifications to infrastructure.

b. Kerbside assistance

Some submissions pointed to the need for greater assistance between the kerbside and check in/baggage collection areas, including meeting and escorting people who are vision-impaired. The review heard that people who are vision-impaired sometimes rely on members of the general public or taxi drivers who are willing to leave their vehicle unattended to provide assistance. The Royal Blind Society of South Australia (Submission 56) cited the drop-off point as the most stressful part of the journey for passengers with vision-impairment.

Carriage of assistance animals in aircraft cabin

The review heard of varying approaches between airlines about the carriage of assistance animals, which causes confusion and uncertainty for some passengers.

Some submissions highlighted the need for a national register of assistance animals to enable a consistent approach by airlines to accepting an assistance animal for carriage in the passenger cabin of aircraft. Such a register would have benefits for all modes of travel, not just aviation.

In the absence of a national register, airlines and disability organisations have expressed the view that greater certainty should be provided as to the acceptable requirements (or evidence) to permit the carriage of assistance animals in the aircraft cabin. It was suggested that guidance material be developed to help people with disability and airlines to make informed and consistent decisions about what indicates an animal is acceptable from a safety perspective for carriage in the aircraft cabin.

The review heard that the Civil Aviation Safety Authority (CASA) is reviewing the regulatory framework for the carriage of assistance animals as part of its regulatory reform program with the intention of developing such guidance material to complement the regulations.

Inconsistent service practice

The review was informed about inconsistencies in the services provided by different airline operators and, in some cases, by the same airline but at different airports. The examples included differences in the lifting systems used to transfer passengers to and from aisle

wheelchairs and aircraft seats and variations between airline booking systems. Some airlines capture more detailed information about the passenger and their disability compared to others.

Some submissions from the disability sector called for the standardisation of services across the aviation industry, especially between companies that operate similar aircraft. Some suggested that this standardisation could be achieved through the introduction of service standards within the Transport Standards, or through an aviation industry code of conduct.

Airlines have indicated that they are bound by safety and operational requirements that may have an impact on access to air travel by passengers with disability. The business model of low-cost airlines is based on high aircraft utilisation, quick turnarounds and simplified operating models. As a consequence, these carriers may not provide the same level of assistance to people with disability as provided by other full-service airlines.

The diversity of services is also driven by the size and capability of aircraft in use and the limitations of infrastructure at smaller airports in regional and remote areas. The Regional Aviation Association of Australia (Submission 74) argues that any changes to the Transport Standards need to take into account the diversity in operators providing air services to the general public, the size and capabilities of the aircraft and the infrastructure constraints of smaller airports.

8.4. Overall achievement of accessibility for air transport to date

Despite a lack of data about the level of aviation compliance with the Transport Standards and measures of airline and airport service performance, several submissions indicate that, overall, disability access has improved in the aviation sector. However, passengers with disability, like other passengers, may on occasion experience poor customer service regardless of airline or airport policy. The review heard that this poor service can have a greater impact on the travel experience of passengers with disability.

Submissions revealed that services could be improved by further commitment to airline staff training to assist passengers with disability in a safe and dignified manner. Ground-handling crew must also be properly trained in the appropriate methods for handling mobility devices.

Aviation Access Forum

In 2008, the former Aviation Access Working Group (AAWG) was established to provide an opportunity for members of the aviation industry (both airline and airport operators), the disability sector and relevant government agencies to discuss and address issues affecting accessible air travel for people with disability.

The AAWG contributed to the development of the Disability Access Facilitation Plan (DAFP) initiative, developed training and mobility-aid guidance material for industry and passengers with disability, and provided advice on the review of the International Civil Aviation Organization's guidance material on access to air transport by people with disability.

From 2014, the AAWG has been replaced by the Aviation Access Forum as the consultative mechanism on a number of disability access policy issues identified in submissions to this review, including:

- the development of guidance material to complement new aviation safety regulations and provide for greater certainty for passengers and aircraft operators about the acceptability of their assistance animals in the cabin of an aircraft
- assisting with the completion of Infrastructure's two wheelchair policy paper
- facilitating the refinement and improvement of the DAFP initiative including increasing the coverage, currency, accessibility and clarity of information on issues, such as the impact of cancelling services and code sharing arrangements between airlines.

Disability Access Facilitation Plans

To help improve service provision to people with disability, major airline and airport operators have developed DAFPs. These plans provide information about the individual services and facilities provided by airline and airport operators to passengers with disability. Plans are intended to cover the total travel experience from making a reservation through to arriving at the intended destination. Forty-three plans have been published covering all major Australian airlines and capital city airports as at 12 February 2014.

Infrastructure, in consultation with the AAWG, developed guidance material and templates designed to assist airline and airport operations prepare DAFPs. This guidance material is available at www.infrastructure.gov.au.

Through this review, the disability sector has commented on the potential for further refinement of the DAFP initiative to ensure plans are more easily accessible and kept up to date. The Regional Aviation Association of Australia (Submission 74) highlights the benefits of the DAFP initiative, claiming it allows operators to account for the diversity of operations in the aviation sector, including the size and capabilities of the aircraft and the different operating models adopted by different airlines.

While it was acknowledged that plans are well intended, this review heard concerns from members of the disability community about inconsistent approaches between individual airline and airport operator plans, despite the availability of templates and guidance material on the Department's website. Particular emphasis was placed on ensuring consistent categories of information (e.g. parking, drop-off, location of toilets...etc) were provided in airport plans as well as ensuring people with a disability are aware of and can easily access plans. Submissions also highlighted the need to ensure all types of disabilities including physical, sensory and physiological disabilities were appropriately addressed in the plans. For example, one submission called for the inclusion of maps, diagrams and symbols in plans to assist passengers with cognitive disabilities such as dyslexia or passengers who communicate through Auslan sign language.

9. Accessibility of information

Government submissions provided a wide range of information on compliance with the Transport Standards and improvements made since 2007. This chapter looks at the details in the submissions, the initiatives undertaken, and the concerns of the disability sector about the accessibility of information.

The Transport Standards prescribe the following requirements for information.

Schedule 1 Part 1, 31 December 2007 Transport Standards Compliance Requirements

- 1.1 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to waiting areas, furniture and fittings, information, booked services, food and drink services, belongings and priority.
- 1.2 Full compliance (100 per cent) with the relevant Standards by operators and providers in relation to symbols, signs, alarms, lighting and hearing augmentation.

Table 8: Information accessibility reporting by state and territory (as at December 2012³)

State	
New South Wales	<p>The Transport for NSW submission (Submission 95) provided details about the accessibility of information in two parts: information about services and information while using a service.</p> <p><i>Information about services</i></p> <p>Since the 2007 Review, there has been considerable progress regarding information about accessibility services. All operators in the Greater Sydney Region are required to provide public transport information to the 131 500 number, website, call centre, mobile website, Interactive Voice Recognition and Twitter. The call centre is accessible to the hearing impaired through a teletypewriter (TTY) telephone service and via the National Relay Service. The 131 500 website conforms to W3C's Web Content Accessibility Guidelines 2.0.⁴</p> <p>A trial on the 131 500 website providing information about lift breakdowns and lift maintenance works has commenced for some stations. Future roll-out of the real-time information on lifts for the network will be subject to the trial program completion and evaluation.</p> <p>Real-time and static transport information can be accessed via the TXTBUS real-time bus arrival service, the 131 500 website and app, timetable and wayfinding information on Google Maps and third-party developed transport information applications (apps) that can be accessed via Smartphones and other mobile devices. The new website for Opal Card information will be compliant with AA Web Content Accessibility Guidelines by early 2014.</p> <p>All bus operators are required to provide timetable information about accessible services in their printed timetables, although this information is increasingly provided online.</p> <p>The Accessing Rail Services guide provides advice on planning an accessible rail journey, including information on 'Easy Access' features at stations and interchanges.</p>

³ Dates are as at December 2012, except for the ACT, which provided updated input in April 2014.

⁴ For more information, see: www.w3.org/standards/webdesign/accessibility#doit

State	
	<p><i>Information while using services</i></p> <p>Transport for NSW has conducted a review of signage and wayfinding throughout the transport network to make it easier for all customers to identify and locate transport modes as well as navigate through stations and transport interchanges.</p> <p>New passenger information indicator screens are being rolled out on platforms at rail stations, coupled with audio announcements about next train arrivals. The provision of information by staff using 'direct assistance' will be necessary for some time.</p> <p>All new train carriages feature automated audio/visual information systems. Manual announcements are made by train guards on old rolling stock. To increase the consistency and clarity of non-automated announcements, a 'radio school' trial has been undertaken.</p> <p>Standards and guidelines for audio and visual passenger information announcements are being implemented on Sydney Trains and NSW Trains services.</p> <p>Discussions have started with disability stakeholders to develop tailored transport information applications.</p>
Victoria	<p>The former Victorian Department of Transport (Submission 93) advised that transport operators have improved the information available on their respective websites and in printed form including better timetable information and more accessible network maps for metropolitan and regional trains, trams and metropolitan buses.</p> <p>Large-print versions of published information are available to people with disability on request. Enhanced electronic tools are now available to help people plan their trip through Public Transport Victoria's Journey Planner available on the internet or via a smart phone app. Metropolitan train operator Metro also provides updated information about delays, cancellations and planned works on its website or via SMS.</p> <p>Tram network operator Yarra Trams provides up-to-date service information through tram TRACKER via the internet, smart phones and SMS.</p> <p>Other initiatives since 2007 include more customer service officers at major city tram stops and train station interchanges, the provision of information and advice during peak hours and the progressive installation of display screens at tram stops with timetable information.</p> <p>The former Victorian Department of Transport stated that while these initiatives and changes have improved access to information, it is unlikely that the Victorian public transport network as a whole is 100 per cent compliant with the information requirements of the Transport Standards. Metropolitan train services are seen as being the closest to meeting the milestones.</p> <p>The submission notes that there are gaps in information accessibility particularly on trains, trams, buses and coaches. Around half the metropolitan train stations have audio information only — there are no or Public Information Displays (PID) or staff available to provide direct information assistance to people who are deaf or hearing impaired. Some metropolitan trains and most trams and buses do not have visual information to accompany audio announcements.</p> <p>The former Victorian Department of Transport indicated there is a need to improve the accessibility of government and transport operator websites and to have printed information available in easily understood English and a range of other formats not currently available including Auslan.</p> <p>The <i>Accessible Public Transport in Victoria Action Plan 2013–2017</i>, publicly released on 19 December 2013, incorporates key outcomes that are aimed at addressing access barriers to information and highlights the whole-of-journey approach and the importance of accessible information to all passengers.</p>

State	
Queensland	<p>The Queensland Department of Transport and Main Roads (Submission 75) reports that information provided for ferries, taxis and air travel is compliant with the Transport Standards, while buses are 98 per cent compliant and coaches are 65 per cent compliant. All modes of transport are compliant for hearing augmentation.</p> <p>Key initiatives about information provision have been undertaken in Queensland. The TransLink website is the main portal for people seeking information such as travel options and timetables on the public transport network in South East Queensland. In addition, there is a 24-hour contact centre with website, TTY phone, and speak and listen (speech-to-speech relay) capabilities.</p> <p>The TransLink website is Web Content Accessibility Guidelines Version 2 compliant (WCAG 2.0). The Queensland Department of Transport and Main Roads has also produced a range of educational material on accessible travel and has conducted education sessions for the 'Go Card' system from the time it was introduced in 2008.</p> <p>The government implemented a real-time information pilot, <i>Trip Tracker</i>, from late July 2012 on 124 Clarks Logan City buses. The trial included on-board electronic passenger information displays with 'next stop' information and audio announcements on all bus services in the trial. A total of 14 electronic kerbside information displays were placed at selected stations and audio announcements were also available when customers pressed a button at the stop. Real-time stop information was also available online through both the TransLink website and mobile site.</p>
South Australia	<p>The South Australian Department of Transport and Infrastructure (Submission 94) provided details on a number of initiatives to improve the delivery of information. In 2012, Adelaide Metro launched a new-look website with content written in plain English. The website also has a two-way conversation platform for customers who prefer or need to write rather than speak. Another channel for the hearing and speech impaired was also opened.</p> <p>Large format screens replacing LED signs at key railway stations provide highly visible real time train arrival information. This is coupled with voice annunciators and hearing induction loops. Touch kiosks at the main Adelaide railway stations incorporate visual, audio and braille to determine the next train service platform departure location and time.</p> <p>Automated announcements are available on all rolling stock except the 2000 class diesel railcars. Specific announcements are made from tram vehicles to differentiate between the full service and the City loop service.</p> <p>A long line public address system has been installed across the Adelaide Metro rail network, which allows service disruption information to be announced. The design included integration with the Passenger Information System, using existing induction loops to provide information in an accessible format.</p> <p>A signage package using words and pictograms has been developed for all train customers, assisting people with cognitive disabilities or who speak English as a second language. Other initiatives include the use of braille precinct maps and tactile and non-tactile directional assistance.</p>
Western Australia	<p>The Western Australian Government's Public Transport Authority (Submission 77) advised it has developed information services including the Transperth InfoLine, Transperth website, TravelEasy and Transwa websites and ticketing/information centres to cater for all passengers.</p> <p>Transperth has broadened its communication methods and is also now Relay Service friendly. People with disability can contact Transperth via computer, laptop or other types of internet-enabled mobile devices. Station access maps have been developed and are available on the Transperth website.</p> <p>A dedicated section called 'Accessible Services' has been developed for the Transperth website to provide information on access issues such as accessible bus</p>

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	<p>routes, mobility aids and how to travel with assistance animals. Transperth has provided presentations, displays and station tours as part of the 'Get on Board' education program for commuters.</p> <p>The Western Australian Department of Transport (Submission 77) states that hearing augmentation at bus stations is not compliant as no automated announcements are made. The submission also advised that hearing augmentation at train stations is at 88 per cent compliance. The submission stated that effective and compliant hearing augmentation is difficult to achieve inside an existing railcar. Technical barriers primarily related to electrical interference associated with train powering and air-conditioning need to be overcome before a viable enhancement of public address system announcements in most rail cars can be achieved.</p> <p>Visual displays provide information that is equivalent to simple audio modes, but they cannot exactly replicate more complex messages. However, they have the advantage over hearing augmentation by being able to inform a range of people — from those who are hearing impaired to those who are totally deaf.</p>
Tasmania	<p>The Tasmanian Government (Submission 83) detailed that the major urban bus provider, Metro Tasmania Pty Ltd has an ongoing program to ensure all bus route information is provided in a format compliant with the Transport Standards and is available through a variety of channels. Aspects of this program have already been achieved with the company website conforming to World Wide W3C accessibility requirements.</p>
Northern Territory	<p>Information on public transport accessibility is available through the Department of Transport's website. The Department has also introduced a Bus Interactive Voice Response system which provides information on the next three bus departures for the selected route of travel.</p>
Australian Capital Territory	<p>The ACT Government's submission stated that the main public bus service (ACTION) started to develop a real-time passenger information system with the launch of a limited trial of 'NXTBUS' in 2013. NXTBUS will include braille display units at selected locations and real-time audio announcements of information. ACTION has continued to improve the accessibility of information to passengers and the redevelopment of web resources since the beginning of 2013.</p> <p>Up until June 2013 the ACT Government MyWay Shopfronts provided a face-to-face channel for information and assistance to customers. Coinciding with the introduction of the NXTBUS real time passenger information system, ACTION has now expanded the number of MyWay agents throughout Canberra which include news agencies, libraries, and Canberra Connect shopfronts.</p> <p>ACTION also provides passenger information and service updates via Twitter, which is monitored between 7:30 am and 5:30 pm weekdays. There are also Transport Officers available on the platforms at all major bus stations to assist with passenger information.</p> <p>Due to space limitations, timetable information is not provided in large format at bus stops. To ensure access for all passengers, the phone number for ACTION information is displayed at bus stops to provide direct assistance. In addition, large format timetables for customers can be produced by ACTION on request.</p> <p>As part of the real-time passenger information system, signage will be updated to include a unique bus stop number that can be used to access timetable information. Passengers will be able to use this unique number to access information via web, SMS and direct assistance through the ACTION information line. This is part of a trail with raised numbering and braille available on 100 bus stops.</p> <p>Timetables are available to customers in alternative formats on request. In early 2013, ACTION completed an upgrade of its website, and is currently investigating options for providing audio descriptions for bus route maps on the website.</p>

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	<p>ACTION continues to provide information sessions for people with disability to practice using accessible buses and is investigating options for a public education campaign on passenger etiquette, including the appropriate use of priority seating.</p> <p>The ACT has continued to promote its public transport 'compliments and complaints' mechanism and provides other important information to disability groups, service organisations and members of the Taxi Subsidy Scheme.</p> <p>Roads ACT, in conjunction with Guide Dogs ACT/NSW, is trialling email alerts via an opt-in user group system advising blind and vision-impaired clients of road closures and construction work that may impact on their regular travel movements.</p>

9.1. Disability sector concerns with the accessibility of information

The disability sector acknowledges that improvements in the provision of information have occurred since 2007. The increase in quality of information and format range is acknowledged. The installation of automated displays at stations and stops and the increase in the range of available information, particularly online, has been well received.

The review was advised that the availability of public transport information online had improved significantly. The Tasmanian Anti-Discrimination Commissioner (Submission 76) argued that the availability of reliable travel information in accessible formats is critical to enabling people with disability to make travel plans and ensure that they are aware of suitable services.

A good example of online information was provided by Yarra Ranges Council (Submission 54). The council's 'Get Me About' website, funded by the Victorian Government, focuses on information related to health service use and better enabling those with limited mobility to get around. The project assists people's capacity to access transport options and to make sense of the interconnecting modes of transport in the Yarra Ranges. The website is helping to build transport literacy for both residents and service providers. An additional feature of the website, the Community Activities Guide, is designed to promote community involvement and participation.

However this review also heard of the consistent need for:

- quality audio output (in terms of clarity and volume) from public address systems at stations
- quality visual displays at stations
- consistent timely provision of quality audio and visual displays in conveyances while on the journey
- provision of information in a range of accessible formats to meet the needs of all people with disability.

People who are blind or vision-impaired detailed the challenges of poor quality audio information output at stations or on the conveyance. Queensland Advocacy Incorporated (Submission 66) emphasised the need for information about emergency procedures in aircraft that can be clearly comprehended.

Those who are deaf or hearing-impaired also face similar challenges when announcements are made only over the public address system. The review was informed of an instance where a person who is deaf had no choice but to 'follow the crowd' when a change of platform/train announcement was advised only over the public address system. The installation of large visual displays at head height, are called for as a solution to this concern. Deaf Victoria (Submission 3) informed this review that hearing loops alone are not a sufficient alternative to audio announcements because only some people who are hearing-impaired can use the hearing loop.

Deaf Victoria also stressed the need for visual alerts at airport security screening points. Metal detectors beep if the passenger possesses metal on their body; however, there have been cases where hearing impaired or deaf passengers have continued to walk through the screening point because they are unaware of the beep, creating difficulties for security screening staff.

The review heard from access consultants (Submission 35) that Part 26 of the Transport Standards concerning hearing augmentation, and Part 27 of the Transport Standards concerning the provision of information necessary to use a transport service, should be reviewed to ensure better and consistent information outcomes for people with disability. The review heard that if Part 27 of the Transport Standards was enforced to the true meaning of 'equitable access', audio and visual announcements should be on all public transport conveyances for all journeys (confidential submission).

The uptake of smartphone accessible apps was noted in several submissions. Accessible apps were considered helpful as they have the potential to allow people with disability the same quality of access to transport information that other members of the community enjoyed. Submissions recognised that this type of technology should be accessible to the blind or vision-impaired. Submissions also recognise that not all people with disability have access to or are confident in using smartphone technology, and transport providers and operators should not see smartphones as a substitute for the installation of effective information delivery systems at stations and on conveyances.

9.2. Overall achievement of accessibility to date

The Transport Standards compliance schedule called for 100 per cent compliance on information provision by 2007. However, as identified in other chapters, the accurate measurement of compliance is problematic. Submissions provided by governments indicate that since 2007 improvements have occurred in a number of areas to ensure more timely and consistent delivery of information to people with disability. Online improvements have been mentioned in numerous submissions. Submissions also recognised that the consistent provision of quality information across-the-board still needs to take place.

People with disability, especially those who are hearing or vision-impaired also complained about poor, inconsistent and untimely provision of public transport information which is impacting on their ability to travel. The review also heard from design consultants who advised that the relevant sections on information provision in the Transport Standards need to be reviewed and updated.

10. Effectiveness of the Transport Standards

As required by the Terms of Reference and Part 34 of the *Disability Standards for Accessible Public Transport 2002* (Transport Standards), this review assessed the efficiency and effectiveness of the Transport Standards, and to determine if discrimination has been removed according to the compliance requirements set out in Schedule 1 of the Transport Standards.

This chapter considers the effectiveness of the Transport Standards in terms of:

1. removing discrimination for people with disability
2. the regulatory approach undertaken to ensure transport providers and operators take the necessary actions to eliminate discrimination against people with disability on public transport
3. the scope of the Transport Standards to influence the extent discrimination is eliminated against people with disability when accessing public transport.

10.1 Effectiveness at removing discrimination against people with disability

A key issue for this review is to determine to what extent the Transport Standards have reduced discrimination against people with disability. The review found that due to the lack of a national reporting framework, meaningful quantitative analysis of accessibility between 2007 and 2012 could not be conducted. Therefore the review is limited to data that has been provided in written submissions, at public consultation sessions, and in response to enquiries to governments.

The Transport Standards prescribe that improvements to the disability sector's access to public transport is to occur in incremental steps. These improvements are generally measured in terms of the number of accessible conveyances or infrastructure. As detailed in the previous chapters, all state and territory governments have reported that they have achieved or are close to achieving compliance with the Transport Standards compliance milestones, which for this review were generally set at 55 per cent.

This percentage approach to reporting does not provide a full picture of the experience of people with disability who use public transport. The views of people with disability provide a wider perspective when coupled with information provided by governments, providers and operators. In their comments to this review, people with disability generally acknowledged that progress has been made in providing better accessibility to public transport.

Since the Transport Standards review in 2007 there has been some marked improvements in the experience of using public transport infrastructure and services. This includes the ongoing gradual roll out of new low floor trams and buses, increased signage indicating disability accessible facilities, installation of tactile ground surface indicators, increased availability of handrails and grab rails as mobility aids and greater accessibility to Protective Service Offices to request direct assistance.

(Submission 12 — Disability Justice Advocacy Inc.)

Generally accessibility has improved. Buses are more accessible. There are more disability-friendly facilities at stations, stops, airports and so on.

(Submission 66 — Queensland Advocacy Inc.)

Positive comments from participants about progress or achievements towards better accessibility to public transport were often qualified by their identification of areas that impacted on their ability to use public transport and/or required substantial improvement.

Overall the National Disability Strategy Implementation Reference Group's view is that while there has been some improvement in the accessibility of public transport, there remains scope for significant improvement.

(Submission 59 — National Disability Strategy Implementation Reference Group)

The Council of Social Services of NSW considers that physical accessibility to public transport, at least in Sydney, has improved since the commencement of the Transport Standards in 2002 and Review in 2007. However, public transport in rural and regional areas is often not available.

(Submission 27 — Council of Social Services of NSW)

Key findings

The review identified a number of areas of concern that need to be addressed to improve the effectiveness of the Transport Standards in removing discrimination against people with disability. These are:

- the lack of a national framework for reporting on compliance with the Transport Standards
- the constraints on people with disability to undertake whole journeys
- a lack of consistency in the provision of public transport information to people with disability
- a lack of understanding by public transport staff of the difficulties faced by people with disability.

National reporting on compliance

Finding 1

The lack of data to assess progress with the implementation of the Transport Standards continues to be a constraint in improving the accessibility of public transport for people with disability. The absence of baseline data, the lack of consistency in reporting across different jurisdictions, limitations in the quality and quantity of data provided by the private sector, and variations in the quality of data reported by different levels of government all inhibit a national overview of compliance against the Transport Standards.

The 2007 Review identified the lack of data to assess progress with the implementation of the Transport Standards as a critical constraint on improving accessibility to public transport for people with disability and proposed that a mandatory reporting framework be adopted and coordinated by the Accessible Public Transport Jurisdictional Committee (APTJC). As explained in Chapter 2, this work was not commenced for the reasons outlined.

Given this context, many participants in this review once again made strong calls for the provision of mandatory national reporting on compliance with the Transport Standards as evidenced in submissions or at public consultation sessions.

The Victorian Council of Social Services (VCOSS), among others, observed that:

There is the lack of data to assess compliance and progress by agencies and operators against the Transport Standards. Compliance statistics remain difficult to locate and are often not disclosed, and when they are available they are often highly aggregated, and are rarely comparable between jurisdictions. This lack of information impacts upon the capacity of people with disabilities to use the Disability Discrimination Act 1992 (DDA) as a mechanism to enforce the Transport Standards. The Standards are often highly technical and in some cases may require a high level of expertise to ascertain whether a particular public transport service is compliant and therefore whether to take action. Even when statistics are available, it is often unclear what they refer to, or what evidence of compliance they rely upon. Similarly, it is unclear to what extent this information is based on auditing of actual services – rather than simply the belief of an agency or operator about what should be accessible.

(Submission 90 — VCOSS)

A lack of detailed and consistent national reporting on public transport accessibility for people with disability inhibits a nation-wide assessment of the effectiveness of the Transport Standards, including for this review, and limits the ability of governments to monitor non-compliance. Governments have advised that they can access compliance information from government-contracted operators as part of contract provisions. However, the verification of this information can be difficult. The Queensland Department of Transport and Main Roads (TMR) advised the accuracy of this information could not be confirmed. In particular, TMR was uncertain if the operators completing a self-audit of compliance with the Transport Standards fully understood the technical requirements of the Transport Standards (Submission 75).

The ACT Government noted at the Canberra public consultation session that, in seeking data for input into its submission, some smaller private operators contended that the Transport Standards did not apply to them, nor did they understand terminology embedded within the legislation. The Transport Standards were seen as ‘trivial’ by some operators until a complaint arose.

Overall, the retrieval of compliance information from private operators poses considerable challenges. These operators are under no obligation to report on their compliance with the Transport Standards, and their non-compliance will only come to light if complaints are made against them.

The former Victorian Department of Transport submitted that it has made significant progress in establishing better baseline data for reporting (Submission 93). However, the Department was concerned about the lack of progress towards achieving a common or consistent national reporting framework since the 2007 Review. Victoria recommended that an agreed national audit approach and methodology is developed to assess progress across jurisdictions.

Public Transport Victoria currently has a Service Agreement in place with V/line and Franchise Agreements with both Metro and Yarra Trams that contain clauses in relation to the DDA and the Transport Standards. The agreements require operators to develop an Accessibility Action Plan consistent with the Transport Standards and the Victorian Government Action Plan for lodgement with the AHRC. The operator Action Plans address activities and operations that contribute to improved accessibility, such as:

- Customer service
- Providing information
- Direct assistance
- Equivalent access
- Staff training
- Staff disability awareness
- Emergency access requirements
- Provision of on board announcements and other information
- Complaints handling

Operators are required report on progress against the Action Plan annually and maintain a database on the accessibility status of infrastructure.

Air transport, when compared to other modes of public transport in Australia, is mostly privatised, operates across multiple jurisdictions, and is largely economically de-regulated. It is suggested that when a reporting framework is created for state and territory governments, consideration is given to how reporting arrangements for measuring compliance of the aviation sector against the Transport Standards might be implemented.

Whole-of-journey accessibility

Finding 2

Whole-of-journey accessibility is vital to make public transport systems accessible to people with disability. Without whole-of-journey accessibility, people with disability are much less likely to use public transport. The current measurement of accessibility focuses on standard-by-standard rather than connectivity and seamless journey.

The 2007 Review noted that a significant issue for people with disability is having whole-of-journey accessibility to public transport services. Many journeys on public transport may involve the use of several modes of transport. 'Whole-of-journey' accessibility therefore means having integrated accessibility, including accessing timetable and service information, moving around stops, stations, wharves or terminals and accessing conveyances.

The 2007 Review further noted that, while it is an important outcome for people with disability, whole-of-journey accessibility could not be expected to be achieved by 2007 as the compliance requirements in the Transport Standards provided for staged compliance in order to minimise costs for providers and operators.

A key consideration is whether whole-of-journey accessibility can be achieved when compliance requirements for 2012 were generally set at 55 per cent. Nevertheless, this review considers that whole-of-journey accessibility needs to be re-examined, especially given that more than 10 years have elapsed since the Transport Standards were first introduced.

Submissions to this review confirm that, while accessibility has generally improved across different public transport systems, achieving whole-of-journey accessibility remains one of the biggest challenges faced by providers of public transport services. Numerous examples of isolated 'islands of accessibility' were presented at public consultation sessions and in submissions. There was a broadly held view among the participants that, while Transport Standards compliance targets may have been met by providers and operators, a significant lack of whole-of-journey accessibility still exists. As two submissions observed:

The success of the Transport Standards is about achieving access for the 'whole journey'. The Standards are only a means to an end. Success is not achieved with partial implementation: for example, a train door may be wide enough but if a person cannot access the timetable information they cannot use the train. Real success is only achieved when people are able to make the whole journey. Whole-of-journey accessibility requires that accessible provision is consistent and reliable. It only takes one 'stranding' or one barrier along the journey for a person to lose confidence with the transport system and to disable further participation.

(Submission 48 — National Disability Services)

Fully compliant conveyances, infrastructure and premises are only as useful as the systems, networks and landscapes of which they are a part permit them to be. Unless the pedestrian and transport connections between transport nodes are fully accessible, transport nodes risk being no more than accessible islands in an inaccessible ocean. Unless timetables of intra and intermodal services coordinate, valuable time is wasted in waiting for the next service. Time is a valuable resource and its loss is a great disincentive to using public transport. A concerted effort is required to ensure that wherever practicable, every front door is within range of an accessible entry point into the public transport system. Once in this system, travel and transport must be continuous, accessible and convenient. Intra-modal changes between routes and services and inter-modal transfers must be quickly and safely executed, using accessible paths of travel carried out in an easy and seamless manner. The password is 'seamless connections'.

(Submission 40 — Spinal Injuries Association)

Submissions informed this review that, at times, accessibility is seen in isolation rather than as a whole. For example, a number of submissions mentioned new accessible bus shelters surrounded by inaccessible paths or no path at all. The review also heard that accessibility should be framed and actioned across whole networks rather than in relation to isolated infrastructure upgrades, and that lack of coordination between services, transport and planning agencies resulted in unsatisfactory outcomes for people with disability.

Shortfalls in existing whole-of-journey accessibility may reflect deficiencies in the structure of the legislation compliance schedule. The compliance timeline requirements in the Transport Standards allow for staged compliance to minimise provider and operator costs. Improvements in compliance with the Transport Standards are measured by the number of accessible conveyances and infrastructure elements in place. This segmented approach to the delivery of, and reporting on, accessible public transport for people with disability has some benefits. However, it does not indicate whether whole-of-journey accessibility is achieved.

Some submissions argued that the public transport industry is structured in such a way that 'whole-of-journey' accessibility cannot be measured by transport agencies and that reporting on the improved accessibility of conveyances does not provide details on the accessibility of the bus stop and ability to provide whole-of-journey travel.

Participants considered that deficiencies in the provision of ramps to access train stations and the lack of accessible toilets at transport hubs markedly compromise whole-of-journey accessibility. These issues were discussed in Chapter 3. In situations where lifts are the only means of access to and from railway stations, mechanical failure could result in people with disability being stranded. Providing ramp access or two lifts was seen as a way to address this issue.

The aviation sector is not immune to the difficulties of whole-of-journey access. Terminal access from taxis at kerbsides, and airport bus stops and train stations can prove a challenge for airport operators. A number of submissions from the disability sector cite terminal access as a significant concern, with one key disability organisation calling for the inclusion of technical specifications for accessible pick-up/drop-off facilities at airports in the Transport Standards (confidential submission).

Currently, individual airport operators are responsible for determining terminal access arrangements that are manageable within their particular operational environment and security context. Airport operators facilitate the access of passengers with disability to and from airport terminals in a number of ways, including safe pedestrian access and parking options close to the terminal. The disability sector has previously requested that airport operators consult people with disability when re-developing forecourt areas and amending traffic-flow arrangements.

A number of submissions called for a focus on an integrated, holistic approach to planning transport networks as a means of ensuring whole-of-journey accessibility. A whole-of-journey approach would require public transport planning agencies to access and gather information on all providers, operators and modes. Submissions called for the development of whole-of-journey accessibility indicators and measures. Instead of measuring progress towards targets element-by-element, measurements would indicate the proportion of services that meet the Transport Standards in their entirety. This would mean that the conveyances used for a particular public transport service, and its entire associated infrastructure, would need to be compliant with the relevant Transport Standards for the service to 'count' towards the target.

Transport for NSW (Submission 95) has recently adopted a 'whole-of-precinct' approach to upgrading stations and major transport interchanges in Sydney. This ensures a greater level of accessibility and allows people with disability to interchange between accessible modes of transport more easily. This approach cannot be achieved in all locations due to challenges associated with topography.

The former Victorian Department of Transport's submission (Submission 93) highlighted that its *Accessible Public Transport in Victoria Action Plan 2013–2017* (the Action Plan) takes a whole-of-journey approach to accessibility by focusing on better integration and coordination of public transport services. The Action Plan recognises the need for people to access information to plan journeys, and that pathways to various public transport modes are as important as physical access. The Action Plan will be accompanied by an Implementation Plan that outlines how priorities and outcomes will be delivered and funded.

The Action Plan also incorporates a review and evaluation process that will consider:

- achieving specific access outcomes under the Action Plan's priorities
- compliance with policies and procedures relating to access
- a review of government practices to identify discriminatory practices
- auditing access to trains, trams and buses in Victoria
- complaints by public transport users about access to the network
- feedback from stakeholders and public transport users on access to the public transport network, particularly those with disability or mobility restriction.

The provision of whole-of-journey accessibility is vital to ensuring that public transport systems meet the travel needs of people with disability. Increased confidence in using public transport will lead to greater community involvement and engagement by people with disability.

Public transport information

Finding 3

The review heard that, even though improvements have been made, public transport information is still not being consistently provided at stations and on conveyances. While major improvements in providing accessible online public transport information are evident, providers must ensure that the full range of formats are used to ensure maximum access. Since the introduction of the Transport Standards in 2002 and the commencement of the 2007 Review, there has been a major uptake in the use of smartphone apps. The Transport Standards should be updated to reflect the use of this technology. However, stakeholders have expressed concern that these apps should not become a default substitute for other formats as required by the Transport Standards.

As detailed in Chapter 9, this review heard a number of examples of improvements in information provision to people with disability from local, state and territory governments.

Even though improvements have occurred and new initiatives undertaken, some experiences of people with disability highlighted the ongoing need to provide information in an accessible manner. This section looks at two particular aspects of these concerns — at the station and on the conveyance and via online or new technology.

At the station and on the conveyance

As indicated in Chapter 9, many submissions raised concerns about the quality of information provided and the accessibility of that information at public transport venues and on conveyances. There was a general call for:

- quality audio output (clarity and volume) from public address systems at stations
- quality visual displays at stations
- consistent and timely provision of quality audio and visual displays in conveyances for people with disability

- providing information in a range of accessible formats to meet the needs of all people with disability.

Access consultants have advised that Parts 26 and 27 of the Transport Standards require reviewing.

Transport Standards Part 26 — Hearing Augmentation

Part 26 of the Transport Standards concerns hearing augmentation. Parts 26.1 and 26.2 require public address systems for premises, infrastructure and conveyances to meet identified Australian Standards. It has been recommended that the Transport Standards reference the most recent relevant *Australian Standard: 1428.5-2010 — Communication for people who are deaf or hearing impaired*. It is also recommended that strategically located electronic screens capable of displaying the message from public address systems are provided on conveyances and at stations for people with a hearing impairment.

The Transport Standards currently reference Australian Standard AS1428.2-1992 in relation to Part 26. The Premises Standards 2010 also reference AS 1428.2-1992. It should be noted that the guidelines for the Premises Standards acknowledge that the new 2010 Australian Standard may assist people responsible for buildings to provide and maintain effective hearing augmentation systems.

For the purposes of consistency between the Premises Standards and the Transport Standards, this review does not recommend the formal adoption of the 2010 Australian Standard. However, similar advice could be added to the Transport Standards Guidelines to assist transport operators and providers in developing effective hearing augmentation systems.

Transport Standards Part 27 — Information

Part 27 of the Transport Standards provides that operators will supply all passengers with information necessary to use a transport service. Part 27.4 requires that all passengers must be given the same level of access to information during a public transport journey. Section 27.2 requires that if information cannot be supplied in a passenger's preferred format, equivalent access must be given by direct assistance.

Part 27 has been criticised for being too open to interpretation. Submissions argue that if Part 27 is enforced to the true meaning of 'equitable access' there should be audio and visual announcements on all public transport to ensure that people who are visually or hearing impaired, and those with literacy disabilities, can all access information about their journey.

The review heard that Part 27.4 should be amended to be more specific to include requirements for sound systems that deliver clear audio information with speakers in waiting areas, on concourses and throughout seating areas on conveyances. This should also include a means of alerting conveyance drivers on whether the sound system is operational.

Transport for NSW (Submission 95) has commenced a trial of 'radio school' to increase the consistency and clarity of non-automated announcements on older rolling train stock. However, further roll-out of this training is subject to evaluation and funding.

Transport for NSW also informed this review that all new rail carriages feature automated audio/visual information systems. The submission raised issues about the installation of audio/visual information systems on all buses and ferries. It noted that while there is scope for further development of in-vehicle audio and visual next-stop information on strategic corridor bus routes and transit ways, installation would be difficult on more circuitous routes with shorter distances between stops and bus stops that do not have discrete names. Transport for NSW advised that the cost of retrofitting 5,000 buses on the Greater Sydney Region network with this equipment is estimated at \$35 million and that further costs would be incurred to roll out the service state-wide. In response, Transport for NSW argued that direct assistance-enhanced disability awareness training for drivers and the development of real-time travel information smartphone apps with voice activation are reasonable alternatives.

Information via online or new technology

Submissions called for the use of new technology such as smartphone apps to be referenced in the Transport Standards to provide accessible information.

More people and especially people with a disability are using apps to access information regarding public transport. This has made information far more accessible; however, there are no Australian Standards to ensure apps have a high level of accessibility and ease of use. Consideration needs to be made for this review to recommend to the body overseeing Australian Standards that such provisions are developed.

(Submission 25 — City of Melbourne Disability Advisory Committee)

Fact box

- Smartphone applications were non-existent in 2002 when the Transport Standards were first put in place and were relatively unheard of at the time of the 2007 Review.
- Almost half Australia's adult population now owns a smartphone and the number of applications downloaded by smartphone users increased by 85 per cent during 2011–12 with more than 4.45 million smartphone users downloading an app during June 2012.⁵
- There are currently no Australian standards for mobile apps
- The 9th Australian Mobile Phone Lifestyle Index, conducted by the Digital Industry Association for Australia, and published October 2013 found that:
 - a. 88 per cent of respondents owned a smartphone, compared to 76 per cent in the previous year
 - b. 87 per cent of respondents use their phone for accessing websites and/or applications
 - c. the most popular type of apps used were for 'maps or navigation' (80 per cent of respondents) and 50 per cent of respondents were medium-level users and 24 per cent were high-level users of these apps
 - d. when respondents were asked to provide one thing they would like to be able to do on their mobile phone, one of the themes that emerged was the use of the phone as a 'bus or public transport ticket'.
- Smartphone usage is likely to increase into the near future, with the use of them for navigating also set to increase. If, as indicated, people's desire to use smartphones for public transport purposes becomes a reality, smartphones are set to become an increasingly large part of public transport systems.

While this review heard that new technology needs to be addressed, not all people with disability may have access to, or are confident using, smartphone technology. Smartphone apps targeted at people with disability may also not cover the range of needs of each person with disability.

The Government should spend more on technology to make the system accessible for people with disability. People with disability can't afford the technology to work-around the lack of transport technology, like having to buy a Smartphone to use apps to make using transport accessible.

(Submission 87 — Brisbane member in Blind Citizens Australia submission)

⁵ *Smartphones and tablets: take-up and use in Australia* (2013), Australian Communications and Media Authority <http://apo.org.au/node/32808>.

Accessible applications are now judged to have the potential to give people with disability the same quality of access to transport information that other citizens enjoy through current transport apps. An example is the growing practice of providing transport route and timetable data for use in the Google Maps app. Users can use a smartphone’s in-built voice guidance and GPS and have up-to-date data on their current trip and information on their upcoming stop. Currently, Sydney, Adelaide, Canberra, Brisbane, Perth, Hobart, and Darwin all supply data to Google Maps. Apps have been developed directly by public transport operators and providers, such as NSW’s ‘Transport Info’ app. There are also a number of notable third party apps, such as Perth’s ‘Stop Announcer’, which provides audible announcements of upcoming stops as well as a simple layout, large text, and good colour contrast.

Many of these apps feature accessible route information such as GPS guidance and information on which routes are serviced by accessible conveyances; however, the application and quality of this information varies greatly.

A non-comprehensive list of some of these apps and their uses are provided in the table below.

Table 9: Some of the smartphone applications that can be used to increase the accessibility of transport-related information by state and territory

State	
New South Wales	<p>Transport NSW has introduced Sydney public transport directions to the Google Maps app. This app uses a phone’s built-in screen reader.</p> <p>NSW has also developed the ‘Transport Info’ app. Using the ‘Transport Info’ app commuters are able to:</p> <ul style="list-style-type: none"> • plan a trip and view a map of their journey • find the next services from any location • view service change information • set options for accessible trips • use their contacts/address book as origins and destinations for trip plans • one tap to reverse trip plans • save locations and trips as favourites • use the phone’s GPS capabilities to pinpoint their location and direct them to the nearest stop, station or ferry wharf • view wheelchair accessible trips.
Victoria	<p>Public Transport Victoria has a beta smartphone application Metlink Beta. Yarra Trams also have a tram tracker application. Both applications include details of accessible public transport stops, but it is unclear whether they support other accessibility measures such as voice recognition and larger text.</p>
Western Australia	<p>Perth has ‘Stop Announcer’, a privately developed app specifically designed to provide people who are blind or vision-impaired with audio-based stop announcements. It offers high contrast display, large text, and audible menu and navigation options.</p>
Australian Capital Territory	<p>The ACT has My Bus 2.0 Canberra. The app shows accessible bus routes.</p>

Transport for NSW called for Part 27 of the Transport Standards to be amended to allow equivalent information through the use of new technologies. The submission argues that given the increasing reliance on these technologies by operators to ensure real-time updating of information, it is important that they are recognised in the Transport Standards.

The review heard that people with disability should not be expected to purchase transport-related apps to compensate for information services that do not meet Transport Standards requirements and that smartphone apps should not be seen as a panacea to transport accessibility issues. This is a question of equity, as other users of public transport may not need access to transport apps to negotiate public transport services.

Information provided at bus stops or train stations is dependent on users being literate and is often in small print, which is difficult for elderly or vision-impaired users. Furthermore, emergency information or updates are generally given as announcements which hinder hearing-impaired users from receiving the necessary information. Similarly, knowing when bus routes will be serviced by a low-floor bus is difficult to determine and these services can change without notice, causing inconvenience and delay.

Training for transport staff

Finding 4

Disability sector submissions indicate that previously reported negative experiences with transport industry personnel have persisted since the 2007 Review. These continuing negative experiences provide a case for improving the training of transport staff.

Submissions to the 2007 Review focused on how the level of public transport staff training and awareness could lead to positive experiences for people with disability when using the same service or travelling with the same operator. However, the disability sector reported a range of negative experiences where public transport staff did not have the expertise or awareness to effectively assist, despite the conveyance or infrastructure being otherwise Transport Standards compliant. These observations and experiences were consistent with those presented to this review, highlighting that the issue remains a major concern.

As one father of a permanently disabled adult son indicated to this review:

There needs to be a positive discrimination in favour of the disabled to ensure 'access' is not just lip-service. The equipment is often in place, or the technical facility to support disabled transport, but the procedures and attitude aren't there to ensure discrimination doesn't exist.

Confidential Submission

As a result of his son's negative public transport experiences, the father now relies on the converted family vehicle or on WATs at the expense of the family and a government funded taxi subsidy scheme.

Part 37 of the Transport Standards Guidelines (No.3 2004) indicates that the Transport Standards presume that public transport operators will ensure that staff are proficient in interacting with passengers to not discriminate against them on the basis of disability. The guidelines recommend that staff orientation and awareness programs include education about disability awareness and rights. While submissions indicate that public transport employees are generally helpful, in some cases they appear to lack training in disability awareness. A major concern was that some public transport employees did not know whether they should assist a person with disability, or whether assisting would be a breach of the provider's Workplace, Health and Safety requirements or business insurance coverage.

The review was informed that the presence of public transport staff at train stations and bus interchanges was integral to the implementation of the Transport Standards and critical to improving the 'whole-of-journey' experience of people with disability. Staffing levels should be maintained for this purpose. It was also noted that without adequate ongoing training of public transport employees, it is uncertain whether the rights of people with disability are being recognised and respected. There was a call for ongoing disability awareness training and better education of public transport staff across the public transport sector to ensure the needs of people with disability are being met. Education was seen to be not only about a public duty of care towards people with disability, but a genuine understanding of what it is like to live with disability.

Submissions considered that awareness training for public transport employees needs to be formally included in the Transport Standards. Alternatively, the Transport Standards Guidelines require competency-based training for all public transport staff, with associated compliance reporting and licencing to be included as part of contractual arrangements.

10.2 Effectiveness of the regulatory approach in eliminating discrimination

The DDA established the desired outcome of removing ‘as far as possible’ discrimination against people with disability. The Transport Standards, as subordinate legislation, specifies how relevant parties can meet outcomes required by the DDA.

Although the Transport Standards contain a mix of regulatory styles, it is predominantly prescriptive in nature. This reflects the intention of the Transport Standards to provide greater certainty and guidance for public transport providers and operators who have obligations under the DDA. The 2007 Review argued that the Transport Standards are an example of the benefit of prescriptive regulation, as they provide public transport operators with specific and standardised guidance that would otherwise make compliance difficult to achieve.

A number of submissions to this review expressed concern about the regulatory approach of the Transport Standards, arguing that the prescriptive elements are inaccurate or out-of-date. They proposed that some of the Transport Standards should be amended to redress this situation.

Amendment of the Transport Standards

Finding 5

Alignment needs to occur between provisions in the Transport Standards and provisions in the Premises Standards. A number of parts within the Transport Standards, in their current form, do not provide adequate or sufficient guidance. For the Transport Standards to meet the current and future needs of people with disability, amendments must be considered.

Alignment of the Transport Standards and Premises Standards

The review was informed by access consultants and architects that provisions in the Transport Standards and Premises Standards need to be aligned. The Disability (Access to Premises — Buildings) Standards 2010 (Premises Standards) were tabled in Parliament on 15 March 2010 and commenced on 1 May 2011. The Premises Standards 2010 are national standards that specify the requirements for disability access to public buildings. The Transport Standards apply to operators and providers of public transport services, and specify requirements for the accessibility of the premises, conveyances and infrastructure. To avoid duplication of requirements for public transport buildings under the two standards, relevant requirements for public transport ‘premises’ previously covered under the Transport Standards were transferred to the Premises Standards.

Submissions advised that this review presented an opportunity to revise the Australian Standards referenced in the Transport Standards and the Premises Standards to better align, although with the proviso that such revision does not diminish the accessibility provisions under both standards.

Currently, the two standards are not identical, mainly because they reference different Australian Standards, which contain different specifications. The 2007 Review was undertaken before the revised Australian Standards were published, so they were

unavailable for reference in the 2007 Review. However, the Premises Standards, which came into effect later than the Transport Standards, reference the revised Australian Standards (Submission 26 — John Deshon Pty Ltd).

Three major Australian Standards are referenced in the Transport Standards: AS 1428.1-2001, AS 1428.4-2002 and AS 1428.2-1992. The first two Australian Standards have been superseded by the revised Australian Standards:

- AS 1428.1-2001 has been superseded by AS 1428.1-2009
- AS 1428.4-2002 has been superseded by AS 1428.4.1-2009
- Some provisions in AS 1428.2-1992 have been incorporated into AS 1428.1-2009 and the remaining provisions are under review as part of the future AS 1428.2 Fixtures and Fittings.

A number of submissions advise that the revised Australian Standards have better provisions for accessibility and are more comprehensive than the Transport Standards. However, certain provisions in AS 1428.2-1992 promote accessibility more effectively than those in AS 1428.1-2009, especially regarding the width of minimum path of travel, and in their coverage of areas not subject to the Premises Standards. In some cases, the amendment of references makes little or no difference to the building standard outcome because the revised version replicates the older one. The difference would be significant when the date of introduction of any amendment has a bearing on legislated compliance target dates. This review heard that some revision of compliance target dates for the Transport Standards may be necessary (Submission 26 — John Deshon Pty Ltd).

The review noted two examples provided by a submission from Queensland where alignment would be beneficial in a local context:

West End Ferry Terminal [Brisbane] is located in Orleigh Park and has an accessible unisex toilet. This toilet need only comply with AS1428.1 — 2001 as it is located within the terminal structure and under its roof. The 2001 edition requires a minimum circulation area of 2000 mm x 1600 mm. Were the toilet detached from the terminal by only a few metres and associated with the park it would be required to meet AS1428.1 — 2009, which has a 2300 mm x 1900 mm circulation area. As it happens, Brisbane City Council built to the 2009 edition and should be commended for providing the extra functionality of the larger unit, even though not required to do so in order to comply.

At Brisbane's Central Station, stepping from the lift connecting platform and concourse puts the passenger in one of two regulatory environments. Stepping onto the platform, the Transport Standards determines the accessibility and layout of the facilities and structures. Stepping onto the concourse the Premises Standard holds sway. In a single step, the technical requirements for compliance have changed despite the functional requirements of the mobility aid remaining unchanged.

Submission 67 — Spinal Cord Injuries Australia

Architects and access consultants in responding to the draft review report expressed strong support for harmonisation to be undertaken while stressing that no diminution of provisions was to occur. Expert involvement in implementation processes was seen to be critical.

The Australian Institute of Architects (Submission 28) in responding to the then Recommendation 2 of the draft review report called for consideration of amending the Premises Standards alongside the Transport Standards as the two Standards are interdependent. The review notes that the first legislated review of the Premises Standards 2010 is scheduled to commence in 2015.

Maritime public transport

Submissions to this review raised concerns about maritime public transport. Transport for NSW (Submission 95) advised that unlike any other modes, ferries and wharves have a dynamic element that can lead to decreased accessibility. This is due to tidal variability of the fixed end to gangways, the pontoon to ferries and the orientation and movement of vessels. The submission detailed that retrofitting existing fleets is prohibitively expensive and difficult to align with Marine Survey Standards for safety. Transport for NSW requested that Part 6.5 of the Transport Standards regarding the slope of ramps connected to pontoon wharves be expanded to consider the effect of tidal variability on other dynamic elements of the interface between the wharf and ferry vessels.

The Northern Territory Department of Transport (Submission 24) reiterated that it is endeavouring to provide ferry services under challenging tidal environments. Brisbane City Council (Submission 19) stated that, while major tidal variations create significant accessibility challenges, it would be useful to draw on overseas standards that meet universal access principles. The City of Melbourne Disability Advisory Committee (Submission 25) argued that standards need to be further developed to ensure maritime public transport will cater for the needs of people with disability, especially physical disability. Darwin Community Legal Services (Submission 20) also noted challenges associated with the provision of facilities in Darwin for embarkation from ferries under extreme tidal conditions.

Chartered bus and coach services

It is unclear whether chartered bus and coach services are covered by the requirements of the Transport Standards. One view is that a charter service is not a public transport service because it is not available to every member of the public. On the other hand, the Transport Standards apply to 'public transport services'. A public transport service is defined as 'an enterprise that conveys members of the public by land, water or air' (section 1.23). This is a broad definition and it is arguable that charter bus and coach services fall within this definition.

The Bus Industry Confederation (BIC) (Submission 53) noted that charter services carry specific groups of people who have booked a dedicated and defined service and accordingly, charter services should be excluded from the Transport Standards.

The Tasmanian Anti-Discrimination Commission (Submission 76) highlighted the Federal Court of Australia's findings from *Haraskin v Murrays Australia Limited (No 2)* on 14 March 2013, which considered the extent to which charter bus and coach services are within the scope of the Transport Standards:

The question whether the Transport Standards apply to charter services depends upon whether they constitute a "public transport service" as defined in s 1.23 of the Standards...The preferable view is [that the Transport Standards] defines a public transport service as a type of service that is provided by an enterprise rather than as an enterprise that provides a type of service.

One consequence of this interpretation...is that the Standards apply not to all vehicles used in the...enterprise, but only to those vehicles used...to provide the relevant service, namely carriage of members of the public.

Not everyone is a member of the public for purposes of the definition. In determining whether the persons conveyed in...vehicles are members of the public it is necessary to consider what it is about those person that led to them being conveyed. They will only be members of the public for the purposes of this definition if they are conveyed [by the enterprise] as members of the public.

I accept [the Disability Discrimination Commissioner's submission] that the Transport Standards should be liberally construed...however in my view [the proposition that every person who is conveyed in vehicles will be a member of the public] ignores words that impose an important limitation upon the area in which the Standards were intended to apply.

The question whether any charter services provided constitute a public transport service ultimately depends upon the particular charters that are undertaken.

Submission 76 — Tasmanian Anti-Discrimination Commission

The ruling cited by the Tasmanian Anti-Discrimination Commission, however, also notes that:

Of course, as the [Disability Discrimination] Commissioner submitted, even if the Standards do not apply to charter services, ss 23 and 24 of the [Disability Discrimination] Act still apply.

Submission 76 — Tasmanian Anti-Discrimination Commission

At a minimum, the Tasmanian Anti-Discrimination Commission stated that it would be useful for these interpretations to be distilled into the Transport Standards as a result of this review.

Other proposed amendments to the Transport Standards

The review was informed that the Transport Standards were drafted in 1994–95 with the expectation they would take effect in 1996. However, they did not take effect until 2002. Consequently, some parts of the Standards require possible amendment to better reflect current practices and provide sufficient guidance.

While some specifications, such as infrastructure dimensions, are unlikely to change over time, many do. In particular, references and specifications for wayfinding products and designs, electronic information and other information formats require updates. A nationally coordinated strategy to ensure that conveyances, infrastructure and premises interact successfully with emerging technologies is also required.

Submission 67 — Spinal Cord Injuries Australia

A number of submissions called for specific parts within the Transport Standards to be amended due to lack of specific guidance or to reflect current practices. Those parts that should be considered but are not further discussed in this report include:

- | | |
|--------------|---|
| Division 1.2 | Definition should be exactly as per current standards adopted for Premises Standards 2010. |
| Part 15 | Toilets need to include ambulant toilet facilities. |
| Part 18 | Tactile ground surface indicators — references to colour contrast should be changed to luminance contrast. |
| Part 20 | Further clarification is required that the detailed illumination levels are for internal premises and additional guidance is required concerning appropriate illumination levels for external areas and open structures. A new section that sets the standards for external areas and open structures could be included. Expand the provisions of section 20.3 to include external lighting on ferries or other passenger vessels that may interfere with an operator's vision. |
| Part 22 | Luggage deposit counters at airports require different consideration. The 5 per cent rule in section 22.2 needs clarification as AS1428.2 does not consider it. |
| Part 26 | The area of coverage needs to be clear, and if it is the whole of a transport facility or customer seating areas only. Other factors to consider are: different transport companies sharing an area; or sharing a facility, but in different areas; and potential interference. |

The review also notes that technical amendments as detailed in Appendix E of the 2007 Review should be reconsidered as part of any amendment process as they have not been progressed in the post-2007 Review implementation process. Appendix E of the 2007 Review can be found in Appendix F of this report.

Other Forms of Regulation

Finding 6

This review has heard calls for the development of either performance-based measures, co-regulatory codes of practice, or specific modal standards designed to provide a more flexible response to cover the different modes of public transport and the different environments in which public transport networks operate across jurisdictions.

Calls for performance-based measures

The review heard that consideration should be given to amending the Transport Standards to include performance-based approaches to accessibility, which would provide greater flexibility in providing solutions when faced with individual transport mode design requirements. Queensland Rail detailed the dilemma it faced meeting compliance milestones given the state's narrow gauge track. Queensland Rail recommended that the Transport Standards be amended to include a well-articulated, proactive process for guiding and reaching performance-based outcomes.

Queensland railways have been constructed using narrow gauge (1067 mm) track built in the early part of the last century. Narrow gauge track imposes limitations to train carriage width and presents engineering constraints limiting the ability to design a carriage that meets the needs of all users, including people with disability. For example, if a toilet facility and an access aisle are required to be adjacent to each other, construction to the dimensions specified in the Transport Standards is physically impossible. Accessibility in this instance can only be achieved through consultation and agreement. Challenges presented by Queensland Rail's narrow track gauge will continue to impact accessibility on trains as widening track gauge requires re-laying the entire network's track.

Submission 61 — Queensland Rail

Brisbane City Council (Submission 19) noted that performance-based measures would assist public transport providers and operators to find nationally consistent, innovative and flexible solutions that could be applied in areas with environmental constraints. Of particular interest to Brisbane City Council was the development of solutions for ferry terminals in tidal riverine environments and bus stops in established hilly terrain (as discussed in Chapter 11).

Calls for co-regulatory compliance codes

The rail industry called for legalisation of co-regulatory compliance codes under the DDA. The Australasian Railway Association (ARA), V-Line and Metro Trains Melbourne (Submission 73) outlined the significant benefits of a National Code of Practice Accessible Rail and reiterated the findings of the Productivity Commission 2004 review of the DDA, which supported the introduction of such codes (2007 Review). The ARA indicated that the Australian Human Rights Commission (AHRC) may be used as a body to approve compliance codes.

BIC (Submission 53) also supported the development of co-regulatory compliance arrangements for each mode of transport. BIC asserts that a 'Code of Practice for Bus

Operations and Transport Standards' would provide practical advice and guidance to operators at a national level on how to meet the requirements of the Transport Standards and guidance on appropriate equivalent access. BIC sees an increase in the consistency of approach adopted by operators across Australia as a further benefit of a code of practice.

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) (Submission 86) opposes the legalisation of compliance codes, and considered that unless there is effective and transparent consultation with governments, anti-discrimination bodies and the broader community, this approach is not feasible. VEOHRC also expressed concern that the AHRC may not have the stand-alone expertise to certify a compliance code that would cover public transport in each state and territory. VEOHRC considered that the compliance code approach could enable an industry to operate outside of the Transport Standards and may, in practice, limit rights under the DDA.

Calls for the development of individual modal standards

Transport for NSW (Submission 95) was sympathetic to the Australasian Railway Association's position that codes ensure certainty and protection for rail operators against legal actions. However, it noted that the current DDA framework does not allow for co-regulation; that modal guidelines should not advocate a lower level of protection to people with disability than is provided under the Transport Standards; and that co-regulatory frameworks added unnecessary complexity for potential complainants to the AHRC.

Transport for NSW considered that better outcomes for customers with disability, transport operators and providers would be achieved by removing or amending specific standards within the Transport Standards, which are not fit-for-purpose for rail conveyances or achievable at train stations. The submission specifically identified station issues involving cross-corridor access, roll on/roll off access to trains, circulation requirements and access pathways on platforms, tactile ground surface indicator (TGSi) placement, customer information systems and associated precinct issues. Provision of accessible toilets and stairs on trains were also identified as requirements based on premises, which did not take into account constraints arising from train carriage and rail track widths.

The former Victorian Department of Transport (Submission 93) called for specific standards for trams and trains in relation to section 8.2 of the Transport Standards (boarding) in consultation with people with disability. The former Victorian Department of Transport noted the operational and logistical challenges of providing manual or power-assisted boarding where independent access to trams cannot be achieved. The submission asserts that there is no standard to specify the vertical and horizontal gaps that should not be exceeded for independent access, and that the current boarding gap of 12 mm (vertical) and 40 mm (horizontal), as specified in the Transport Standards, is based on an Australian Standard for hoists and ramps used for road transport including buses and taxis. The submission asserts that there is no specific standard for trams and European standards have different vertical and horizontal gap requirements to deploy ramps.

Summary

The 2007 Review argued that a cautionary approach should be adopted when considering performance-based measures. It proposed that prescriptive approaches are necessary for certainty and guidance on accessible transport. Furthermore, it saw that performance-based regulation would be inappropriate where there are significant risks of poor outcomes or inconsistent approaches to meeting outcomes.

Although this review agrees with these findings, it also notes the potential for co-regulation and performance based measures to provide better accessibility outcomes on modes of transport that do not fit neatly within the 'one size fits all' approach of the Transport Standards. Co-regulatory and performance based measures may be more targeted and industry driven, possibly providing more flexibility and innovation. Allowance for this kind of regulation would provide the opportunity for industry to work constructively with people with disability and government to possibly produce better outcomes in physically challenging operating environments.

Responses to the draft review report argue that in this day and age, with all of the technology available and modifications that can be made to equipment, standards for accessibility can be performance-based or a combination of performance-based and prescriptive. Further, performance-based standards take into consideration the needs and expectations of the end user, not just the expectations placed upon the provider and operator.

While contending that there is potential for co-regulatory compliance codes and performance based measures to produce good accessibility outcomes, the review would only see this being possible through careful consultation with and consideration by key stakeholders – in particular, people with disability. Specific amendment or removal of existing standards within the Transport Standards would require the same careful consideration involving stakeholder consultation.

10.3 Scope of the Transport Standards

The scope of the Transport Standards determines the extent to which they have an influence. Exclusions, temporary exemptions, claims of unjustifiable hardship and the use of equivalent access provisions all influence the extent to which particular sectors, modes of transport or components of public transport systems are captured by the Transport Standards (2007 Review).

Exclusions from the Transport Standards

The review reconsidered the views of the disability sector that the scope of the Transport Standards should be extended to include community transport and dedicated school buses as per Recommendations 13 and 14 of the government response to the 2007 Review.

Community transport

Finding 7

The disability sector believes that the current exclusion of community transport vehicles with 12 seats and over from the Transport Standards needs to be lifted because it is contrary to the principles of the DDA. Yet, the review also heard from governments that the exclusion needs to stay as inclusion may adversely impact current levels of service delivery and that many services are already accessible.

The 2007 Review considered that the exclusion of community transport from the Transport Standards was at odds with the spirit of the legislation and was contrary to supporting the travel needs of people with disability. Recommendation 13 of the 2007 Review called for the Transport Standards to be amended to require new community transport vehicles with more than 12-seat capacity to comply with the Transport Standards commencing in 2017, with full compliance by 2032. The (then) Australian Government supported this recommendation in principle. However, after careful consideration, APTJC was of the view that extensive data gathering was required before a recommendation of such significance could be supported.

Further calls to include community transport under the Transport Standards were presented to this review. The Council of Social Services of NSW (Submission 27), representing the concerns expressed, argued that it is a contradiction for community transport organisations to be exempt from the Transport Standards, given they should be the organisations to model best practice transport accessibility for people with disability. Spinal Cord Injuries Australia (Submission 67) also considered that community transport is an important travel option for people with disability and for the elderly. Apart from providing transport to and from essential services, it helps minimise social isolation and build friendships among commuters. Spinal Cord Injuries Australia stated that in many small rural and regional towns, there are no alternative wheelchair-accessible transport services, not even taxis. This can lead to people with disability becoming isolated if they or their family do not own a private vehicle. Spinal Cord Injuries Australia also requested the Transport Standards include requirements for providers to have at least one wheelchair accessible vehicle, especially if the service only has one vehicle and it is in a rural or non-metropolitan area.

The Queensland Department of Transport and Main Roads supported APTJC's position and expressed concern to the review that volunteer groups may potentially opt to remove the service if they do not have the financial means to make the vehicle compliant or to purchase a new accessible vehicle.

Transport for NSW (Submission 95) argued against incorporating community transport under the Transport Standards. The submission argued that approximately 70 per cent of the existing community transport bus fleet in NSW, under the funded service providers, already meet the requirement of Transport Standards for wheelchair accessibility.

Transport for NSW also noted that the cost difference between a non-wheelchair accessible bus and a wheelchair-accessible bus is approximately 20–30 per cent of the total vehicle cost. Many operators have buses that would be considered non-compliant if this recommendation was introduced. Transport for NSW advised that all buses considered to be non-compliant are due for replacement prior to 2019. The estimated additional cost to the NSW Government of upgrading the existing fleet to being wheelchair-accessible vehicles is \$7.6 million. This estimate does not take into account the cost of additional vehicles needed to cater for expected growth in demand for community transport services.

Transport for NSW also advised that the extent of future demand and service delivery requirements is uncertain due to the transition of aged care services under the Home and Community Care (HACC) program to the Australian Government and the introduction of the National Disability Insurance Scheme. The National Disability Insurance Scheme is expected to increase opportunities for clients to purchase transport services directly from a broad range of providers. Transport for NSW anticipates that if the requirements for a bus become more stringent, there may be an incentive for organisations to purchase smaller vehicles.

The draft review report contended that more detailed research and analysis needed to be conducted to develop a thorough understanding of the community transport sector nationwide before any decisions can be made regarding inclusion under the Transport Standards.

Disability sector responses to the draft report were critical of the non-implementation of Recommendation 13 of the 2007 review. Submissions saw the exclusion of community transport from the Transport Standards as not aligning with the National Disability Strategy which includes a focus on developing a public, private and community transport system that is accessible to the whole community.

Submissions called for, at a minimum, the necessary data gathering, consultation and analysis be conducted as a matter of urgency. The ATIA (Submission 52) saw the call for research without a plan or commitment to undertake that research, and to do so expeditiously, as inconsistent with good policy.

Dedicated school buses

Finding 8

The review heard calls from the disability sector to lift the current exclusion of dedicated accessible school buses in the Transport Standards as per Recommendation 14 of the 2007 Review because the exclusion is contrary to Australia's obligation under the United Nation Convention on the Rights of Persons with Disabilities (CRPD) and the National Disability Strategy (NDS).

However, the disability sector also acknowledged that further research is needed to determine if there is a current unmet need for transporting school students with disability to and from school.

Recommendation 14 of the 2007 Review addressed the phased application of physical access requirements in dedicated school bus services in the Transport Standards, commencing in 2029 and being fully required by 2044.

As detailed in Chapter 2, APTJC reflected that although the precise number of accessible school buses in Australia is unknown, there is no apparent area of unmet transport need for school students with disability. These students appear to have access to a wide range of transport services, including public transport, dedicated school buses, accessible dedicated school buses, minibuses, taxis, WATs and private vehicles. APTJC concluded that the current approach to meeting the transport needs of school students with disability is adequate and tailored to individual needs and, therefore, Recommendation 14 should not be implemented.

Submissions from disability organisations strongly argued that the school bus exemption needs to be removed as soon as possible, because it impacts on the educational and social opportunities of children and young people with disability. Submissions pointed to research indicating that people form their initial views about disability and inclusion in their childhood years and excluding students with disability from school buses may contribute to isolation and social exclusion, and foster negative perceptions in the wider community. This review was told that students with disability do not have the same experience of travelling to and from school with their peers without disability and are often excluded from external excursions if the dedicated school bus or other contracted bus or coach is inaccessible.

Indications are that in many rural areas, community and school buses are the only means of public transport for people with disability and are, therefore, an essential transport service. In the absence of these services, heavy burdens are placed on families to find and finance alternative accessible transport, such as WATs. There are also issues about pick-up times, where students in some regions are being picked up two hours before they are due to be dropped-off at school. This is not a practical option for the students and their families, especially as one student only lived 10 minutes' drive from school.

Disability organisations also criticised the long timeframe to provide school students with disability with equal access to dedicated school buses. Under the 2007 Review, the process of including accessible dedicated school buses in the Transport Standards was proposed to begin in 2029, with full compliance to be achieved by 2044. The Australian Federation of Disability Organisations (Submission 65) advised that a student with disability who starts

school in 2014 will have completed their secondary education before the process for making dedicated school buses accessible to students with disability begins. The National Disability Strategy Implementation Reference Group (Submission 59) considered the current timeframe for the proposed inclusion of accessible dedicated school buses in the Transport Standards is incompatible with the CRPD and the inclusion goals of the NDS.

An exception to the general consensus from the disability sector was the Equal Opportunity Commission of South Australia (Submission 55) that supported the exclusion, to the extent that students with disability are not in any way discriminated against or excluded from accessing public transport.

As previously noted, state and territory governments remain opposed to changes to the current exclusion timeframes. The Queensland Department of Transport and Main Roads has informed the review that second hand buses that are compliant with the Transport Standards may not be the safest vehicles for use on certain types of regional terrain. Low floor buses used for general route services in metropolitan areas would be unable to travel on some regional roads. In addition, the contracted school bus fleet in Queensland has been made compliant with Australian Design Rule (ADR) 59/00 (Omnibus Rollover Strength) 2006 in general and ADR 68/00 (Occupant Impact Protection in Buses) 2006 in relation to additional braking systems, for school buses required to travel on very steep roads.

The Queensland Department of Transport and Main Roads reiterated its concerns about implementing Recommendation 14 of the 2007 Review. Approximately 2,100 buses are in use in the Queensland school bus fleet. To replace the school bus fleet with the same type of buses currently used would cost \$480 million. To replace the school bus fleet with compliant, low-floor large buses would cost an additional \$100,000 per bus. Queensland considered that unless significant funding is provided by the Australian Government, it would be unable to implement this recommendation.

Transport for NSW argued that the high implementation costs associated with the provision of accessible school buses cannot be justified while local roads and roadside infrastructure are unsuitable for low-floor wheelchair accessible buses, and local government, which is responsible for such infrastructure, is unable to deliver it without Australian Government funding assistance. The submission asserts that in the future, Transport for NSW may invest in upgrading buses in communities where the synergies and cost-benefits can be clearly demonstrated.

Both the National Disability Strategy Implementation Reference Group and the Australian Federation of Disability Organisations refer to APTJC's request to the disability sector to provide evidence of unmet need of dedicated accessible school buses. The Australian Federation of Disability Organisations also recommended that the Australian Government provide the necessary funding to ascertain unmet need as well as conduct research on the negative social or psychological impacts resulting from the inability of school students with disability to use school bus services.

Disability Sector submissions to the draft review report were highly critical of the non-implementation of Recommendation 14 of the 2007 Review. A number of submissions pointed to the particular disadvantaging of students in rural and regional areas as an

outcome of the current exclusion of dedicated school buses from the Transport Standards. Submissions pointed to the increasing inclusivity of schools as an impetus to ensure that the associated transport systems also become inclusive. The denial of transport by accessible school buses was seen as a significant gap in ensuring inclusivity across Australia.

The review was requested that, at a minimum, the final report should recommend that the Australian Government conduct the necessary data gathering, consultation and analysis to determine the need for such a recommendation as a matter of urgency.

Temporary exemptions

The AHRC has the power to grant temporary exemptions under section 55 of the DDA and Part 33A of the Transport Standards, but before granting an exemption, the AHRC is required, under the DDA, to consult with APTJC. Temporary exemptions may be subject to conditions set by the AHRC and are limited to a term of not more than five years. Operators may reapply for another exemption once the term has expired.

This review heard that temporary exemptions from the Transport Standards should only be limited to legacy services, conveyances and infrastructure and not for procurements conducted since the inception of the Standards in 2002. VCOSS (Submission 90) argued that, while accepting there are genuine instances of hardship in the ability to retrofit or upgrade assets, the rationale for temporary exemptions to new conveyances and infrastructure is less clear. VCOSS noted that these assets will, in most cases, operate well beyond the target date for full compliance in 2032.

VCOSS also argued that temporary exemptions should only be provided to individual providers or operators for which they are directly responsible, rather than to entire industries, as this practice reduces the incentive for operators to devise solutions or comply with the Transport Standards. This point was reinforced in submissions on the draft review report.

The 2007 Review noted that the most extensive application for a temporary exemption was that of the ARA in 2005–06. In 2007, after careful deliberation and consultation with APTJC, the AHRC granted industry-wide temporary exemptions of two to three years for 39 exemption clauses and deferred or declined an additional 64 exemption clauses.

Since granting the initial temporary exemption in 2007, AHRC has granted further interim temporary exemptions to members of the ARA. Anticipating the expiry of these exemptions on 31 December 2013, on 25 September 2013 ARA made another application on behalf of its members. The newest application seeks to exempt members of the ARA from the Transport Standards and certain obligations arising from the DDA for five years, on the condition that they comply with the proposed National Code of Practice for Accessible Rail Services (discussed in Chapter 2). ARA also proposed an alternative in the event that the proposed code is not granted. This alternative consists of extending the effect of the current exemptions for a period of five years, granting a number of exemptions previously applied

for, but not granted, and granting a new exemption relating to the provision of boarding devices at accessible entrances to trains.⁶

The AHRC is currently considering the ARA's application. This process includes the intention to conduct public consultation on the proposal. Noting that this process will take some time, the AHRC, on 19 December 2013, granted the ARA a temporary interim extension to the current exemption until 30 June 2014. This extension was further extended on 1 July 2014 - expiring 31 December 2014, to allow more time for proper and careful consideration to take place.

Claims of unjustifiable hardship

In addition to temporary exemptions, the Transport Standards also allows for cases where the costs associated with meeting compliance requirements may be too great for some providers and operators. Section 24 of the DDA provides the reasoning behind the claim of unjustifiable hardship.

The temporary exemption can be used by providers and operators to postpone compliance. However, the claim of unjustifiable hardship can only be used as a defence against non-compliance once a complaint is brought against an operator or provider. The Federal Court or Federal Magistrates Court determines the legitimacy of unjustifiable hardship defence.

Transport for NSW noted that there is currently no legal precedent to assist in defining the extent of unjustifiable hardship permitted for government transport operators and providers. Transport for NSW's submission argued that while efforts are directed to achieving the maximum extent of compliance possible, the lack of certainty over the interpretation of 'unjustifiable hardship' is a hindrance to decision-making on high-cost capital works.

Equivalent access provisions

Submissions noted that equivalent access provisions are being used by a number of providers and operators to assist people with disability. The most notable example is ramps to allow mobility-aid users to enter and exit trains. Transport for NSW's submission noted that the age of rail infrastructure and its configuration means continued reliance on 'direct assistance' via boarding ramps. Despite a clear preference among mobility-aid users for independent access, such access will not be possible while variability in rail stock and curved platforms continue to exist.

The former Victorian Department of Transport views equivalent access provisions as the key guide to access provided at railway stations. As previously mentioned in this report, Metro Trains Melbourne has installed raised platform ramps on some metropolitan train station platforms to allow interim independent boarding access into the train.

⁶ More information can be found in the Commonwealth Gazette (C2014G00021), available online at: <http://www.comlaw.gov.au/Details/C2014G00021>

10.4 Conclusion

Overall, this review concludes that since the 2007 Review, the Transport Standards have continued to effectively assist with increasing the accessibility of public transport for people with disability. All state and territory submissions demonstrate that, where data has been provided, improvements have been made. The majority of submissions from the disability sector and local government also acknowledge improvements. State and territory governments have made concerted efforts since 2002 and the 2007 Review to inject resources into public transport services to ensure improved accessibility within their jurisdictions.

Yet numerous issues remain that impact on the capacity and confidence of people with disability to use public transport. The biggest issue facing people with disability is to undertake complete journeys. If a journey is started, but cannot be successfully completed, it erodes confidence in undertaking future trips. Impediments to undertaking successful whole journeys include lack of consistency in information availability, inability to reach or access infrastructure or conveyances and/or unhelpful public transport staff.

The availability of reliable data on whether all public transport services are meeting compliance provisions is another issue that indirectly impacts on the effectiveness of the Transport Standards. Government-contracted service providers must report on compliance as part of their contractual arrangements, whereas non-government operators providing transport services to the public are not required to report. To ensure that all operators understand the legislation and its requirements and are striving to meet its provisions, reliable reporting on compliance by all public transport operators should be required. This is especially important as the 2017 compliance requirements contain 80 or 90 per cent milestones.

The review has not heard an overwhelming call for the largely prescriptive nature of the Transport Standards to be reconsidered. It can be assumed that if accessibility is generally improving under the current prescriptive regime, then it is the appropriate approach.

However, this review has heard that parts of the Transport Standards need to be amended, improved, updated, reconsidered or even removed due to perceived deficiencies and that performance-based measures should be considered for situations where the Transport Standards do not lead to satisfactory outcomes or do not fit the physical nature of the environment where they need to be applied. A mechanism for measuring the performance of the aviation sector also requires further consideration given the different nature of this sector's operations.

Lastly, there continue to be calls for the scope of the Transport Standards to be widened to include dedicated school buses and community transport.

11. Efficiency of the Transport Standards

This section of this review assesses the efficiency of the Transport Standards in relation to:

1. the efficiency of implementing the Transport Standards — the costs for operators and providers in making the required changes to comply with the Transport Standards and the costs for people with disability in understanding their rights under the Transport Standards
2. the efficiency of administering the Transport Standards — how administrative arrangements concerning compliance reporting, the complaints process and consultative mechanisms, impact on the overall efficiency of the Transport Standards.

11.1. Efficiency of implementing the Transport Standards

To assess the efficiency with which the Transport Standards are being implemented, the following issues have been considered in this review:

- reported compliance costs
- necessary guidance to meet legislative requirements
- compatibility with other regulatory requirements
- supporting public transport providers and operators under the Transport Standards
- clarifying the rights of people with disability under the Transport Standards.

Reported compliance costs

Finding 9

Implementing requirements under the Transport Standards requires significant capital investment. A number of governments, providers and operators, while supporting the aims and objectives of the Transport Standards, have indicated that meeting future compliance milestones may be problematic unless significant resourcing is found.

Submissions from governments, public transport providers and operators demonstrate support for the aims and objectives of the Transport Standards. However, implementing the Transport Standards involves significant costs for public transport operators and providers.

Some costings have been provided to this review by some state and territory governments to support their submissions, as shown in Table 10. Reporting of expenditure varies, but can involve purchasing or upgrading existing conveyances, constructing new or upgraded infrastructure, or funding existing services. It should be noted that some Transport Standards-specific costings may be included as part of jurisdictions' wider public transport investment figures.

Table 10: Costs of implementing the Transport Standards as cited in submissions made by state and territory governments

State	Expenditure
New South Wales	<p>Transport for NSW's submission (Submission 95) detailed that NSW has the largest passenger transport task in Australia, with the Greater Sydney Metropolitan Area having the country's highest percentage of public transport use. The NSW Government has invested over \$2.5 billion since the 2007–08 financial year on accessible transport infrastructure. This includes approximately \$334 million on rail infrastructure, \$1,034 million on accessible rail rolling stock, \$65 million to construct and upgrade wharves and \$1,069 million to purchase accessible buses.</p>
Victoria	<p>The former Victorian Department of Transport's submission (Submission 93) stated that since the introduction of the Transport Standards in 2002, the Victorian Government has spent approximately \$420 million on specific Disability Discrimination Act (DDA) requirements and 'access to public transport' projects to meet the requirements of the legislation and improve access to public transport — including costs incurred to operate accessible taxi services. Most of this expenditure was incurred in upgrades to railway stations, bus stops and building new level access tram stops.</p> <p>Since 2002, the Victorian Government has spent in excess of \$2.2 billion on a range of public transport projects including new rolling stock and infrastructure upgrades that both directly and indirectly contributed to improved public transport access.</p> <p>Specific expenditure details provided were:</p> <ul style="list-style-type: none"> • up to 364 level-access tram stops have been constructed across Melbourne • 50 new E-Class trams have been purchased and the current Premium Tram Line Program and the Government E-Class Tram Procurement program is an investment of \$800 million over the long term • a bus-replacement program with a total of 1,421 low-floor buses on the metropolitan network • construction of new and upgraded infrastructures at existing railway stations • more than 10,000 bus stops upgraded across Victoria.
Queensland	<p>Between 2007–08 and 2012–13, the Department of Transport and Main Roads (Submission 75) invested in excess of \$2.8 billion to upgrade conveyances and infrastructure.</p> <p>Specific expenditure details provided were:</p> <ul style="list-style-type: none"> • In 2012–13, the South East Queensland Bus Stop Upgrade Program allocated \$4.5 million for accessible bus stop upgrades and the Regional Disability Discrimination Act Program had a budget of \$1.9 million for accessible bus stop and ferry terminal upgrades. • In 2012–13, the Department provided \$5.8 million to improve compliance on Citytrain network infrastructure in South East Queensland and an additional \$14.3 million was provided for rolling stock and \$33 million for station upgrades. • Since 2007, the Department has provided more than \$1.3 million in funding support towards the purchase of three new accessible ferries. • Brisbane City Council is endeavouring to ensure full compliance of all 24 Brisbane ferry terminals by 2017 with an overall terminal and fleet upgrade program budget of \$53 million. • Queensland Rail, with the support of the Queensland Government, has invested heavily in improving trains on the city, travel and tourist networks.

State	Expenditure
South Australia	<p>The South Australian Department of Transport and Infrastructure's submission (Submission 94) stated:</p> <ul style="list-style-type: none"> its annual bus replacement program introduces 25–30 fully accessible buses each year. the SA tram fleet and electric trains are fully accessible. Adelaide's existing diesel railcar series has been refurbished to be fully accessible.
Western Australia	<ul style="list-style-type: none"> As at 30 June 2012, Transperth operated 994 accessible buses out of a total fleet of 1,253 (79.3 per cent) compared with 905 (77.4 per cent of 1,170 vehicles) previously. The Bus Stop Accessibility Works Program was launched in July 2010. Up to July 2012, approximately 600 bus stops were completed, bringing the combined total of upgraded bus stops to 1,400 since the program commenced.
Tasmania	<ul style="list-style-type: none"> Metro Tasmania has been provided with additional funding each year since 2009–10 for a range of purposes including facilitating the upgrade of urban bus stops. Metro has upgraded over 600 bus stops statewide in its urban network from this funding. Subsidies were provided to WAT operators in 2011–12 totalling more than \$1.6 million, or about one third of the total subsidy provided for taxi services.
Northern Territory	<ul style="list-style-type: none"> Improvements to the bus and taxi fleets have increased accessibility with 100 per cent of the public bus fleet in Darwin and Alice Springs now compliant and 19 per cent of the taxi fleet wheelchair accessible. Trial accessible bus services now service regional centres and remote communities that were previously un-serviced.
Australian Capital Territory	<p>The ACT Government advised this review that since 2002, it has spent \$117.8 million on a bus replacement program with a balance of \$40 million remaining. It has also spent \$4 million spent directly to upgrade assets to meet Transport Standards requirements.</p> <ul style="list-style-type: none"> As of December 2012, Roads ACT reported that 54 per cent of bus stops either partially or fully complied with the Transport Standards. ACTION buses exceeded the 2012 compliance target of 55 per cent. In its 2012–13 Budget, the ACT Government committed funding to ensure that ACTION buses will meet the 31 December 2017 target of 80 per cent of the fleet being accessible.

While this review has been unable to capture the exact amounts spent by individual airline and airport operators, it is understood considerable investment has been made in the last five years to improve accessibility for people with disability.

Challenges with meeting future compliance targets

The compliance timetable for the Transport Standards sets the following compliance milestones:

2012	55 per cent
2017	80 or 90 per cent (varying)
2022	100 per cent (except for trains and trams)
2032	100 per cent (trains and trams)

As detailed in the 2007 Review, these milestones were intended to reflect the normal depreciation and replacement cycles of public transport conveyances and infrastructure upgrades. These timeframes should therefore limit the instances where providers are forced to replace stock that still has an economic life. The Transport Standards also include provisions for direct assistance and equivalent access to limit the need for providers to incur significant costs from upgrading stock.

The 2007 Review advised that the final tranche of infrastructure upgrades required between 2017 and 2022 are to likely be the most costly, and will have the least cost–benefit impact. These diminishing returns were seen to reflect the natural tendency of public transport authorities to make initial investments in public transport infrastructure that had the highest patronage, and where technical issues were relatively straightforward.

A number of governments, providers and operators have indicated to this review that meeting future Transport Standards compliance milestones will require significant capital investment and are unlikely be met unless substantial funding assistance is provided.

New South Wales

Transport for NSW Government (Submission 95) advised that the heavy rail network is the oldest and most extensive in Australia and that a significant proportion of the trains on the network are between 20 and 40 years old. The age of the infrastructure and the scale of the retrofitting task to bring rail services into compliance will take time and it is unlikely that full compliance can be achieved within the Transport Standards compliance milestones.

Victoria

The former Victorian Department of Transport (Submission 93) emphasised that the 2012 legislated compliance targets for tram rolling stock of 55 per cent have not been met and the achievement rate is currently around 23 per cent. This is due to tram upgrades relying entirely on the turnover of existing rolling stock because older, high-floor trams cannot be retrofitted and made accessible to people with disability. The former Victorian Department of Transport indicated that it remains committed to improving access to tram services for the people with disability and meeting milestones under the Transport Standards, including 100 per cent compliance target in 2032. However, it notes that trams have a replacement cycle of 30 years and Victoria is likely to have difficulty meeting the 2017 milestone of 90 per cent. This projection was also supported by Yarra Trams (Submission 62):

The 2017 milestones are unlikely to be achieved due to fleet and network constraints. To meet the 2017 milestones, a further 300 trams in the current fleet would need to be converted to become accessible. Many of these vehicles are already very old and it would be uneconomically viable to convert them to have low-floor access. In addition, it is unlikely that the market would be capable of supplying the volumes of new low-floor trams required to make the system 90 per cent accessible by 2017 — even if funding from the government were available. To meet the 2017 milestone a further 1200 accessible stops would need to be constructed (more than 20 per month). Substantial costs, potential effects on the existing road network, physical constraints surrounding the installation of platform stops and community concerns slow the implementation of accessible stops to meet Transport Standard milestones.

Submission 62 — Yarra Trams

Queensland

Queensland Rail (Submission 61) considered that compliance will require a multi-billion dollar investment. Compressed into an investment timeframe of 20 years with 100 per cent compliance required by 2032, Queensland Rail sees a number of practical and financial complications presented by the Transport Standards. The financial challenges to implement the Transport Standards relate to infrastructure lifecycle and substantial upgrades. Queensland Rail observed that the service life of a train far exceeds that of other modes of public transport and that premature upgrades or replacement entail a significant impost on public funds.

Tasmania

The Tasmanian Department of Infrastructure, Energy and Resources (Submission 83) argued that it had made significant progress in meeting the requirements of the Transport Standards through a range of measures including direct funding assistance, legislative reforms, concession schemes and incentive payments. However, the scale of the challenge to continue to meet each of the targets contained in the Transport Standards is enormous. The Tasmanian Government asserted that its original endorsement of the Transport Standards in April 1999 was conditional on the Australian Government funding the implementation. Despite a request for funding of \$10 million in 2005, no assistance has been provided by the Australian Government. The submission advises that further progress will be difficult to achieve. The benefit of non-financial measures, which have contributed significantly to Tasmania achieving compliance milestones under the Transport Standards to date, are not likely to deliver further major advances in public transport accessibility in the future.

Metro Buses (Submission 15), Tasmania's state-owned largest passenger transport operator, advised that it has been able to meet the 2007 and 2012 targets of 25 per cent and 55 per cent respectively for each type of service. However, based on its current fleet replacement program and Tasmanian Government funding, it is unlikely that the 2017 and 2022 targets for services will be met as significant financial investment is required and this has not been provided for in future budgets.

Northern Territory

The Northern Territory Government (Submission 24) indicated that the significant costs associated with compliance are an ongoing issue and that in some remote areas and in certain locations physical environment issues such as landforms make compliance difficult.

Local Government

Local Government NSW (Submission 29) noted that the introduction of the Transport Standards was not accompanied by additional resources for implementation. In addition, there was no process to allow the full impact or cost-shifting implications on local government to be fully assessed. Local Government NSW argued that without appropriate funding to address the compliance targets, councils may be unable to resource required works in the target timeframes.

Transport for NSW (Submission 95) reiterated that lack of local government investment in infrastructure is one of the major impediments to the delivery of accessible public transport. The issue is common across regional and rural areas and metropolitan local government areas. Transport for NSW asserts that Australian Government funding is needed to support accessible infrastructure development by local government.

Public Transport Industry concerns

The Bus Industry Confederation (BIC) (Submission 53) argued that, given finite resources, it is reasonable to reconsider the Transport Standards' timetable, and as necessary, reprioritise certain elements and their associated target dates. BIC also argued that when the Transport Standards' compliance timetable was originally designed in 2002, it would not have fully anticipated the following:

- the realities of future passenger transport demand by people with disability (as venues become increasingly accessible there has been a subsequent surge in the demand for accessible public transport)
- the increased demand for public transport passenger services more broadly, which is driven by escalating world oil prices, higher density urban planning, and community concerns about the environment
- the levels of state and federal government funding directed to accessible passenger transport services
- whether all the mandated requirements were workable or achievable within the design and maintenance life of passenger public vehicles
- the ambiguity in interpreting the legislation and standards has allowed some providers and operators to purchase of non-compliant public vehicles.

BIC has further argued that flexibility resulting from the legalisation of industry codes of practice or co-regulatory compliance codes would provide alternative ways to achieve the same outcomes as sought in the Transport Standards. The review notes that these views also reflect those of the rail industry.

Disability sector concerns

The Victorian Council of Social Services (VCOSS) (Submission 90) noted that achieving full compliance will require substantial public investment. The submission considered that this potential cost largely reflects that much of the public transport infrastructure was constructed long before the Transport Standards were developed.

VCOSS believes it is not unreasonable to require new infrastructure and conveyances to be compliant with the Transport Standards. However, it also considered that it would be reasonable for the Australian Government to share the costs of progressing the huge backlog of infrastructure upgrades required for 'legacy' assets to meet the requirements of the Transport Standards. VCOSS further considered that state and territory claims that the Transport Standards are in effect an 'unfunded mandate' of the Australian Government have merit.

Calls to amend Schedule 1 of the Transport Standards – Target dates for compliance

Opposing views were provided in response to the draft report concerning whether the Schedule 1 milestones for compliance should be reviewed. Some Governments and providers requested that should funding not be provided to assist operators meet compliance targets then the 2017 and 2022 milestones should be reconsidered.

However disability sector submissions detail that the compliance milestones as agreed in 2002 were generous in regards to the time given for Governments, providers and operators to comply with the Standards. Submissions, while acknowledging that there were significant resourcing issues associated with meeting compliance, insisted that the timeframe currently contained within the Disability Standards should not be extended.

The review contends that any consideration of reviewing the Schedule 1 compliance milestones would need to occur as a result of consultation with all stakeholders as part of processes surrounding Recommendation 1, the modernising of the Transport Standards.

Guidance to meet legislative requirements

To implement the Transport Standards a public transport provider or operator needs to:

- identify those parts of the Transport Standards (and relevant Australian Standards) that relate to the mode of transport and/or type of premises or infrastructure for which they are responsible
- consider the particular characteristics of their conveyance, premises or infrastructure, and how they can be modified to meet the requirements in the Transport Standards, or how new conveyances can be introduced
- plan a timetable to upgrade conveyances, premises or infrastructure, where necessary, in line with the compliance timetable in the Transport Standards.

In doing this, providers and operators are able to refer to the Transport Standards, the Transport Standards Guidelines and relevant Australian Standards.

A number of submissions sought more detailed or definitive guidance on implementing and meeting Transport Standards requirements. In particular, more guidance was sought concerning the design and construction of bus stops.

The Tasmanian Department of Infrastructure, Energy and Resources (Submission 83) considered that the Transport Standards fail to take into account local conditions such as pavement and footpath slopes when specifying the requirements for access paths, boarding points and ramps in relation to bus stops. A guideline to aid in the development of compliant bus stop infrastructure was issued by the Australian Human Rights Commission (AHRC) in 2010 to assist providers and operators. Tasmania notes that while this has been helpful, the AHRC made it clear that the guideline cannot supersede the Transport Standards.

The guideline states that it is not practical to address all possible permutations of additional facilities that may be provided at a bus stop, such as shelters or seating. However, given the individual nature of local bus stops, the Tasmanian Department of Infrastructure, Energy and Resources argued that the absence of definitive guidance makes assessing compliance impractical. Tasmania considered that challenging topography, including hilly areas and streetscapes that retain built-heritage qualities, such as narrow streets and footpaths, render Transport Standards requirements impossible to implement universally.

The South Australian Department of Transport and Infrastructure (Submission 94) also advised of difficulty in achieving bus stop compliance. The submissions noted the absence of a uniform understanding of what constitutes compliance as a significant hurdle to assessing how bus stop compliance targets are achieved. Transport for NSW called for specific guidance to be included in the Transport Standards concerning bus zone length at bus stops. The ability to successfully pull up to kerbs and deploy ramps is seen to be dependent on these specifications.

As detailed in Chapter 6, the ACT Government (Submission 88) advised that, due to their location and extraordinary technical or geographical factors, not all bus stops will be able to be upgraded to meet full compliance targets as set out in the Transport Standards. The longitudinal gradient of 2.5 per cent for bus stop pads is not possible to achieve when the slope of the road exceeds this gradient, which occurs in one out of three bus stops. This will present a challenge for the ACT to reach the 2017 compliance target and full compliance in 2022.

Brisbane City Council (Submission 19) noted that, as Brisbane is a hilly city, engineering measures are required that result in numerous technical challenges associated with:

- an increased slope in the adjoining areas
- increased slip and fall risks from locally lowered levels
- the need for additional infrastructure such as ramps and handrails
- the potential for concentrated overland flow and retention of sediment at the boarding point for longitudinal gradients

- the potential need for road reserve and kerb and gutter to ensure that the bus and boarding apron are on the same gradient
- increased costs for provision and maintenance of bus stop shelters.

Brisbane City Council called for the Transport Standards to be amended to provide more detail about the definition of a 'level surface' and allow lower kerb height in areas with existing kerbs.

Compatibility of the Transport Standards with Workplace, Health and Safety requirements and the Australian Design Rules for buses and coaches

Finding 10

The review has identified two instances where the Transport Standards conflict with other regulatory requirements:

The use of direct assistance provisions can sometimes place public transport staff in situations that conflict with Workplace, Health and Safety requirements.

The use of unrestrained mobility aids presents a safety issue and conflicts with Australian Design Rules for buses and coaches. Bus and coach operators and the disability sector are calling for the development of effective mobility aid restraining systems.

Workplace, Health and Safety

Public transport operators across several modes consider that compliance with the Transport Standards has led to many instances where passenger safety, vehicle standards, occupational health and safety, and workplace practices have been compromised. Consequently, industrial injuries have been sustained, passengers have been subjected to additional risk, and bus operators exposed to possible new legal liabilities. BIC (Submission 53) argued that it is grossly unfair for any service provider to be placed in a position where they are expected to make critical judgements that potentially trade off safety and compliance with the requirements of the Transport Standards.

As previously mentioned, submissions expressed the concern that some transport employees did not know whether they should assist a person with disability, or whether assisting the person would be a breach of the provider's workplace health and safety requirements or business insurance coverage.

Restraining mobility aids on buses and coaches

The review heard a call for the development of effective mobility aid restraining systems for buses and coaches.

Part 9.11 of the Transport Standards prescribes that an allocated space must contain movement of a mobility aid towards the front or sides of a conveyance. The Australian Design Rules (ADR) regulate the design of motor vehicles including vehicle safety. ADR are relevant in the context of the Transport Standards in how they apply to buses, coaches and taxis. *ADR 68 — Occupant Protection in Buses* prescribes specific requirements for seatbelts, strength of seats and seat anchorage on medium to large buses. However, this

review heard that because there is no consistent method of containment applied across Australia, passengers sitting on mobility aids on buses are less safe than other seated passengers. Also, the safety of other passengers on the bus is being compromised in situations where unrestrained mobility aids can become projectiles.

A number of submissions detail injuries sustained by people with disability while sitting on mobility aids in buses.

The issue of uncontrolled movement of mobility aids has been raised by many other creditable commentators and is entirely valid. Transport Standard Part 9.11 actually requires that mobility aids are stable in the allocated space. In our local area, two young people have fallen in their wheelchairs on public buses in the past two months. One suffered a minor head injury and, in the other instance a carer was injured attempting to lift the chair once it had fallen. The cost of a visit to the hospital by the first person and the work cover and rehabilitation cost to the worker represent an entirely avoidable expense to the taxpayer.

Submission 4 — Queenslanders with Disability Network

The review heard that no safe and uniform means of securing mobility aids in allocated spaces has been developed. Some operator-specific solutions have been attempted, but have failed to meet the approval of other operators or the needs of people with disability. Submissions urge that mobility restraints for wheelchairs must be fitted to all public buses in Australia and that at least one secure and effective locking system is available on every bus so that people who use a wheelchair can be assured of their safety.

BIC (Submission 53) stated the effective restraint of mobility aids is a major concern. The industry is required to meet stringent seat strength and anchorage requirements under ADR 68. Key issues involving the restraint of mobility aids include the seat-strength of the device and its safe restraint and fitting anchor points close to, or on, floors that could create trip hazards. BIC considers that mobility aids are of varying stability and are often at risk of being tipped over, even when restrained.

The ACT Government (Submission 88) advised that it has continued to investigate options to implement appropriate wheelchair restraint devices on buses. While no definitive solution has been reached, it acknowledges that adequate restraint devices on buses remain a significant concern for people with disability. The ACT Government argues that standardised wheelchair restraint devices should be incorporated on accessible conveyances as part of the Australian Vehicle Standards.

Transport for NSW (Submission 95) reports that bus operators and mobility aid users have recounted difficulties over wheelchair securement systems. The current 'tethering strap' containment system is seen to pose problems as the mobility aid user must rely on someone else to secure the device. Bus drivers are unable to provide this assistance without affecting on-time running performance and risking security of the bus. The requirement for operators under contractual arrangements to meet 'on-time running' and Key Performance Indicators while ensuring people with mobility aids are boarding, exiting and restraining their devices, poses a challenge. This issue was also raised in the Geelong public consultation session.

This review is aware that research into the suitability of wheelchairs for use in motor vehicles already existed at the time of the release of the 2007 Review and that new relevant Australian Standards were released in 2009 (Submission 84). However, the review is also aware that these standards are seen by some governments as only applying to WATs.

Submissions by technical experts indicate that current research is providing further information on how to contain mobility aids in buses and trains, and restraint in rear-facing, high-impact situations. The review was informed that more research or coordination of proposed measures is required to fully address restraint of mobility aids on public transport conveyances.

Supporting public transport providers and operators by labelling mobility aids that meet Transport Standards requirements for travel on public transport

Finding 11

Public transport providers and operators are calling for the development of a national mobility aid labelling scheme to provide effective support in the identification of Transport Standards compliant mobility aids.

The review has heard a strong call for the development of a mobility aid labelling scheme to identify, in a timely manner, whether a device meets Transport Standards requirements for travel on public transport conveyances.

The 2007 Review recommended that a mobility aid labelling scheme is developed which identifies the weight of a mobility aid, and whether its dimensions fit within allocated spaces, boarding devices, access paths and manoeuvring areas on conveyances, as specified in the Transport Standards. This approach would yield more accurate information for both users of mobility aids and providers and operators of public transport.

Benefits to people using mobility aids would include:

- better information at the point of purchase or lease of a mobility aid, which will allow them to make a more informed decision about the kind of aid they should use
- a reduced incidence of a person on a mobility aid being turned away, or having to ride in an uncomfortable or unsafe space because they were not aware that their aid was not appropriate for use on public transport.

All transport industry sectors, the former Victorian Department of Transport, Transport for NSW, city councils and the disability sector, called for the continued development of a national mobility aid labelling scheme as a matter of priority.

The rail, bus, taxi and aviation sectors all provided submissions supporting the introduction of a mobility aid labelling scheme as per the requirements listed in Recommendation 5 of the 2007 Review. Submissions from the Australasian Railway Association (ARA) and BIC represented these views.

Passenger transport operators are reporting growing concerns regarding the use of motorised mobility devices on and around public transport and support a form of labelling to be developed which would visibly indicate their appropriateness for use on public transport. The scheme should also be consistent with national and international standards. In addition, consumer information at the point of sale should be mandatory regarding the use and suitability of mobility aids on public transport.

Submission 73 — Australasian Railway Association, V-Line, and Metro Trains Melbourne

The Bus Industry Confederation calls on the Commonwealth Government to make it a requirement for mobility device manufacturers to ensure that all devices are appropriately identifiable as being safe and suitable to be carried on a public transport conveyance and that purchasers of such devices are made aware of the limitations that the standards impose, for example in the areas of size, mass and manoeuvrability. Currently, there is no requirement or mechanism for bus and coach drivers to determine which mobility devices are suitable for use on conveyances.

Submission 53 — Bus Industry Confederation

The former Victorian Department of Transport (Submission 93) sees an urgent need to provide certainty for mobility aid owners using public transport and included the development of a national labelling scheme as one of its four recommendations. The Department argued that the scheme should be consistent with national and international standards, and consumer information at the point of sale should be mandatory concerning the use and suitability of mobility aids on public transport.

Transport for NSW (Submission 95) states that safe, efficient and consistent carriage of mobility aids is a significant issue for operators and providers and urges the Australian Government to pursue a workable solution as a matter of priority. NSW notes that despite guidance regarding the size envelope and laden weight limit of mobility aids that can be used on public transport conveyances, these limits are not well understood by people with disability. In addition, there is currently no mechanism for bus drivers to determine which mobility aids meet Transport Standards requirements.

A number of local governments emphasised the associated benefits of a labelling scheme, especially to assist buyers to select an appropriate mobility aid for public transport. The Physical Disability Council of NSW (Submission 36) suggested that manufacturers or distributors should be responsible for identifying whether mobility aids comply with the maximum weight and speed, and for labelling the mobility aid with an appropriate, recognisable symbol.

The City of Melbourne Disability Advisory Committee (Submission 25) called for progress on this issue to be undertaken in partnership with occupational therapists and mobility aid manufacturers. The Tasmanian Anti-Discrimination Commissioner (Submission 76) considered that the issue required a nationally consistent approach to ensure that correct information is available at the point of sale.

Submissions from the aviation industry also expressed the desire for a mobility aid labelling scheme. The Regional Aviation Association of Australia (Submission 74) raised concerns

about the weight and size of mobility aids being carried on board aircraft. The review heard that a scheme would be particularly beneficial for smaller aircraft, as accurate information about the size and weight of mobility aids is essential to safely distribute weight in the aircraft and determine how much can be carried in the cargo hold. Information about the weight of aids may also be helpful in determining the easiest and safest method for ground handling crew to lift the aid in and out of the aircraft hold.

The Australian Taxi Industry Association (Submission 85) expressed disappointment that consideration of a labelling scheme by relevant committees has not, to date, seriously addressed the issue of certification and identification of safe anchorage points for restraining devices in WATs. The taxi industry considers that previous work was deliberately limited to less complex issues such as footprint, weight and turning circles, and ignored fundamental safety concerns involving identified restraining points for mobility aids on board WATs.

The review also heard counter-arguments to introducing a separate labelling scheme from the Assistive Technology Suppliers Australasia Inc. (ATSA) (Submission 89) that represents organisations that supply mobility aids to the Australian market. ATSA noted that the new Australian Wheelchair Standard AS/NZS3695.2:2013, which was finalised in September 2013, includes the requirement for a label with dimensional details on a particular device. As a result, ATSA believes it is questionable whether there will be any real benefit in providing a second additional label for mobility aids, which will entail heavy costs.

The Austroads Motorised Mobility Device Project

As discussed in Chapter 2, in November 2012 the Austroads Registration and Licensing Taskforce commenced a project to develop a nationally consistent approach to the use of motorised wheelchairs and other motorised mobility devices. As part of the project scope, consideration was given to the identification of motorised mobility devices that meet Transport Standards requirements for use on public transport conveyances.

Two groups were established to facilitate project work:

- a key government stakeholder working group, including state and territory government representatives, national bodies and relevant Australian Government agencies
- an industry consultation group, including manufacturers, retailers and relevant community organisations.

This is being managed by the Queensland Department of Transport and Main Roads.

With work progressing throughout 2013 and 2014 the project is currently focused on developing the necessary regulatory structure and associated motorised mobility device (MMD) type approval scheme. The proposed type approval scheme would establish that each MMD model complies with construction standards as identified in the regulations, and a unique identifying label would be attached to the MMD to certify this compliance. It is currently envisaged that two different coloured labels would be issued under the scheme. One label would identify construction compliant devices that meet Transport Standards requirements for use of public transport and the other label for construction compliant devices that do not meet Transport Standards requirements. Consideration is also being

given as to what arrangements could be put in place for MMDs already in use and to a consumer education campaign that would complement the introduction of the scheme.

Summary

The Review sees any form of identifying Transport Standards compliant motorised mobility aids as providing much needed support to public transport providers and operators and as a valuable advisory to members of the disability community at the point of purchase.

Disability sector access to Australian Standards

Finding 12

Payment is currently required to access the Australian Standards referenced in the Transport Standards. People with disability want free access to the Australian Standards referenced in the Transport Standards to fully understand and inform themselves of their rights and responsibilities. They consider that while some state libraries do provide access, this does not constitute easy access.

For the Transport Standards to be effective and efficient, they need to clearly set out the rights of people with disability when accessing public transport. This is fundamental to encouraging and instilling confidence so the disability sector can consistently and safely use public transport. To provide people with disability an understanding of the technical provisions underpinning the Transport Standards, the 2007 Review proposed two options (p.309):

- 1. The Australian Government obtain a copyright licence to reproduce the text from the Australian Standards in the Transport Standards. The cost of obtaining a copyright licence to duplicate all of the Australian Standards that are currently referred to in the Transport Standards would entail \$10 000 as an initial payment, and \$5000 a year for each subsequent year [2007 Review figures]. This would enable public transport providers and transport users to understand their obligations and rights by reference to a single document, rather than having to cross-refer from the Transport Standards to the Australian Standards. This would particularly benefit public transport users, as public transport providers are more likely to have access to the Australian Standards.*
- 2. The second option was similar to the first, except that the Australian Government could establish a working group with Standards Australia to develop appropriate accessibility standards for different modes of transport. These 'custom-built' standards would be of the same status as Australian Standards, and subject to the same consultative and testing process as the Australian Standards. However, they would be designed to improve the accessibility of public conveyances, and would take into account the limitations of space for aspects such as stairways, toilets or storage of mobility aids. This option could therefore address other current problems with technical standards in the Transport Standards.*

The government response to the 2007 Review agreed, in principle, with the second option. However, as detailed in Chapter 2, this work was not progressed.

A number of submissions requested that the disability sector be provided with free access to the Australian Standards to assist their understanding on whether Transport Standards requirements are being met by governments, providers and operators. Representative of these concerns are comments expressed by VCOSS.

VCOSS reiterates the difficulty of interpreting the Transport Standards when many elements refer to Australian Standards that are not freely available to the public. It is distinctly problematic, if not undemocratic, for the Australian people to be required to pay to view the laws with which they are required to comply, or to understand the rights they enjoy. While we understand that some State and National Libraries carry copies of the Australian Standards available to the public, this does not constitute easy access. If elements of the Transport Standards incorporate Australian Standards, the Australian Government should ensure that all members of the public can access the content easily and without payment.

Submission 90 — VCOSS

SAI Global, the organisation responsible for the sale and distribution of Australian Standards, confirmed to this review that there are a number of major issues surrounding the free electronic provision of Australian Standards. SAI Global indicated that malicious piracy of Australian Standards by illegal overseas websites currently poses a major challenge. A number of these illegal websites obtain copies of Australian Standards and other government documents free of charge as a protest against copyright legislation. Consideration of compensation to SAI Global and Standards Australia would need to take place if electronic documents, specifically intended for the disability sector, are pirated and then openly provided at no charge via the internet.

SAI Global also raised the issue of maintaining the integrity of Australian Standards. Consideration would need to take place on how to ensure that available versions of standards are current, taking into account revisions as they occur.

11.2. The efficiency of administration of the Transport Standards

This section details the overall impact of administrative arrangements that underpin the Transport Standards to assist the removal of discrimination on public transport for people with disability.

There are three main aspects that have an overall effect on the efficiency of the Transport Standards:

1. the complaints process
2. consultative mechanisms
3. reporting on compliance (addressed in Chapter 10).

The complaints process

Finding 13

The disability sector sees issues surrounding the current complaint process as posing a difficult and unfair barrier to having their public transport concerns addressed.

The complaints process represents the primary method of assessing compliance with the Transport Standards. As such, the effectiveness and efficiency of the complaints process is crucial in maximising compliance with the Transport Standards. While the potential for complaints, rather than complaints themselves, is often a strong driver for compliance with regulations, perceptions of the likelihood of complaints being made also have an influence on the incentives to comply.

2007 Review

The review heard from numerous submissions and public consultations that there is dissatisfaction with the current complaints process. Particularly there are four main issues:

- the current complaints process is time-consuming, difficult, often exhausting and financially burdensome
- the legislation should be amended to allow for organisations and advocacy groups to represent individual complainants in court
- better provision of information on the complaints process is required to empower people with disability to make a complaint when needed
- the legislation should be amended so that a breach of the Transport Standards is made unlawful.

The current complaints process is time-consuming, difficult, often exhausting and financially burdensome

Written submissions and accounts provided at public consultation sessions detailed barriers that people with disability face in undertaking the complaints process.

Taking legal action to enforce the Transport Standards involves a significant commitment and risk by individual litigants, often for limited personal gain. It is time-consuming, financially risky and can be stressful and embarrassing.

Submission 78 — Public Interest Advocacy Centre Ltd

Because the Federal Court or Federal Magistrate's Court has a costs jurisdiction, with the potential for a person with disability to also be responsible for in the event that the discrimination complaint case is lost, the costs of the respondents' legal fees as well as the court costs, this represents the greatest barrier when trying to get discrimination issues raised, addressed and resolved quickly and amicably

Submission 67 — Spinal Cord Injuries Australia

Litigation is seen to risk personal assets. As the Australian Disability Discrimination Commissioner noted after being personally involved in a Federal Magistrate Court action:

“I ran a case in which — if I had been unsuccessful and had costs awarded against me — we would have lost our house.” (Sydney Morning Herald, 4 February 2013)

The Public Transport Ombudsman Victoria (the Ombudsman) (Submission 28) observed that while it appears that Victorians have more options available for making complaints than other jurisdictions, the ability to effectively resolve individual complaints and the systemic implications they raise remains problematic. The Ombudsman considered that there are major systemic barriers to change, including:

- a reliance by some operators on meeting minimum obligations for compliance and being unwilling to take any additional steps because of the cost or the lack of legislative or regulatory incentive to do so
- a reluctance to provide direct assistance to consumers due to actual or perceived occupational health and safety considerations or assessments about what the core responsibilities of employees roles are
- the complaints handling teams and the accessibility and compliance areas of public transport businesses do not undertake regular systemic reviews of complaints to identify when an issue may impact on more than one person and develop ways to proactively manage it
- in the Ombudsman’s case, a lack of jurisdiction or powers.

The Ombudsman also concluded that, due to the costs and time associated with taking Federal Court action, many consumers elect not to pursue their complaints. Consequently, there is little case law to provide judicial guidance on the interpretation of the Transport Standards. The Ombudsman considered that to ensure the Transport Standards are effective and compliance occurs, steps should be taken to better enable consumers to pursue complaints through the court system where appropriate. This will allow individual complaints to be resolved and systemic issues to be identified. This approach will ultimately provide incentives for operators to resolve those issues. It will also provide judicial guidance to operators, consumers, government and dispute resolution bodies.

Australian Human Rights Commission Fact Box

In considering the effectiveness of current processes, the AHRC provided data for to this review for 2012–2013 that indicated the majority of complainants in relation to Disability Discrimination Act (DDA) matters were satisfied with the process they had undergone. The data showed:

- In 2012–13, the AHRC received 2,177 complaints, of which 793 or 37 per cent were lodged under the DDA.
- The AHRC finalised 2,500 complaints. Of all matters where conciliation was attempted, 65 per cent were resolved. This represented successful dispute resolution for more than 2,100 people and organisations involved in complaints before the AHRC.
- In relation to complaints of disability discrimination, 60 per cent were resolved where conciliation was attempted.
- The average time from receipt to finalisation of a complaint was 4.6 months.
- Approximately 6 per cent of finalised unlawful discrimination complaints proceeded to judicial determination in 2012–13.

The legislation should allow for organisations and advocacy groups to represent individual complainants in court.

The review heard a strong call for organisations and advocacy groups to be allowed to represent individual complainants in court — current procedures are limited to the individual.

A fundamental problem with the Transport Standards is the lack of enforcement mechanisms other than through individual complaints. The current individual complaint-based process is not appropriate for adequately and equitably addressing the implementation of Standards. There are a number of limitations on the use of the legal process by individuals to enforce compliance with the Transport Standards.

Submission 78 — Public Interest Advocacy Centre Ltd

The disability sector sees the current process as unfair as they generally have the least resources and knowledge of the system and face large companies and government agencies with extensive resourcing and understanding.

VCOSS (Submission 90) expressed support for the 2007 Review's recommendation that the AHRC be resourced to provide greater support for representative complaints on behalf of people with disability. VCOSS considered this approach would strengthen the existing complaints mechanism within the DDA and build on its existing processes. It would also overcome the time and financial costs associated with initiating complaints, particularly when they proceed to the Federal Court.

Better provision of information and education on the complaints process is required.

The review heard that people with disability are often unaware of their rights in relation to complaints. Where individuals have taken time to make a complaint or provide a suggestion

it is often difficult to identify to whom complaints should be addressed. The 2007 Review noted that there were multiple avenues for a person to make a complaint. These included complaint lines operated by service providers, ombudsman, state and territory based anti-discrimination bodies and the AHRC. As one review consultation attendee noted:

There are so many avenues for complaints. It can be hard to understand where to start.

Public Consultation, Penrith, 9 May 2013

Submissions to this review that addressed this issue identified examples of good complaint management. The Queensland Department of Transport and Main Roads (Submission 75) outlined the development of a new complaints management process to enable efficient management of high-volume customer complaints from within South East Queensland. The new process provides easy access for customers to lodge complaints via the internet, phone and written options and incorporates access points for people with disability to provide feedback and communicate with transport operators and providers.

Darebin City Council (Submission 23) advised that the Metro and V-Line websites detail good practice relating to information provision and complaints processes. These sites included Public Transport Victoria contact information as well as the contact information for V-Line and Metro. The V-Line website explained its customer service charter and complaints process very clearly.

Australian Human Rights Commission Fact Box

The AHRC advised this review that in 2012–13, the AHRC assisted over 17,000 people and organisations with information, problem solving and referrals via its National Complaint Information Service. The AHRC detailed that their website helps people to understand what they can complain about under the law.

Results for the AHRC Service Satisfaction Survey for 2012–13 indicated that:

- Ninety-three per cent of parties who agreed to participate in the Service Satisfaction Survey reported that they were satisfied with the complaint process and 64 per cent rated the service as 'very good' or 'excellent'. (In relation to complaints under the DDA only, the rate was similar with 92 per cent of parties indicating they were satisfied with the service and 76 per cent rating the service as 'very good' or 'excellent').
- Eighty-eight per cent of complainants and 92 per cent of respondents felt that AHRC staff explained things in a way that was easy for them to understand.
- Ninety-two per cent of complainants and 95 per cent of respondents felt that forms and correspondence from the AHRC were easy to understand.

The legislation should be amended so that a breach of the Transport Standards should be unlawful.

The review heard from a number of submissions that a 14 March 2013 decision handed down by the Federal Court in *Haraskin v Murrays Australia Limited (No 2)* may result in complainants being required to lodge complaints claiming a breach of both the DDA and

Transport Standards in the Federal Court, rather than just an alleged breach of the Transport Standards. The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) (Submission 86) represents these concerns.

Section 32 of the DDA provides that 'it is unlawful for a person to contravene a disability standard.' However in a recent decision the Federal Court found that non-compliance with the Standard does not in itself constitute unlawful discrimination. As such, it does not provide a sufficient basis for a person to lodge a complaint alleging unlawful discrimination under the Australian Human Rights Commission Act 1986. To ensure that the Standards are enforceable, it is essential that the DDA clearly states that a breach of the Transport Standards (and therefore, a breach of Section 32 of the DDA) provides a standalone mechanism for lodging a complaint of unlawful discrimination within the AHRC.

Submission 86 — Victorian Equal Opportunity and Human Rights Commission

Submissions call for the Australian Government to amend the DDA to reflect this concern.

Industry-based complaints systems

This review noted the establishment of industry-based complaints systems in states and territories that do not currently possess them, might provide a mechanism to quickly address public transport discrimination complaints before they escalate. Identifying and addressing issues at an early stage will be of benefit to the industry as well as the disability sector. The Public Interest Advocacy Centre (PIAC) (Submission 78) advocated that transport operators and providers should be encouraged to develop an effective complaints-handling system at an industry-wide level for breaches of the Transport Standards. PIAC asserts that having an industry-based complaints process, and a central organisation within each industry to receive complaints, would help to reach consistent outcomes across the public transport sector.

The review was informed that Victoria is the only jurisdiction to have an industry-based complaints process. Submissions noted that the establishment of a Public Transport Ombudsman in Victoria provided independent dispute resolution of complaints received about Victorian public transport operators who are members of the Public Transport Ombudsman Scheme as detailed below.

Case study — Public Transport Ombudsman Victoria

The Public Transport Ombudsman Victoria oversees an independent industry-based mechanism to investigate and resolve complaints about public transport services provided by Victorian public transport operators who are members of the associated scheme. Membership includes tram, train, bus companies, and other public transport providers, such as PTV, VicTrack and Southern Cross Station. The scheme is industry funded.

Complaints about the accessibility of public transport services are within the Public Transport Ombudsman's jurisdiction to investigate. However, there are limits to the extent of investigations and outcomes that can be achieved:

- The Public Transport Ombudsman only has jurisdiction to review the actions of operators and does not have any power to review the actions of the Victorian Government or Public Transport Victoria.
- The Public Transport Ombudsman can only identify when an operator is not complying with legislation, regulation or standards, but does not have an enforcement role. In the case of the DDA and Transport Standards, consumers are referred to the Victorian Equal Opportunity and Human Rights Commission or the AHRC.
- The Public Transport Ombudsman's powers to make a binding decision to resolve a complaint is limited to cases where the value of the decision cannot exceed \$5,000 or \$10,000 with the agreement of all parties.

The Public Transport Ombudsman's investigates specific incidents relating to accessibility, including whether an operator's policy was followed by staff, the nature of the interaction between the consumer and operator staff, complaint handling and what steps could be taken to avoid the problem recurring. The Public Transport Ombudsman notes that complaints are often resolved by providing information about accessible services, staff training, implementing new policies or processes to increase accessibility or providing compensation and apologies.

Consultative mechanisms

Finding 14

The governance arrangements as supported in principle by the Australian Government's response to the 2007 Review have not proved to be efficient in implementing recommendations from the 2007 Review. Public transport industry providers have argued that new governance arrangements should be considered as a more effective mechanism to progress matters surrounding the Transport Standards.

Recommendation 9 of the 2007 Review called for new governance arrangements to be implemented to establish accountability to progress recommendations from the first five-year Review. This recommendation envisaged that the Accessible Public Transport Jurisdictional Committee (APTJC), comprising representatives from all jurisdictional transport agencies, lead and coordinate this work. The Accessible Public Transport National Advisory Committee (APTNAC), comprising representatives from disability sector peak bodies, public transport industry peak bodies, governments, the AHRC and the Attorney-General's Department, would provide advice to APTJC.

The 2007 Review supported this approach because responsibility for management and coordination would rest with a small committee with responsibility for resourcing the process. It was considered that governance and administrative processes to implement the recommendations from the 2007 Review would be straightforward. The 2007 Review also

proposed that APTNAC members would contribute to modal sub-committees and provide technical advice on standards. In this role they would not be excluded from the processes, but would also not have management or coordination responsibility.

As detailed in Chapter 2 both APTJC and APTNAC met from 2011 until the commencement of public consultations for this review in April 2013.

This review heard concerns from BIC (Submission 53) and other representative bodies that the structure and functionality of APTJC and APTNAC has failed to adequately resolve issues relating to the Transport Standards. BIC emphasised that APTNAC is an advisory committee only and the merit of maintaining APTJC as a separate committee is unclear. BIC considers that the APTJC and APTNAC should have equal power to agree and recommend to the Attorney General and the AHRC on how the Transport Standards can be met by public transport providers and practical implementation practices.

BIC further asserts that there is no body or responsible Department that operators can approach when an issue arises to clarify the intent, implementation or enforcement of the Transport Standards. BIC considers that the complaints process through the AHRC provides little clarity concerning definition or interpretation and often results in expensive legal proceedings that do not resolve issues. BIC advocates establishing a body capable of decision making and providing clarity to all public transport providers on interpreting and implementing the Transport Standards, and that this should not be the courts.

The review sees a need to consider other governance models that may facilitate better outcomes for the Transport Standards. A more productive long-term model could involve having one consultative committee comprising representatives from governments, the disability sector, public transport sector and the AHRC. This committee could be co-chaired by a high-level officer of the Australian Government and a representative from either the public transport industry or disability sector. Alternatively, the consultative committee could be chaired by an independent person. The consultative committee would need to meet on a regular basis and sub-groups of this committee would need to be formed to carry forward specific tasks as proposed in Recommendations 1, 2 and 4.

Submissions on the draft review report have affirmed that a more effective governance model is needed to bring about successful implementation of the recommendations of the second review.

11.3. Conclusions

This review concludes that the implementation of the Transport Standards to 31 December 2012, although uneven, has generally occurred nationwide and across modes. A number of inefficiencies have been identified that have impacted on the implementation, and will continue to have a substantial impact on future implementation unless careful consideration is undertaken to address these issues.

The review sees the administration of the Transport Standards as being deficient in a number of areas, which was identified in the 2007 Review. The lack of a national framework for reporting on compliance inhibited this review from obtaining a more thorough overview of compliance with the Transport Standards across Australia. Of particular concern is a general lack of data on compliance by private operators offering a public transport service.

The review has heard in numerous submissions and at public consultation sessions that aspects surrounding the current complaints process need to be reviewed.

State and territory governments have detailed their costs involved in meeting requirements under the Transport Standards since 2002. Most of the 2012 compliance provisions of 55 per cent are being met, and governments continue to recognise the importance of meeting the needs of the disability sector. However, it has been recognised that meeting the 80 and 90 per cent compliance targets for 2017 poses financial challenges to operators and providers. An inability to meet these targets has been flagged by several parties. There has been a call for greater flexibility to be made available to providers and operators in deciding how to achieve accessible outcomes.

The provision of a national mobility aid labelling scheme has been requested by governments, all transport operators, local governments and other stakeholders. There is a need for certainty at a time when the uptake of motorised mobility devices across Australia has increased significantly and will increase further as a result of our ageing population.

The review heard the need for further legislative guidance in relation to a number of specific areas including bus stops, marine transport and charter bus and coach services.

Submissions have also called for a new and more efficient consultative mechanism to be put in place to address all issues surrounding the implementation and administration of the Transport Standards.

12. Recommendations

The review was advised via written submissions and public consultation sessions about a wide range of issues relating to the effectiveness and efficiency of the Transport Standards. Although the majority of views and references cited in this report were presented as written submissions, verbal comments at public consultation sessions reinforced these positions. This chapter presents recommendations in response to the issues raised.

Recommendation 1 — Modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, commence a process for updating and modernising the Transport Standards. This work should be undertaken in close consultation with local government, industry, technical experts and the disability sector, and include research on the technical issues raised in this review, the development of options, and assessment of the impact of any proposed changes to the standards, with this work to be completed by 30 June 2017.

The draft review report found that 10 years after the release of the Transport Standards, a number of parts of the legislation do not currently provide adequate or sufficient guidance. For the Transport Standards to meet the current and future needs of people with disability, amendments to the Transport Standards need to be considered.

All responses to the draft report supported this recommendation. However this support varied from cautious to strong. Challenges identified were:

- a. This body of work will require a significant investment to deliver intended outcomes
- b. Extensive close consultation with all stakeholders will need to occur to determine required changes
- c. The 30 June 2016 deadline for completion was seen by some to be very optimistic.

Discussion in the draft report on this recommendation concerned specific provisions in the Transport Standards that may require amendment. Some submissions in addressing the draft report conveyed the impression that the proposed amendment process involved re-writing the legislation in its entirety. However, the review's intent is that the primary purpose of this recommendation is the application of a targeted approach to those aspects, as identified in the draft report, which caused the most concern and needed further investigation and possible amendment.

The proposed amendments can be categorised into two groups:

1. Parts of the Transport Standards to be amended, strengthened or deleted
2. Amending the Transport Standards Guidelines in order to provide more definitive guidance where required.

Parts of the Transport Standards to be amended, strengthened or deleted

Amendment of Rail Standards

The review heard from governments, the rail industry and people with disability that standards in relation to the rail environment need to be amended.

In consultation with people with disability, the former Victorian Department of Transport called for the development of specific standards for trams and trains in relation to Section 8.2 'boarding'. Victoria sees providing manual or power-assisted boarding, where independent access to trams cannot be achieved, has operational and logistical challenges.

Transport for NSW called for modal specific-standards to be developed for both rail platforms and conveyances, and that premises-based requirements currently in the Transport Standards for rail conveyances to be amended. NSW called for the adoption of performance-based standards that recognise constraints within the rail environment. However, NSW also recommends that modal guidelines do not advocate a lower level of protection to people with disability than is currently provided under the Transport Standards.

Specifically, NSW has called for consideration in relation to the following issues surrounding the provision of accessible rail infrastructure:

- staged works at stations that are more complex and consequentially require greater capital investment
- the high cost of delivering cross-corridor access via lifts in stations with extremely low patronage
- issues surrounding roll on/off access to trains
- circulation requirements and access pathways on platforms
- the use of tactile ground surface indicators (TGSi)

Governments again emphasised in response to the draft review report that flexible performance based standards were needed in order to meet the unique challenges of the rail environment.

The Australasian Railway Association (ARA) in specifically responding to the then Recommendation 2 of the draft report (Submission 57), emphasised that the Transport Standards should take an 'accessibility' approach focussing on providing access for people with disability through innovative, practical and cost effective performance-based solutions rather than a 'compliance approach' where prescriptive requirements are imposed on the industry without consideration of costs or practical implementation and effectiveness of the Transport Standards.

The ARA saw this approach involving the removal or amendment of existing standards that are not capable of being complied with by the rail industry and the development of new standards involving input from all stakeholders that take into account new technologies and innovations as well as recognising the industry's unique operating environment. However,

the ARA also requested that in the event that this approach does not achieve the required outcomes, the Australian Government provide legal recognition of the Rail Services Code of Practice (see page 21) as a supplementary mechanism for the rail industry.

The disability sector and Public Transport Ombudsman (Submission 36) see amendment of the Standards to ensure train stations have in place contingency plans to provide another means of access if a single lift is the only means of access, as being critical. To address this situation access could be via a ramp or if this is not possible, two lifts. Also, the need for more detailed articulation on requirements for independent and assisted boarding was raised in a number of submissions.

Provision of information to people with disability

There has been a call for Part 27 of the Transport Standards, which concerns the provision of information, to be reviewed and updated if required. This request is in response to concerns that, even though improvements have been made since the 2007 Review, the provision of quality audio and visual displays at stations and on conveyances needs to occur in a timely consistent manner. Part 27 has been criticised for being too open to interpretation. Submissions argue that if Part 27 was enforced to the true meaning of equitable access, there should be audio and visual announcements on all public transport services to ensure that people with disability can access information about their journey.

Since the 2007 Review, there has been a major uptake in the use of new technologies and there is a call for these technologies to be reflected in the Transport Standards. The review has heard that there has been a widespread improvement in the provision of accessible online public transport information.

A number of submissions supported the updating of requirements in the Transport Standards concerning the delivery of information to people with disability. Governments have requested the amendment of Part 27 to allow equivalent information provision through the use of new technologies. It is recognised that smart phone applications will continue to present opportunities to provide passengers with real time information about their whereabouts on a public transport journey. However, disability sector organisations, while recognising that these applications are a welcome addition, emphasised that they are not a replacement of essentials such as clear audio announcements, visual displays and the use of a range of formats for 'way finding' and timetable information.

One particular area identified by submissions from organisations representing the blind and vision impaired was the disabling of automated audio announcement systems on conveyances by personnel in the belief that other passengers find them distracting, or they are only activated if personnel become aware that a person who is blind or vision impaired is travelling on the conveyance. Calls were made for such practices to be made illegal under the Transport Standards.

The review notes the submission provided by the SCOPE Communication and Inclusion Resource Centre (CIRC) which details an initiative involving a partnership between V/Line regional train services, Public Transport Victoria and CIRC to create a 'communication accessible' train service (Submission 47). The partnership aimed to identify and address

communication barriers that have significant impact on the whole of journey experience through the undertaking of communication access audits on one regional line. The review sees initiative such as this as being highly invaluable in informing discussion on any proposed amendments.

Public transport personnel training

Submissions indicate that people with disability continue to face negative experiences with transport industry personnel since the 2007 Review, and these experiences are to a significant extent caused by deficiencies in the training of transport staff on how to interact with people with disability. Submissions also indicate that education programs, while currently encouraged under Part 37 of the Transport Standards Guidelines, need to be formally included in the Transport Standards. Alternatively, submissions argue that the Transport Standards Guidelines specifically require application of competency-based training for all public transport staff, with associated compliance reporting and licensing included as part of contractual requirements.

Submissions on the draft report strongly supported improving provisions in the Transport Standards concerning the training of public transport staff to ensure they effectively respond to the varying needs of the travelling public in a positive, sensitive and respectful way. Training was also seen to support staff to understand not just the physical and environmental barriers for people with disability, but the attitudinal and communication issues that also create barriers.

The need for more prescriptive information in the Transport Standards and Guidelines concerning emergency management procedures was raised in submissions to the draft review report from organisations representing the blind and vision impaired. As was the need for the inclusion of policies to ensure that tram and bus drivers are required to wait until passengers are safe and stable (even if no seats are available) prior to departure.

Harmonising provisions under the Transport Standards and Premises Standards

Architects, access consultants, governments and local government bodies have called for provisions under the Transport Standards to be in harmony with the Premises Standards. This will ensure consistency where public transport premises and infrastructure interact. These calls were again reinforced in submissions on the draft review report. Technical expert participation in implementation processes was seen to be critical.

Maritime public transport

There was a call for maritime public transport requirements within the Transport Standards to take into consideration the unique challenges associated with operating within tidal environments.

Charter services

There was a call for the Transport Standards to provide a more definitive stance on whether charter bus and coach services are included under the Transport Standards.

Other technical amendments required

This review lists a number of other proposed technical amendments that need to be considered. Also to be considered are the items under Appendix E of the 2007 Review that have not been addressed. These are provided in Appendix F of this report.

Ensuring that the Transport Standards Guidelines provide more definitive guidance

The request for more definitive guidance, especially with regard to accessible bus stop design, was again stressed in submissions addressing the draft review report.

Submissions on the draft review report also called for the redrafting of the Transport Standards Guidelines as the silence of the Guidelines on significant matters was seen to lead to a variation of interpretations of the Transport Standards between different states and territories. The Guidelines were also seen as being less than helpful in offering guidance in the areas of Equivalent Access and the Workplace, Health and Safety implications of Direct Assistance and Unjustifiable Hardship.

Implementation of Recommendation 1

Because the Transport Standards operate in a complicated policy landscape involving the Australian Government, state governments, local government, people with disability and transport providers, any changes to the Transport Standards will impact on each of these parties. Therefore, this review recommends the formation of expert technical working groups that will report to a main consultative committee to examine each potential change identified by the review.

Membership of these working groups should comprise the Australian Government, state and territory governments, local government, public transport providers and operators, technical experts, access consultants, architects and disability sector peak bodies. This will ensure that all changes to the Transport Standards are progressed with due consideration by stakeholders.

The incorporation of potential amendments to the Transport Standards will require identification of the impacts on stakeholders. This work should be undertaken by the working groups, which would be required to issue formal reports back to the main consultative committee on a regular basis detailing their considerations and recommendations. The main committee would progress these recommendations to the Transport and Infrastructure Council, as appropriate.

The review notes that the working groups' considerations and recommendations should be consistent with the purposes of the Transport Standards and the Disability Discrimination Act (DDA) to remove discrimination against people with disability.

Recommendation 2 — National reporting on progress against the Transport Standards

That the Australian Government, jointly with state and territory governments, establish a national framework for reporting on progress against the Transport Standards by 31 December 2016.

The review found that the lack of a national framework for reporting on compliance with the Transport Standards has made the task of assessing the effectiveness and efficiency of the Transport Standards challenging. This is further exacerbated by the unavailability of private operators' data. Non-compliance with the Transport Standards tends to only be brought to the attention of governments via the complaints-based approach, which reduces the effectiveness of the Transport Standards.

The Australian Government appeared before the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in September 2013 to provide evidence of progress in implementing the Transport Standards. In its concluding observations on 8 October 2013, the CRPD noted that the Transport Standards and the Disability (Access to Premises — Buildings) Standards 2010 (Premises Standards) had introduced regulations to address accessibility barriers for people with disability. However, the CRPD remained concerned at the level of compliance with accessibility standards and regulations. The CRPD recommended that sufficient resources be allocated by governments to ensure future monitoring of the implementation of the Disability Standards and their requirements.

There is a distinction between the reporting/compliance mechanisms contained in the Premises Standards and in the Transport Standards. The technical requirements of the Premises Standards are mirrored in the National Construction Code, which in turn is referenced in state and territory building legislation. This enables compliance with the Premises Standards to be undertaken as part of the building approval and certification process.

Previous attempts to develop national compliance audit reporting methodology for the Transport Standards were progressed by the Accessible Public Transport Jurisdictional Committee (APTJC) and considered by the (then) Senior Officials Committee on Transport (SCOT) in 2006. However, agreement was not reached and this work was not progressed. This failure contributed to the development of Recommendation 1 of the 2007 Review to establish a national framework for action plan and annual reporting by each state and territory government. As discussed in Chapter 2, this work was not able to be completed.

This review believes that reporting on compliance will need to encompass all public transport operators, whether government contracted or not, otherwise the value of the data provided will be diminished.

The former Victorian Department of Transport advocated for using audits to establish baseline data, stating that data gained through this approach is expected to have a high degree of accuracy and would provide an insight into the progress towards improving access for people with disability and meeting compliance milestones.

The Bureau of Infrastructure, Transport and Regional Economics (BITRE) advised Infrastructure to progress the development of a national compliance-reporting framework through a multi-jurisdictional technical working group. This working group would be responsible for articulating the purpose of the framework, defining an agreed common scope, developing a reporting template and standardised user instructions, and recommending a data collection methodology that provides an effective mechanism to measure levels of compliance with the Transport Standards and its targets.

Three potential methods for collecting data on compliance to populate a new framework include:

- an independent audit approach (as advocated by the former Victorian Department of Transport)
- a statistical approach, including operator database
- a census approach based on reporting at jurisdiction scale.

It is proposed that an agreed framework could be provided to the Transport and Infrastructure Council for endorsement. Once a reporting framework is put in place for state and territory jurisdictions, consideration will need to be given to the development of reporting arrangements covering cross-jurisdictional and largely private transport systems, such as aviation, and how to best capture information and data on industry compliance.

Submissions provided significant support for the then Recommendation 1 of the draft report across all major stakeholder groups. Of those submissions that specifically mentioned the recommendation, support or in-principle support was near unanimous.

Transport for NSW (Submissions 46) indicated that they would not support a national framework for reporting on “compliance”. This position was softened by proposing their preferred approach of a consistent reporting framework on accessibility, rather than compliance. Support for a framework that reported on accessibility instead of strict compliance was a consistent theme across all submissions from state and territory governments.

The Queensland Government (Submission 51) explains accessibility reporting as reporting based on performance and accessibility outcomes, rather than strict compliance. The distinction between ‘compliance’ and ‘accessibility’ reporting stems from concerns that the Transport Standards, at times, do not accurately reflect the unique and complicated operating environments of public transport systems. The argument for using an accessibility reporting method follows the principle that significant accessibility outcomes can be achieved, even when the means used to achieve this outcome does not strictly comply with the Transport Standards. One example provided notes that although certain Brisbane Transport buses have the required hand-rails and grab-rails, these handrails did not comply with the specified minimum diameter and gap from adjacent surfaces. However, despite this non-compliance, it was argued that the buses still offered an accessible service.

This Review notes and agrees that the principle of reporting on accessibility has merit. Having a sufficiently flexible reporting framework would provide scope for a more accurate picture of the effectiveness of the Transport Standards. This could be achieved by offering a

reporting framework more nuanced than a simple “compliant” or “non-compliant” checklist where different levels of accessibility outcomes are reported. Some flexibility in the framework has an additional benefit in the ability to capture a broader spectrum of “compliance” activities, including instances where direct assistance, exemptions, or other alternative access methods are used. The Review notes, however, that this framework would need to be fundamentally informed by requirements spelled out in the Transport Standards. As such, this Review has revised the recommendation to reflect this feedback. The word “compliance” has been replaced with “progress”.

Support for a reporting framework that uses an audit methodology was strong amongst disability sector organisations. The collection of high quality and useful data was seen as a key aspect of any reporting framework. BCA (Submission 37) indicated their support for an independent audit because this methodology would ensure impartiality and transparency of the data gathered. NCOSS (submission 41) and Combined Pensioners and Superannuants Association of NSW (submissions 29) both supported an independent audit to develop a national baseline set of data to measure future progress against.

There was also support from the Victorian Department of Transport, Planning, and Local Infrastructure (DTPLI) in its response to the draft review report for the audit approach (Submission 55). DTPLI informed the Review that it recently developed an audit methodology, underpinned by the Transport Standards, that assessed the accessibility of railway station infrastructure. The audit results were seen to better inform strategies and programs to improve the accessibility of public transport. DTPLI also advised that audit data would enable Government to develop information to support customers to more easily plan their journeys. DTPLI indicated that it would support an independent audit, based on the accessibility audit as a nationally agreed methodology.

The Review also heard concern that the disability sector and industry were not specifically cited in the text of the recommendation. It is the view of this Review that, in the first instance, the Australian Government and state and territory governments should be responsible for leading the development of the initial draft reporting framework and any associated guidance, with broad comments to be sought on this draft framework.

Industry and governments have also indicated to the Review that as data collection exercises have costs associated with them, there may be very little benefit to offset these costs. The Review notes that there is significant benefit in data collection. Efficient and effective legislation benefits all stakeholders, and having high quality data is an important tool for identifying areas for improvement and justifying policy responses. However, the Review does recommend that a regulation impact statement be developed to explore different options and assess their costs and benefits before a final reporting framework is decided by the Australian Government.

Recommendation 3 — The complaints process

That the Australian Government considers the concerns raised about the complaints process.

The calls to improve the Transport Standards complaints process were made in written submissions and at public consultation sessions. Major concerns were:

- the current complaints process is time consuming, difficult, exhausting and financially burdensome
- the legislation should be amended to allow for organisations and advocacy groups to represent individual complainants in court
- better provision of information on the complaints process is required to empower people with disability to make a complaint when needed
- the legislation should be amended so that a breach of the Transport Standards is deemed unlawful.

Complaints process

The disability sector reiterated concerns expressed in the 2007 Review that reliance on individual complaints as the main way to identify non-compliance with the Transport Standards places too much responsibility and financial risk on individual people with disability.

This issue is not unique to the Transport Standards, but is a broader issue under the *Disability Discrimination Act 1992*. It was raised in the 2004 Productivity Commission's Review of the Act (Chapter 13) and in the 2010 Review of the Disability Standards for Education (p.45).

Many submissions to the draft review report emphasised the need for a focus on accessible and effective conciliation at an early stage rather than relying on a conflict-based, adversarial complaints process.

Information about the complaints process

The first stage in making an unlawful discrimination complaint is to lodge it with the Australian Human Rights Commission (AHRC), which must investigate and try to resolve it where possible through conciliation. Conciliation is a low-cost, informal and flexible alternative dispute resolution process, and according to data provided by the AHRC, is successful in resolving 60 per cent of complaints in relation to discrimination against people with disability. Only a small number of complaints (about 6 per cent in 2012–13) proceeded to judicial determination. Emphasising the availability and success of the conciliation process to people with disability could alleviate some concerns about how the process operates. A further breakdown of data to provide a separate category of Transport Standards complaints statistics within the overall *Disability Discrimination Act 1992* (DDA) data would prove to be highly valuable.

In response to the issue the 2007 Review proposed two options:

1. AHRC to have powers to initiate cases in the Federal Court or
2. AHRC to provide greater facilitation of representative complaints in situations where conciliation does not produce an outcome.

Option 2 was chosen as it provided additional support for people with disability in making complaints, while avoiding the costs and risk of the AHRC taking a lead in initiating litigation. While this role may still lead to concerns over the lack of impartiality, as raised by industry and state and territory governments, it is more aligned with the role of the AHRC as *amicus curiae* or ‘friend of the court.’

Further, the 2007 Review’s assessment of the potential business compliance costs of Option 2 concluded that these appeared to be low to moderate, particularly given the existing obligations for business to comply with the Transport Standards.

The 2007 Review recommended tasking the AHRC to provide greater support for representative complaints on behalf of people with disability, thus reducing the cost burden on individuals. The (then) Australian Government noted this recommendation and advised that it was reviewing and consolidating Commonwealth anti-discrimination legislation, including considering gaps in protection and an effective complaints system. However, the Human Rights and Anti-Discrimination Bill 2012 did not receive sufficient parliamentary support and the Bill has not progressed since this time.

Enforcement of the Transport Standards under the DDA

Section 32 of the DDA makes it clear that ‘it is unlawful for a person to contravene a disability standard’. When this section was initially introduced, the accompanying explanatory materials confirmed that the intention was to ensure that by making it unlawful for a person not to abide by a disability standard it would allow a person to lodge a complaint under the DDA. There is, therefore, no need for legislative amendment to make a breach of the Transport Standards unlawful.

Recommendation 4 — Whole-of-journey accessibility

That the Australian Government, jointly with state, territory and local governments, develop accessibility guidelines for a whole-of-journey approach to public transport planning by 30 June 2016.

Submissions to this review confirm that, while accessibility for people with disability has generally improved across the different public transport modes and Transport Standards compliance targets may have been met by providers and operators, achieving whole-of-journey accessibility remains one of the biggest challenges faced by providers and users of public transport services. Numerous examples of ‘islands of accessibility’ were provided at public consultation sessions and in submissions.

Whole-of-journey accessibility is integral to ensuring that people with disability can access and fully use public transport systems with confidence. However, achieving this goal will only come as an outcome of an integrated, holistic, planning approach. State and territory

planning bodies need to actively engage with local government bodies who in turn need to ensure that the building and infrastructure approval mechanisms are in place take the needs of people with disability into consideration. There is also need to engage with private owners and operators of transport infrastructure and services, such as airports and airlines.

The issue of whole-of-journey outcomes was carefully examined by the Victorian Council of Social Services (VCOSS) in its July 2011 report: *Creating Accessible Journeys*. VCOSS stated that establishing a centralised approach would create opportunities for greater coordination and centralisation of Transport Standards compliance requirements and ensure the strategic deployment of resources to maximise access for the disability sector. The VCOSS report also argued that the centralised approach could only ever provide a partial, short-term solution. For the immediate future, VCOSS believes transport agencies will need to take a coordinated approach through negotiation and resource sharing (p.16).

Submissions to this review suggested that a set of common indicators for accessibility reported against the current method of counting of the number of infrastructure improvements provides limited indicators of the service-level improvements delivered from accessibility investments. Measuring the proportion of services that meet the Transport Standards in their entirety was also proposed in other submissions. For example, Transport for NSW recommended amending the Transport Standards to include requirements for accessible pathways within interchange precincts, including from park and ride facilities. This would ensure a greater level of accessibility to interchange between accessible modes of transport.

The Queensland Department of Transport and Main Roads response to the draft review report (Submission 51) notes that Queensland Rail has released a draft Accessibility Action Plan 2014 which highlights an integrated, planning approach which is reflected in station design, transit orientated development projects and transport industry partnership projects.

Incorporating a whole-of-journey approach into action plans as detailed in the former Victorian Department of Transport's submission (Submission 93) is one way of ensuring that this planning is consciously addressed. The submission advises action plans take a whole-of-journey approach to accessibility, recognising the need for people with disability to be able to access information to plan their journey and that pathways to various modes of public transport services are as important as physical access. This broader approach also provides a greater focus on better integrated and coordinated public transport services. Victoria also advised that action plans should be accompanied by an implementation plan that outlines how priorities and outcomes from the action plan will be delivered and funded.

This review sees the approach detailed by Victoria as a possible model for other jurisdictions. It is proposed that accessibility guidelines are developed by the Australian Government, in collaboration with state and territory governments, and that these guidelines are provided to the Transport and Infrastructure Council for endorsement and subsequent incorporation into public transport action plans accompanied by implementation plans.

Submissions to the draft review report expressed wide-spread support for the development of whole-of-journey guidelines. The lack of consistency across services and variation between infrastructure design and adherence to accessibility standards was seen to create

difficulties for people with disability to utilise public transport services with confidence and ease.

A number of submissions stressed that journeys begin when a person with disability first seeks information about the trip and how accessible (or not) it might be. The inclusion of 'pre-journey' detail in the guidelines was seen to be vital. The need to factor in service and infrastructure breakdown and maintenance into pre-journey information was also seen to be vital.

Government submissions expressed support for Recommendation 4 and outlined the benefits of such work. However, they also noted the challenges associated with encouraging collaboration amongst all stakeholders if the guidelines are not mandatory and there is no legislative requirement to comply. Positive collaboration was seen to be critical to the successful implementation of the recommendation.

The review sees the scope of this work being decided by all stakeholders who will bear the cost. In undertaking these deliberations the consideration of existing state and territory planning guidance, both regulatory and voluntary, would play an integral part.

Recommendation 5 — National motorised mobility aid labelling scheme

That the Australian Government, in collaboration with state and territory governments, develop and implement a national motorised mobility aid labelling scheme.

The review heard from a wide range of stakeholder groups that a motorised mobility aid labelling scheme should be developed to provide guidance to public transport operators and the disability community on which mobility aids fit within the dimensions of allocated spaces, boarding devices, access paths and manoeuvring areas on conveyances.

Recommendation 5 of the 2007 Review called for the development of a mobility aid labelling scheme. In 2012, the development of such a scheme and associated issues were explored by APTJC and a sub-group comprising stakeholder representatives to undertake further investigative work.

All public transport mode operators including operators of small aircraft and a number of governments called for the development of a motorised mobility aid labelling scheme to assist both potential purchasers of mobility aids at the point of sale to determine which devices best suit their requirements and public transport operators to make a timely decision on whether to allow motorised mobility aids onto public transport conveyances. The label would also assist operators of small aircraft determining whether the aid can be carried in the cargo hold.

As previously discussed in the draft review report, in November 2012, an Austroads Registration and Licencing Taskforce project commenced to determine a nationally agreed framework for the safe interaction of motorised mobility devices (MMDs) with pedestrians and other road users in both a road and road-related environment. As part of the project scope, consideration was given to the use of MMDs on public transport.

With work progressing throughout 2013 and 2014, the project is currently focused on proposals to develop the necessary regulatory structure and associated approval scheme.

The proposed approval scheme would establish whether each motorised mobility device model complies with construction standards as identified in the regulations, and would issue unique identifying labels to those that comply. It is envisaged that the labelling scheme would utilise colour coding to signify which devices not only meet constructions standards, but also meet Transport Standards specifications for use on public transport. It is also envisaged that 'grandfathering' arrangements would be put in place with regard to those devices already purchased and in use.

The draft review report supported the work being undertaken by the Austroads Regulation and Licencing Taskforce and saw the enlistment of the support of state and territory governments as vital to the development and implementation of a national motorised mobility aid labelling scheme.

Submissions addressing the draft review report expressed wide-spread support for Recommendation 5. Commentary varied from cautious / part support to strong support in nature. Stakeholders identified the benefits that could be obtained from implementing a national motorised mobility aid labelling scheme. For example, the aviation sector strongly supported the identification of dimensions and weights as a vital aid to deciding if and where MMDs should be stowed in aircraft holds.

However, stakeholders also identified a number of issues that will need to be considered prior to a scheme being implemented.

Many submissions saw an accompanying consumer education campaign as being integral to the success of the scheme. The role of importers and retailers in conveying the right information at the point of sale was also seen to be crucial. The approach to be taken to second hand market sales was identified as an area warranting careful consideration. Broad consultation with the disability sector was also seen as vital.

Two main areas of concern were presented to the review with regard to the colour label identification scheme as being proposed in the Austroads Motorised Mobility Device (MMD) Project.

Disability sector organisations expressed concern surrounding the potential for the label to effectively become a licence to use public transport. Submissions stressed that the labelling should not be mandatory, be for information only and has no regulatory purpose.

Secondly, it was made clear to the review that the label should indicate that the MMD, competently driven, has to the ability to meet the performance criteria that are underlying assumptions of the Transport Standards as detailed in Part 40.1 of the Transport Standards Guidelines. However the same criteria are inadequate to determine an MMD's functionality with regard to differing public transport conveyances. The situation where users discover by trial and error whether their MMD failed to board or manoeuvre on-board differing conveyances (trains, trams, buses etc) was not supported.

The Victorian Department of Transport, Planning and Local Infrastructure (DTPLI), while offering support for the development of a national MMD labelling scheme (Submission 55), raised similar concerns and advised that it considers it necessary to test the assumption that a public transport conveyance that complies with all relevant standards and an MMD that

similarly meets relevant standards for manoeuvring, stability and dimensions as outlined in the Transport Standards consistently enables the users of these devices to use public transport.

DTPLI initially advised that it was undertaking a three year research project involving a partnership between PTV, Victorian Transport Operators and La Trobe University to inform and assist health professionals in matching individuals to MMDs best suited to their needs and abilities which can be reliably used on public transport. However DTPLI in providing further advice to the review reported that the associated funding grant application was unsuccessful and that current investigations were centred on other options and opportunities including the form of a reduced project scope tailored to investigating the suitability of mobility aids for use on buses only.

The review acknowledges the concerns raised and will ensure that these are carefully considered in necessary regulation impact assessment required to be undertaken as part of future regulatory development processes and national agreement on this issue.

Recommendation 6 — National wheelchair accessible taxi compliance milestones

That the Australian Government, jointly with industry, state and territory governments, develop consistent national compliance milestones and response times for wheelchair accessible taxis by 31 December 2016.

The review heard that people with disability requiring wheelchair accessible taxi (WAT) services continue to face a range of challenges with major concerns centring on the provision of acceptable WAT response times compared to standard taxi response times.

The (then) Australian Government's response to the 2007 Review called for the development of a staged WAT implementation timeframe similar to other modes of transport, and an appropriate performance measure to replace the 2007 milestone of 100 per cent compliance. The review notes that as the taxi industry continues to endeavour to provide accessible taxi services to people with disability, the uptake of WAT licences across Australia has increased since the 2007 Review.

As noted in Chapter 2, the National Taxi Regulators Group was invited by APTJC to progress the implementation of the 2007 Review recommendation. This was unable to be achieved as significant difficulty was experienced in reaching a consistent, national position. This partly reflects that each jurisdiction adopts a different approach and methodology to measuring waiting times for conventional and WAT services.

In its submission, the Australian Taxi Industry Association (ATIA) (Submission 85) indicated it is willing to participate constructively in progressing the development of new targets that set practical and achievable benchmarks leading to improved service levels, in cooperation with the disability sector.

This review contends that improved and consistent WAT response times will greatly assist the people with disability who rely on mobility aids to more fully participate in the workforce and community activities.

Submissions responding to draft Recommendation 6 noted difficulties surrounding the implementation of this recommendation. The absence of a national approach to the regulation of the taxi market was seen to contribute to this situation. Submissions highlighted that each state and territory adopts a different regulatory approach and methodology to the measurement of response times for conventional and accessible taxi services alongside the variation of taxi subsidy schemes which are seen to create cross-border inequities that submissions ascertain cannot be justified.

With this situation in mind the Queensland Department of Transport and Main Roads (Submission 51) suggested, in its' submission on the draft report, an alternative approach involving individual states and territories developing and implementing their own measurement methodologies within their own local contexts to better enable an assessment of responses for accessible taxi services against the response time performance of conventional taxis.

The ATIA (Submission 52), in supporting Recommendation 6, reiterated that it is possible for the taxi industry to deliver better WAT response times, and in particular, response times that better meet the needs and expectations of WAT customers more often and more reliably.

Recommendation 7 — Review of Disability Access Facilitation Plan

That the Department of Infrastructure and Regional Development, in close consultation with the Aviation Access Forum, undertake a review of the Disability Access Facilitation Plan initiative by 30 June 2015, with the aim of improving the overall effectiveness and accessibility of the plans.

Disability Access Facilitation Plans (DAFPs) established by airline and airport operators communicate their individual approach to meeting the needs of passengers with disabilities. They are intended to cover the total travel experience of passengers with a disability from making a flight reservation through to arriving at the airport and carriage on board an aircraft.

The disability sector commented to this review that air travel operators need to ensure that DAFP are accessible, kept up to date and that practice on the ground reflects the content of the plans. Concerns were raised about inconsistencies between individual airline and airport operator plans and the need to ensure a wide range of disabilities are addressed in plans including physical, sensory and physiological disabilities. The disability sector has also expressed the view that the plans could be improved through better consultation with the disability sector and the Australian Human Rights Commission to ensure adoption of industry best practice.

With the DAFP initiative commencing its fifth year, it is timely to review the initiative with the aim of improving the effectiveness and accessibility of the plans. The review would facilitate feedback from a diverse range of disability sector representatives (including but not limited to representatives on the AAF) and the aviation industry on how the current plans are operating and encourage practical suggestions for refining and improving the DAFP initiative.

12.1. Summary of recommendations

Recommendation 1 — Modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, commence a process for updating and modernising the Transport Standards. This work should be undertaken in close consultation with industry and the disability sector, and include research on the technical issues raised in this review, the development of options, and assessment of the impact of any proposed changes to the standards, with this work to be completed by 30 June 2017.

Recommendation 2 — National reporting on progress against the Transport Standards

That the Australian Government, jointly with state and territory governments, establish a national framework for measuring progress against the Transport Standards by 31 December 2016.

Recommendation 3 — The complaints process

That the Australian Government considers the concerns raised about the complaints process.

Recommendation 4 — Whole-of-journey accessibility

That the Australian Government, jointly with state, territory and local governments, develop accessibility guidelines for a whole-of-journey approach to public transport planning by 30 June 2016.

Recommendation 5 — National motorised mobility aid labelling scheme

That the Australian Government, in collaboration with state and territory governments, develop and implement a national motorised mobility aid labelling scheme.

Recommendation 6 — National wheelchair accessible taxi compliance milestones

That the Australian Government, jointly with industry, state and territory governments, develop consistent national compliance milestones and response times for wheelchair accessible taxis by 31 December 2016.

Recommendation 7 — Review of Disability Access Facilitation Plan

That the Department of Infrastructure and Regional Development, in close consultation with the Aviation Access Forum, undertake a review of the Disability Access Facilitation Plan initiative by 30 June 2015, with the aim of improving the overall effectiveness and accessibility of the plans.

13. Appendix A

Schedule 1 Target dates for compliance (section 33.2)

Part 1 Target date — 31 December 2007

1.1 Responsibility

- Operators
- Providers

Requirement

Full compliance with the relevant Standards in relation to:

- Waiting areas
- Furniture and fittings
- Information
- Booked services
- Food and drink services
- Belongings
- Priority

Application

Conveyances

Premises

Infrastructure
except bus stops

1.2 Responsibility

- Operators
- Providers

Requirement

Full compliance with the relevant Standards in relation to:

- Symbols
- Signs
- Alarms
- Lighting
- Hearing augmentation

Application

Conveyances

Premises
except premises to
which the Premises
Standards apply

Infrastructure
except bus stops

1.3 *Responsibility*

- Radio networks
- Co-operatives

Requirement

Response times for accessible vehicles are to be the same as for other taxis.

Application

Conveyances

- Taxis
 - Dial-a-ride services
-

1.4 *Responsibility*

- Operators
- Providers

Requirement

Compliance with the relevant Standards by 25% of each type of service in relation to:

- Resting points
- Boarding
- Allocated space
- Street furniture

Application

Conveyances

Premises

Infrastructure
except bus stops

1.5 Responsibility

- Operators
- Providers

Requirement

Compliance with the relevant Standards by 25% of each type of service in relation to:

- Access paths
- Lifts
- Manoeuvring areas
- Stairs
- Passing areas
- Toilets
- Ramps
- Tactile ground surface indicators
- Doorways and doors
- Controls

Application

Conveyances

Premises

Infrastructure

except premises to which the Premises Standards apply

except bus stops

1.6 Responsibility

- Providers

Requirement

Compliance with the relevant Standards by 25% of bus stops in relation to:

- Access paths
- Handrails and grab rails
- Manoeuvring areas
- Stairs
- Passing areas
- Symbols
- Ramps
- Signs
- Waiting areas
- Tactile ground surface indicators
- Boarding
- Lighting
- Allocated space
- Street furniture
- Surfaces
- Information

Application

Infrastructure

- Bus stops
-

Part 2 Target date — 31 December 2012

2.1 *Responsibility*

- Operators
- Providers

Requirement

Full compliance with the relevant Standards in relation to:

- Gateways
- Vending machines

Application

<i>Conveyances</i>	<i>Premises</i>	<i>Infrastructure</i> except bus stops
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2.2 *Responsibility*

- Operators
- Providers

Requirement

Full compliance with the relevant Standards in relation to:

- Surfaces
- Handrails and grab rails

Application

<i>Conveyances</i>	<i>Premises</i> except premises to which the Premises Standards apply	<i>Infrastructure</i> except bus stops
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2.3 *Responsibility*

- Operators

Requirement

Full compliance with the relevant Standards in relation to:

- 1500 mm minimum head room and vertical door opening

Application

Conveyances

- Accessible taxis
-

2.4 *Responsibility*

- Operators
- Providers

Requirement

Compliance with the relevant Standards by 55% of each type of service in relation to:

- Resting points
- Allocated space
- Boarding
- Street furniture

Application

Conveyances

Premises

Infrastructure

except bus stops

2.5 Responsibility

- Operators
- Providers

Requirement

Compliance with the relevant Standards by 55% of each type of service in relation to:

- Access paths
- Lifts
- Manoeuvring areas
- Stairs
- Passing areas
- Toilets
- Ramps
- Tactile ground surface indicators
- Doorways and doors
- Controls

Application

Conveyances

Premises

Infrastructure

except premises to
which the Premises
Standards apply

except bus stops

2.6 Responsibility

- Providers

Requirement

Compliance with the relevant Standards by 55% of bus stops in relation to:

- Access paths
- Handrails and grab rails
- Manoeuvring areas
- Stairs
- Passing areas
- Symbols
- Ramps
- Signs
- Waiting areas
- Tactile ground surface indicators
- Boarding
- Lighting
- Allocated space
- Street furniture
- Surfaces
- Information

Application

Infrastructure

Bus stops

14. Appendix B

This review received 95 submissions. A list of the submissions, received by date is listed below.

#	Date (2013)	Author
1.	07 January	Andrew Evans
2.	09 January	Mariana Oppermann
3.	17 January	Deaf Victoria
4.	31 January	Queenslanders with Disability Network (QDN)
5.	13 February	Aids & Equipment Action Alliance (AEAA)
6.	01 March	Rhonda Joseph
7.	01 March	Sunshine Coast Access Advisory Network (SCAAN)
8.	04 March	Jason Stehn
9.	14 March	Sheila King
10.	14 March	Brian Rogers
11.	25 March	Raili Simojoki
12.	04 April	Disability Justice Advocacy Inc.
13.	23 March	Ray Jordan
14.	05 April	Judith Loriente
15.	08 April	Metro Tasmania
16.	09 April	Heather Milton
17.	11 April	John McPherson
18.	11 April	Eric Martin and Associates
19.	19 April	Brisbane City Council
20.	19 April	Darwin Community Legal Service
21.	22 April	Chris Stewart
22.	14 April	City of Whitehorse
23.	22 April	Darebin City Council
24.	23 April	Northern Territory Department of Transport
25.	22 April	City of Melbourne Disability Advisory Committee
26.	16 April	John Deshon Pty Ltd
27.	23 April	Council of Social Services of NSW
28.	26 April	Public Transport Ombudsman Victoria
29.	26 April	Local Government NSW
30.	02 May	Deaf Children Australia
31.	26 April	Australian Airports Association
32.	24 April	The City of Newcastle
33.	26 April	Maroondah City Council
34.	26 April	City of Playford

#	Date (2013)	Author
35.	26 April	Health Science Planning Consultants
36.	07 April	Physical Disability Council of NSW
37.	26 April	Guide Dogs Association of SA & NT
38.	26 April	Marrickville Council
39.	29 April	Anthony Keyzer
40.	26 April	Spinal Injuries Association
41.	30 April	Canberra Airport
42.	09 May	Christine Richards
43.	07 May	Eastern Transport Coalition
44.	01 May	Western Sydney Community Forum
45.	13 May	Kevin Finlayson
46.	15 May	Neville Manson
47.	21 May	Maribyrnong City Council
48.	22 May	National Disability Services
49.	23 May	City of Great Geelong
50.	24 May	Sean Tyrell
51.	25 May	Sharon Marriott
52.	28 May	Knox City Council
53.	30 May	Bus Industry Confederation
54.	29 May	Yarra Ranges Council
55.	28 May	Equal Opportunity Commission of South Australia
56.	30 May	Royal Blind Society of South Australia
57.	30 May	Australian Blindness Forum
58.	31 May	ACT Human Rights Commission
59.	26 April	National Disability Strategy Implementation Reference Group
60.	26 April	National People with Disabilities and Carer Council
61.	31 May	Queensland Rail
62.	31 May	Yarra Trams
63.	31 May	COTA Australia
64.	30 May	Guide Dogs Australia
65.	31 May	Australian Federation of Disability Organisations
66.	31 May	Queensland Advocacy Inc.
67.	31 May	Spinal Cord Injuries Australia
68.	31 May	People with Disabilities WA Inc.
69.	31 May	Physical Disability Australia
70.	27 May	Youth Disability Advocacy Service
71.	03 June	Peter Fletcher

#	Date (2013)	Author
72.	03 June	Ranil Ratnayeke
73.	03 June	Australasian Railway Association and V-Line
74.	03 June	Regional Aviation Association of Australia
75.	06 June	QLD Department of Transport and Main Roads
76.	04 June	Tasmanian Anti-Discrimination Commission
77.	05 June	Western Australian Department of Transport
78.	05 June	Public Interest Advocacy Centre Ltd
79.	06 June	Daniel Ong
80.	06 May	Scott Hutton
81.	07 June	Metro Trains Melbourne
82.	10 June	People with Disabilities ACT
83.	13 June	Tasmanian Department of Infrastructure, Energy and Resources
84.	12 June	Tech 4 Life
85.	17 June	Australian Taxi Industry Association
86.	17 June	Victorian Equal Opportunity and Human Rights Commission
87.	17 June	Blind Citizens Australia
88.	18 June	ACT Government
89.	18 June	Assistive Technology Suppliers Australasia Inc
90.	1 July	Victorian Council of Social Services
91.	11 July	Whittlesea Disability Network
92.	15 July	COTA Victoria
93.	12 August	Victorian Department of Transport
94.	29 October	South Australia Department of Transport and Infrastructure
95.	2 December	Transport for NSW

15. Appendix C

The review received 58 submissions on the draft review report.

#	Date (2014)	Author
1.	13 May	Brenda Rawlins
2.	16 May	Sharon Marriott
3.	28 May	Jason Stehn
4.	3 June	Mark McKenzie
5.	3 June	Personalized Cabs No.1
6.	3 June	Karen Dettman
7.	4 June	Personalized Cabs No.2
8.	19 June	Eric Martin and Associates
9.	22 June	Nigel Caswell
10.	25 June	Local Government Association of Queensland
11.	26 June	Kay Maclean
12.	26 June	Daniel Graham
13.	3 July	Public Interest Advocacy Centre Ltd
14.	6 July	Sheelagh Daniels-Mayes
15.	6 July	Dr David Squirrell
16.	9 July	Multiple Sclerosis Australia
17.	10 July	Regional Express
18.	10 July	South Australian Department of Planning, Transport and Infrastructure
19.	11 July	Royal Automobile Club of Queensland
20.	11 July	Regional Aviation Association of Australia
21.	11 July	Ashfield Council
22.	11 July	Bus Industry Confederation
23.	11 July	Vision Australia
24.	11 July	Victorian Equal Opportunity and Human Rights Commission
25.	11 July	Restore Our Rail
26.	13 July	John McPherson
27.	13 July	All Aboard Network
28.	14 July	Australian Institute of Architects
29.	14 July	Combined Pensioners and Superannuants Association of NSW
30.	14 July	Whittlesea Disability Network
31.	14 July	Marrickville Council
32.	14 July	Queenslanders with Disability Network
33.	14 July	Carers NSW
34.	14 July	Local Government NSW

#	Date (2014)	Author
35.	14 July	Health Science Planning Consultants
36.	14 July	Public Transport Ombudsman Limited
37.	14 July	Blind Citizens Australia
38.	14 July	Victorian Council of Social Services
39.	14 July	Spinal Injuries Australia
40.	14 July	Local Government Association Tasmania
41.	14 July	Council of Social Services of NSW
42.	14 July	Obvious Access Consultants
43.	14 July	Cerebral Palsy League
44.	15 July	Alzheimer's Australia NSW
45.	15 July	Queensland Advocacy Inc
46.	15 July	Transport for NSW
47.	16 July	SCOPE
48.	16 July	Queensland Disability Advisory Council
49.	16 July	Australian Blindness Forum
50.	16 July	City of Darebin
51.	18 July	Queensland Department of Transport and Main Roads
52.	22 July	Australian Taxi industry Association
53.	24 July	Brisbane City Council
54.	25 July	Spinal Cord Injuries Australia
55.	30 July	Victorian Department of Transport, Planning and Local Infrastructure
56.	30 July	ACT Human Rights Commission
57.	11 August	Australasian Railway Association
58.	28 August	South Australian Department of Planning, Transport and Infrastructure

16. Appendix D

During the review there were 14 public consultations sessions. A list of the public consultations, ordered by date, is provided below.

Date	Location
23 April	Canberra — Department of Infrastructure and Regional Development
1 May	Sydney City — Department of Social Services
9 May	Penrith — Penrith City Council
24 May	Darwin — Northern Territory Department of Transport
31 May	Melbourne City (two sessions) — Department of Social Services
13 June	Perth — Western Australian Department of Transport
18 June	Adelaide — Disability Information Resource Centre
20 June	Brisbane — TransLink Centre for Excellence
27 June	Hobart — Glenorchy Civic Centre
28 June	Launceston — Tramsheds Conference Centre
4 July	Wodonga — The Cube Conference Centre
11 July	Geelong — via teleconference
24 July	Townsville — Department of Human Services

17. Appendix E



REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT 2002

COMMONWEALTH GOVERNMENT RESPONSE

JUNE 2011

Minister for Infrastructure and Transport
Attorney-General

REVIEW OF THE *DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT* 2002

COMMONWEALTH GOVERNMENT RESPONSE

Preamble

The *Disability Standards for Accessible Public Transport 2002* (Transport Standards) took effect on 23 October 2002. The Transport Standards specify levels of service, measures and actions that public transport operators and providers must undertake to meet their obligations under the *Disability Discrimination Act 1992* (DDA). That is, the Transport Standards define how public transport – buses, taxis, trams, trains, ferries and commercial aircraft – are to be made ‘accessible’.

The Transport Standards apply to all new transport conveyances and infrastructure introduced into service after 23 October 2002. In addition, a progressively staged timetable for compliance, over a 20-30 year period, applies to conveyances and infrastructure in place before that date.

Part 34 of the Transport Standards requires the Minister for Infrastructure and Transport, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within five years of their coming into effect, and each five years thereafter.

An independent review – the first five year review of the Transport Standards (the Review) – was undertaken on behalf of the Australian Government by the Allen Consulting Group.

The review process incorporated extensive public consultation through the development of the Review Terms of Reference, an accessible web site, an issues paper, an invitation for written submissions, public hearings and the release of a draft report for stakeholder comment.

The scope outlined in the Review Terms of Reference detailed the need for the consultant to assess the efficiency and effectiveness of the current Transport Standards and recommend options as to how the effectiveness and efficiency of the Standards could be improved. The Review was not required to assess the merits of the Transport Standards as such.

Context

Since the commencement of this Review, there have been several significant changes in the policy landscape to improve the lives of people with disability. Most notable are the National Disability Strategy and the accession of Australia to the United Nations Convention on the Rights of Persons with Disabilities. Future work on transport accessibility, including progressing the outcomes of this Review, will take place within this changed context.

On 17 July 2008, Australia ratified the United Nations Convention on the Rights of Persons with Disabilities (Convention) and acceded to the Optional Protocol on 21 August 2009.

The Convention aims to enhance opportunities for people with disability to participate in all aspects of social and political life including access to employment, education, health care, information, justice, public transport and the built environment.

In implementing the Convention the Australian Government has been considering how to appropriately enhance implementation through both formal and informal mechanisms. Australia's first report to the UN under the Convention was lodged with the UN on 3 December 2010.

The National Disability Strategy was endorsed by the Council of Australian Governments (COAG) in recognition that support for people with disability is a shared responsibility across the Commonwealth, states and territories. The National Disability Strategy is an important mechanism to ensure that the principles underpinning the Convention are incorporated into policies and programs affecting people with disability, their families and carers.

The National Disability Agreement (NDA), signed by all members of COAG in 2009, provides the framework for ongoing collaboration on policy development, service delivery and economic and social reform of national importance. The NDA includes a priority for: "*More consistent access to aids and equipment*". There is a strong association between the provision of mobility aids and equipment by the states and territory Governments and the need for compliance of access specifications with the Transport Standards.

While not directly considered in the Review, it is also noteworthy that the *Disability (Access to Premises Buildings) Standards 2010* (Premises Standards) commenced on 1 May 2011. Part H2 of the Premises Standards relates to buildings associated with public transport services. This component has been transferred from the Transport Standards to the Premises Standards. Part H2 covers all public transport buildings including railway stations, bus interchanges, and ferry terminals.

Key Findings of the Review and Recommendations

The Review assessed the first five years of implementation of the Transport Standards against a number of broad effectiveness and efficiency criteria, before identifying particular recommendations that flow from these assessments. These issues are dealt with in turn, following the order of presentation in the report.

Effectiveness in removing discrimination for people with disability

The Review concludes that the Transport Standards have significantly changed the way governments and public transport operators and providers think about and deliver access to public transport for people with disability. Obligations existed in the DDA prior to the introduction of the Transport Standards but the effort to remove discrimination was not approached systematically.

While a quantitative estimate of progress against the five year milestones is not possible due to the lack of detailed and comparable reporting, the Review reports evidence of increased investment in accessible public transport, and growth in accessible services and infrastructure. It concludes that the Transport Standards have been effective in bringing forward investment in accessible infrastructure and conveyances, and has facilitated the removal of discrimination being experienced by people with disability, the ultimate objective of the Transport Standards.

Notwithstanding these observations, the Review notes that many stakeholders were critical of the implementation of the Transport Standards in the first five years. This dissatisfaction was characterised by three main concerns:

- uneven improvements in accessibility (across modes and between urban and rural regions);
- a lack of ‘whole of journey’ accessibility (although this is due, in most part, to the agreed policy of staged compliance targets); and
- a lack of confidence in the reliability of accessible services.

Effectiveness of the regulatory approach

The DDA, and supporting Standards, are the regulatory means by which governments seek to remove, as far as practicable, discrimination against people with disability. The rationale for government intervention, through regulation, is based on the broader social benefits through greater access to services for people with disability, and the goals of social inclusion and equity.

The Transport Standards are mainly prescriptive regulations, with a small number of performance-based measures. In comments to this Review, many stakeholders had differing views regarding the appropriate level of prescription in many areas of the Transport Standards.

The Review notes that the current approach of referencing Australian Standards in the Transport Standards can make interpretation of the requirements difficult for operators and providers and people with disability. In addition, many of the Australian Standards referenced are not purpose-designed for the transport sector and often do not translate well for transport conveyances and infrastructure.

Scope of the Transport Standards

The scope of the Transport Standards determines the extent to which they have an influence, and thus is a determinant of their effectiveness. Exclusions, exemptions, claims of unjustifiable hardship and the use of equivalent access provisions all influence the extent to which particular sectors, modes of transport or components of public transport systems are covered by the Transport Standards.

Exclusions

The Review notes that exclusions apply to certain types of services (such as limousines and small charter boat services). Although current exclusions from the Transport Standards are predominantly supported by stakeholders, exclusions for dedicated school buses and targeted forms of community transport are not as well supported. In both cases, the Review concludes that the basis for the exclusion needs to be tested against the potential costs and benefits of removing the exclusions. It is also important to note that the currently excluded forms of public transport remain subject to the DDA.

Exemptions

An operator or provider can apply for an exemption from compliance with the Transport Standards from the Australian Human Rights Commission (AHRC). Exemptions may be subject to conditions that are set by the AHRC but are temporary, limited to a term of not more than five years. Exemptions have primarily been utilised by smaller regional operators and providers, and the Australasian Railway Association.

Unjustifiable hardship

The Transport Standards include specific provision for public transport operators and providers to claim unjustifiable hardship, for example, in cases where the costs associated with making adjustments are unreasonable. Such a claim can only be used as a defence against a discrimination complaint. The determination of unjustifiable hardship is made by the Federal Court or Federal Magistrates Court, although the AHRC can advise on the validity of the claim during conciliation.

The Review notes that current utilisation of unjustifiable hardship provisions is uncertain because there is no registration or other means to lodge a claim, other than in the process of defending a legal action. As such, it is likely that there are operators and providers who currently believe that they could legitimately make a claim of unjustifiable hardship, but have not, as yet, been required to make one.

Equivalent access

Equivalent access means providing accessibility by means other than those specified in the Transport Standards. The Review found that some operators and providers are utilising equivalent access provisions, including through staff assistance or substitution of one type of service for another accessible one. Operators and providers did, however, comment that there is a disincentive to use equivalent access provisions because there is currently no mechanism to confirm that these provisions are compliant with the Transport Standards.

Efficiency of implementation of the Transport Standards

The Review notes that public transport operators and providers have found the first five years of implementing the Transport Standards challenging. This experience has highlighted several gaps in the information and support processes for the Transport Standards. The Transport Standards Guidelines provide guidance on how to interpret the Transport Standards, but do not cover every issue encountered by operators and providers. The Review concluded there is currently no authoritative source of information to advise operators and providers on how to deal with ambiguity, conflicts with other regulations or uncertainty in their obligations, and they have often sought to make their own interpretations, set their own policies, or sought guidance from state and territory governments. The Review notes that the result is an uneven implementation of requirements in the Transport Standards, which impacts on their effectiveness.

Implementation of the Transport Standards is also impacted by costs for public transport operators and providers. The Review considered areas where costs in the first five years were higher than estimated by the cost-benefit analysis of the Transport Standards conducted prior to their implementation. The Review found that the costs that most impede

the capacity for implementation of Standards are those of bus stop upgrades by local governments and the provision of services in rural and regional areas, particularly in relation to bus services.

Efficiency of administration of the Transport Standards

While not directly monitored, compliance with the Transport Standards can be achieved through industry involvement and consultation and a mutual commitment to eradicating discrimination. Where this does not occur, there is a complaints-based mechanism that can be pursued. Complaints about compliance with the Transport Standards can be made to the AHRC, and managed through the AHRC complaints and conciliation process. Where this process does not resolve the issue, individuals can progress their complaint by application to the Federal Court or Federal Magistrates Court.

The Review reports that some stakeholders consider this approach places unreasonable cost and responsibility on people with disability in identifying non-compliance, and incurring the time and financial costs to obtain a resolution. Disability representative organisations also reported concerns that the current system discourages complaints and thus does not drive compliance with the Transport Standards. The complaints-based approach to compliance reflects the DDA framework and is not specific to the Transport Standards.

The Review notes that reporting on elements of accessibility and compliance against milestones in the Transport Standards is conducted by most state and territory governments, though not in a uniform framework.

Areas Requiring Attention

Against the background of this discussion of effectiveness and efficiency issues, the Review identifies areas requiring attention in two broad categories:

- “systemic” issues – Recommendations 1-9 – which impact on the effectiveness of the Transport Standards across the majority of modes of transport and stakeholders; and
- “mode specific” issues – Recommendations 10-15 – which impact on particular modes of transport.

The key systemic issues relate to:

- shortcomings in data required to measure performance;
- deficiencies in the operation and applicability of the current standards;
- barriers in identifying compliant mobility aids;
- insufficient information sharing on best practice examples;
- costs of upgrades in rural and regional areas that may delay compliance;
- compliance processes reliant on complaints being initiated by people with disability; and
- shortcomings in current governance arrangements.

The key mode specific issues identified can be broadly summarised as:

- problems with some current and future compliance targets;
- safety concerns with mobility aids in buses, coaches and taxis;
- impact of exclusions limiting current and future provision of services; and
- need for improved guidance on appropriate conditions for air travel.

Response to the Recommendations

The Review makes 15 recommendations (9 systemic and 6 mode-specific). Some technical amendments to the Transport Standards have also been proposed in Appendix E of the Review.

The Australian Government welcomes the Review. As already noted, there have been significant changes in the policy landscape for people with disability. These changes are anticipated to contribute toward future activities arising from this Review.

The Review conveys a strong sense that the Transport Standards have had a range of positive impacts although improvements can be made to continue to improve outcomes over time.

Before addressing each of the recommendations, some observations are appropriate in respect of governance/consultation mechanisms, resourcing implications and regulatory impact assessment issues.

Governance/Consultation Mechanisms

The legislative framework of the DDA, and the Transport Standards made under this legislation, are formally the responsibility of the Attorney-General. However, responsibility for implementation, monitoring and improving outcomes in relation to improved accessibility of transport, is a shared responsibility of many agencies and stakeholders, including the Commonwealth Department of Infrastructure and Transport and state and territory transport portfolios.

Australian Transport Ministers have key policy and regulatory responsibilities for consulting, advising on and developing amendments for the Transport Standards. This work is undertaken through the leadership of the Australian Transport Council (ATC). The ATC is the Council of Australian Governments Ministerial Council with responsibility for transport issues.

ATC continues to be responsible for the cross jurisdictional working groups of transport agency officials tasked to deliver the various work programs. For this reason, the ATC is the key body to progress the Review's recommendations directed at particular working groups under its control.

That said, in most cases, responsibility for implementing agreed actions and preparing further policy and regulatory material for consideration and decision by Ministers, will likely rest with the existing consultative bodies that have been established by the ATC – the

Accessible Public Transport Jurisdictional Committee (APTJC) and the Accessible Public Transport National Advisory Committee (APTNAC)⁷.

Resourcing Implications

The Government notes that the Review recommendations raise resourcing implications for all stakeholders, not least by proposing a more extensive and detailed work program that would need to draw heavily on available expertise and may indeed require the development of new expertise to be fully delivered. Resource implications remain a challenge.

Regulatory Impact Assessment Issues

As noted in the Governance section above, the ATC is the key decision maker for most of the decisions flowing from the Review⁸. This role includes being the decision maker where recommendations potentially have regulatory implications (discussed further below). Consequently, this Commonwealth response to the Review and its recommendations seek to initiate appropriate processes to further develop analytical, policy and, as required, regulatory assessment material for subsequent consideration by ATC. No formal regulatory decisions are being made at this stage and any future regulatory action will be subject to the normal regulatory assessment processes, consistent with the COAG endorsed document *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies*⁹.

It is envisaged the necessary work would be developed through the APTJC and APTNAC processes, with ongoing consultation with the Office of Best Practice Regulation as appropriate. This work would build on the preliminary regulatory analysis undertaken as part of the Review¹⁰.

Responses to the individual recommendations below need to be read against this context.

⁷ APTJC membership includes representatives from state and territory Transport or equivalent Departments, the Department of Infrastructure and Transport (DIT), and Attorney-General's Department (AGD – which has observer status). The Committee provides a forum for state and territory and Australian Governments to co-ordinate governments' positions on issues raised on the Transport Standards.

APTNAC membership comprises representatives from peak industry bodies, the disability sector, all state and territory governments, the Australian Local Government Association and DIT. The Australian Human Rights Commission and AGD have observer status. It provides a broad consultative framework to progress national accessible transport issues.

The Government notes that the Standing Committee on Transport (SCOT) – transport agency chief executives – has agreed that APTJC and APTNAC will report to SCOT through the Network Performance Standing Sub-Committee, which is chaired by DIT.

⁸ Excluding Recommendations 2, 7 and 8, for which responsibility lies elsewhere.

⁹ See: www.finance.gov.au/obpr/proposal/coag-guidance.html

¹⁰ The Review consultant has undertaken preliminary analysis of the recommendations against the Office of Best Practice Regulation guidelines for regulatory assessment. This material is included within Chapter 11 of the Review and Appendices G and H, as well as an initial standalone analysis on school bus issues.

Response to Individual Recommendations

Recommendation 1

Establish a national framework for Action Plan reporting and require annual reporting by each State and Territory government

The Government supports this recommendation in principle, noting that it calls for the development of a common reporting framework and reporting timeline.

The Government agrees that establishing a national framework for the consistent reporting of public transport Action Plans¹¹ would benefit all stakeholders, in particular through improved understanding of current service provision and enhanced capacity for future reviews to have more consistent data on progress.

The Government proposes that such a national reporting framework, consistent with the objectives of the National Disability Strategy and COAG's regulatory impact assessment processes, be progressed through the ATC.

Recommendation 2

Request the ABS include questions on public transport patronage in their Disability surveys

The Government agrees in principle with this recommendation and will ask the Australian Bureau of Statistics (ABS) about obtaining patronage data, consistent with its budget and technical constraints.

The Government notes that some aspects of this Review were impeded by a lack of baseline data. Obtaining additional information on public transport patronage, through ABS surveys, potentially helps governments understand public transport needs and would better inform future reviews.

In addition, the National Disability Strategy will facilitate enhanced data collection and provision of relevant national population indicators for accessibility in the community.

¹¹ The DDA includes provisions relating to action plans. An action plan is a way for an organisation to plan the elimination, as far as possible, of disability discrimination from the provision of its goods, services and facilities. Developing and implementing an action plan is a voluntary, proactive approach to DDA compliance. The Review found that all state and territory government public transport operators and providers already publish some form of Action Plan through which information on accessibility is already being collected (see page 192 of the Review).

Recommendation 3

A technical experts group be convened, with Standards Australia, to develop technical standards specifically suited to public transport conveyances and infrastructure. Once developed, these Standards should be referenced in the Transport Standards, and made available for public use.

The Government agrees in principle with this recommendation and considers there is merit in examining the development of technical standards specifically suited to public transport conveyances and infrastructure that complement the Transport Standards. The Government acknowledges the issues around referencing certain Australian Standards which are not always appropriate in a transport context, and which have subsequently been updated or replaced since the introduction of the Transport Standards.

The establishment of specific transport-focussed technical standards potentially benefits all stakeholders. Public transport operators and providers could have greater clarity as to their obligations in providing a service, which is compliant with the Transport Standards. Inclusion of the technical standards with the Transport Standards could also enable people with disability to more readily determine whether discrimination has occurred.

The Review notes that further RIS analysis may be required as part of the process of finalising any new technical standards.

Further, it is important to note that Standards Australia is an independent body and has established business rules regarding the preparation of new and revised standards. The Department of Infrastructure and Transport (DIT) will need to discuss with Standards Australia its capacity and willingness to participate in such an exercise, or whether it should be developed via a separate process.

The proposal to progress such technical standards work through convening a new working group is a matter for ATC to consider. The response to Recommendation 9 discusses this theme further.

Recommendation 4

Mode specific guidelines be developed by modal sub-committees. These guidelines would be a recognised authoritative source for providers which can be used during a complaints process.

The Transport Standards Guidelines provide a measure of guidance in relation to the interpretation of the Transport Standards generally and address some mode specific issues in a limited way.

The Government supports in principle the development of mode specific guidelines, which could be useful for public transport operators and providers. In this context, guidance material may be developed for taxis, buses, coaches, trains, trams, ferries and commercial aircraft. The merits of establishing additional sub-committees to develop mode specific guidance material, is a matter for the ATC to consider. The Response to Recommendation 9 discusses this theme further.

The Government acknowledges that modal specific groups have previously been established under the APTNAC to develop guidelines. An Aviation Access Working Group is already in place, chaired by the DIT.

The Government proposes that the ATC considers the most appropriate mechanism to progress this recommendation.

Recommendation 5

A mobility labelling scheme be developed which identifies the weight of the aid and whether its dimensions fit within the dimensions for allocated spaces, boarding devices, access paths and manoeuvring areas on conveyances, as specified in the Transport Standards.

The Government supports this recommendation in principle, noting that such a scheme would operate within the dimensions for allocated spaces currently specified in the Transport Standards.

The Government agrees that a mobility labelling scheme could be beneficial to public transport operators and providers and mobility aid users. The Government recognises that operators and providers can face difficulties in determining whether a particular mobility aid is compliant with the dimensional limitations set out in the Transport Standards. The introduction of such a scheme would also give mobility aid users some assurance as to what transport conveyances they can access.

As there may be some costs for mobility aid retailers and suppliers to implement such a scheme, and administration costs for governments in developing, implementing and maintaining a scheme, further consultation and analysis will be required.

The Government proposes this recommendation be referred to the ATC for consideration, noting that, the development of such a framework should include input from the relevant state and territory agencies responsible for the provision of aids and equipment.

Recommendation 6

A best practice clearinghouse be established in a government agency or research body to collect and disseminate best practice solutions and ideas relating to accessible public transport.

The Government supports the principle of improving the gathering and dissemination of best practice solutions and ideas relating to accessible transport. This could be valuable for other public transport operators and providers in similar circumstances, and yield broader benefits in terms of improved information.

It is not clear, however, where this function might best be undertaken, or even whether such location is best established in a government agency or research body. Moreover, there would be merit in considering the objectives of this recommendation in the development and implementation of the broader work program.

The Government proposes this recommendation be referred to the ATC for further consideration.

Recommendation 7

Commonwealth, State and Territory governments provide funding for projects in regional and rural regions where local governments are unable to resource upgrades of public transport infrastructure.

The Government notes this recommendation and the Review's conclusion that regional and rural areas, in most cases, are falling behind in the provision of accessible public transport services compared to those in urban areas.

However, the provision of funding for projects is a matter for each government to consider, including in the context of existing regional infrastructure programs and budget deliberations. For its part, the Australian Government will give consideration to the eligibility criteria for existing regional and rural transport and infrastructure programs, to ensure no inappropriate exclusions apply to projects that would support compliance with the Transport Standards.

Recommendation 8

The AHRC be tasked to provide greater support for representative complaints on behalf of people with disability, reducing the legal cost burden on individuals.

The Government notes the recommendation.

As part of Australia's Human Rights Framework, the Government is reviewing and consolidating Commonwealth anti-discrimination legislation, including considering gaps in protection and an effective complaints system.

Recommendation 9

New governance arrangements be implemented to establish accountability for progressing recommendations from the five-year Review. APTJC should have coordinating responsibility for new initiatives (including modal committees and the technical experts group) in partnership with APTNAC.

The Government supports this recommendation in principle.

As discussed above, the ATC has the key policy and regulatory advisory responsibility relating to the development of possible amendments to the Transport Standards, and for overseeing the governance of transport agency working groups to deliver the various work programs.

In May 2009, the ATC finalised a streamlined structure of sub-committees of the Standing Committee of Transport¹². A key theme of this work was to rationalise the demands that complex working group structures impose on all stakeholders and to ensure that available resources are targeted to the most appropriate areas.

The transport governance framework that the ATC has put in place is broadly consistent with that identified in this recommendation, that is, a framework in which APTJC leads and coordinates, in consultation with APTNAC, progressing the response to the Review's recommendations. This will continue to be a matter for ATC to decide.

Recommendation 10

The 2017 compliance milestone for tram conveyances and infrastructure be reduced from 90 per cent to 80 per cent to better reflect vehicle replacement cycles.

The Government notes this recommendation and the Review's findings that current vehicle replacement schedules do not meet future compliance targets in 2017, for trams.

The Review notes this recommendation will reduce the uncertainty for tram operators and providers and governments in the management of their obligations under the Transport Standards. However, as the recommendation represents a regulatory change, further stakeholder consultation and regulatory analysis will be required prior to any decision by ATC.

Recommendation 11

The taxi modal sub-committee be tasked with developing a staged implementation timeframe similar to that for other modes of transport, and an appropriate performance measure, to replace the 2007 milestone for WAT compliance.

The Government notes this recommendation.

The Government notes the Review's findings that the current compliance target for Wheelchair Accessible Taxis (WATs) may not be met and should be replaced with a staged implementation timeframe, similar to that for other modes of transport. The Government recognises the difficulties in determining compliance with the target schedule of the Transport Standards but acknowledges that states and territories have significantly increased the provision for WATs within their respective taxi fleets.

The Government proposes that the ATC considers the most appropriate mechanism to progress the further action flowing from this recommendation.

¹² ATC Ministers agreed to implement the future National Transport Policy work through a streamlined structure of Standing Sub-committees of the Standing Committee on Transport. The Standing Sub-committees will focus on Productivity, Safety, Environment, Security, Maritime and Network Performance agendas framed around ensuring transport infrastructure and operations can play their essential role in underpinning a return to economic growth. It has been further agreed that ATPJC and APTNAC work will be considered through the Network Performance Standing Sub-committee.

Recommendation 12

Government commission research into the safety of passengers travelling in conveyances whilst seated in mobility aids (including scooters). This research should make recommendations around whether there is a need for an Australian Standard addressing this aspect of safety for mobility aids.

The Government notes this recommendation and acknowledges the importance of improving safety for travelling passengers, and the potential risks associated with passengers in mobility devices travelling on conveyances without restraints. The Government also recognises the value of appropriately targeted research and trials in achieving this safety objective.

The Government further notes that this recommendation has potential resourcing implications and the Review gives no consideration to what such research might cost or how it might compare with other transport safety research priorities.

The Government proposes that the ATC considers the most appropriate mechanism to progress the further assessment identified in this recommendation.

Recommendation 13

The Transport Standards be amended to require new community transport vehicles greater than 12 seat capacity to comply with the Transport Standards commencing in 2017, (with full compliance by 2032).

The Government supports this recommendation in principle.

The Review found that the current exclusions relating to community transport vehicles limit the current and future provision of services for people with disability. The Government supports the objective of removing the exclusions over time.

The Government proposes that the ATC considers the most appropriate mechanism to progress this recommendation, noting that the potential impact on community transport operators and providers indicates that further consultation and analysis is likely to be required.

As part of this further analysis, there would be merit in examining the experience of the Home and Community Care Program within jurisdictions, and to also consider the potential benefits and costs of accelerating the phase-in of reform under this recommendation.

Recommendation 14

Phased application of dedicated school bus services to physical access requirements in the Transport Standards, commencing in 2029 and being fully required by 2044.

The Government supports this recommendation in principle.

The Review found that the current exclusions to the physical access provisions of dedicated school buses limit the current and future provision of services for students with disability. The Government recognises the importance of providing students with disability every opportunity to participate in community life, including being able to travel alongside students without disability on dedicated school bus services. The Government also considers there is merit in examining the potential consequences of this recommendation on existing complaints-based mechanisms of compliance.

The Government proposes that the ATC considers the most appropriate mechanism to progress this recommendation noting that the Review concludes that a full RIS would be required in light of the potential cost impact on school bus operators and providers. As part of the further analysis, there would be merit in examining the number of second-hand accessible buses that may currently be available for purchase by dedicated school bus operators (accessible buses have been in service since 1995) and, if possible, the scope to commence earlier or shorten the phase-in requirements.

Recommendation 15

Air travel modal sub-committee (the Aviation Access Working Group) be tasked to develop guidance on the carriage of mobility aids on aircraft.

The Government supports this recommendation.

The Government acknowledges the lack of guidance material on appropriate conditions for the carriage of mobility aids on aircraft. The introduction of such material would help to provide certainty on the carriage requirements for both mobility aid users and airline staff. To the extent that the guidance material once developed may impose costs and impose benefits, further consultation with the Office of Best Practice Regulation may be required.

The Government also notes that some smaller capacity airlines are unable to transport mobility aids above particular sizes and weights, due to significant safety risks related to the loading or carriage of these items.

The Aviation Access Working Group is currently engaged in discussions aimed at reaching a mutual understanding regarding the needs of passengers who rely on mobility aids and the operational realities of operators.

Other Recommendations – Appendix E

Review proposals for Parts requiring amendment.

The Review contains a number of proposals to make some mostly minor technical amendments to the Transport Standards, some of which are mode specific.

The Government proposes that the ATC evaluates these proposals and considers the most appropriate mechanism to progress this recommendation.

18. Appendix F

2007 Transport Standards Review — Appendix E Technical Amendments

This Appendix is an amended reproduction of Appendix E in the 2007 Review.

The Terms of Reference for the 2007 Review required an assessment of each Part of the Transport Standards. As part of this assessment the 2007 Review produced Appendix E which assessed each Part of the Transport Standards and recommended amendments where required. However, consideration of these proposed amendments was not undertaken in the post 2007 Review implementation process.

Given that Recommendation 2 of this review concerns updating the Transport Standards, it is recommended that the technical amendments proposed in Appendix E of the 2007 Review are given due consideration as part of that process. The recommended amendments are outlined below and are taken directly from the 2007 Review's Appendix E. This is not a comprehensive reproduction as those Parts deemed by the 2007 Review to not require amendment have been removed. Submissions referenced are those provided to the 2007 Review.

Part 2: Access Paths

Stakeholder comments received on this Part

People with vision impairments noted that Part 2.1 requires an access path be 'unhindered' by stairs however, they consider this provision should specify that the access path be 'clearly defined' so that there are no pedestal and head high obstacles in the path (sub. 49, pp. 12-13).

The ARA sought exemptions in relation to access paths, in reference to Parts 2.1, 2.2, 2.4, 2.5, 2.6, and 2.8. The AHRC granted exemptions for a period of three years to the ARA for Parts 2.1 and 2.4. The exemptions for Part 2.6 were separated into those that had been granted a period of two years and those that had been granted a period of three.

Review conclusion

The review supports the amendment from unhindered to clearly defined in the Transport Standards.

Part 4: Passing Areas

Stakeholder comments received on this Part

The ARA sought exemptions in relation to passing areas, in reference to Parts 4.1, 4.2, and 4.3. The AHRC granted an exemption for a period of three years to the ARA for Part 4.2.

Review conclusions

No amendment recommended beyond the consideration of the ARA exemption through the technical review.

Part 5: Resting Points

Stakeholder comments received on this Part

As noted in Chapter 8, there is a technical issue with the specification of when resting points must be provided for airports.

The ARA sought an exemption in relation to resting points, in reference to Part 5.1, which pertains to when resting points must be provided. In particular, the application for the exemption was to ensure greater consistency with other Parts of the Transport Standards, and a greater clarification of obligations. This exemption was granted by the AHRC, for a period of three years.

Review conclusions

Recommendation to amend Part to account for safety at airports.

Part 6: Ramps

Stakeholder comments received on this Part

A number of people with disabilities consider that 1:4 slopes on boarding ramps for assisted access, as allowed in Part 6.4(c), are unsafe and that the maximum steepness should be 1:8, with 1:14 the preferred slope (sub. 88, p. 2).

Max Murray recommended in his submission that Part 6.4 be amended to prescribe that a 1:14 slope be achieved 80 per cent of the time (sub. 78, p. 2). It was also noted in his submission that Part 6.5 was ambiguous and should be reworded. (sub. 78, p. 3)

The ARA sought exemptions in relation to ramps, in reference to Parts 6.1, 6.2, and 6.3. The AHRC did not grant the ARA any exemptions in relation to this Part.

Review conclusions

Further technical assessment is required on the safety of 1:4 ramps given the weight of mobility aids and OHS considerations.

Part 8: Boarding

Stakeholder comments received on this Part

As noted in Chapter 8, there is a technical issue with the specification of the width of a boarding device for aircraft (Part 8.5).

The Disability Discrimination Legal Centre recommended that Part 8.2 be amended to require operators to take measures to address the barrier to access posed by boarding gaps by:

- (a) Deleting the reference to “accessible” entrance in Standard 8.2 and
- (b) Requiring that within six months of the relevant amendment, where there is a horizontal gap or vertical rise in excess of those specified in Standard 8.2, all conveyances must provide a boarding device at a minimum of one entrance per conveyance.
(Sub. 25, p. 8)

The ARA sought exemptions in relation to boarding, in reference to Parts 8.1, 8.2, 8.5, 8.6, 8.7 and 8.8. The AHRC granted exemptions for a period of three years to the ARA for Parts 8.5, 8.7 and 8.8.

Review conclusions

The review recommends that the requirements for the width of boarding devices for aircraft be reviewed, with a view to including an allowance for aircraft dimensions in the Transport Standards.

Part 9: Allocated space

Stakeholder comments received on this Part

As noted in Chapter 8, there is a technical issue with the specification of the wheelchair space (Part 9.1).

The Disability Discrimination Legal Centre proposes in their submission that Part 9.1 should be amended to required operators to carry the wheelchair or similar mobility aid of any passenger which fits within the minimum allocated space set down under this Part.

In addition, several consumers noted that the minimum headroom target specified in Part 9.3 for 2013, should be brought forward.

The ARA sought exemptions to Parts 9.1, 9.6, 9.7 and 9.10. The AHRC granted exemptions for a period of three years to the ARA for Parts 9.1 and 9.10.

Review conclusions

The review recommends that the Transport Standards be amended to require a three dimensional allocated space in accessible taxis.

Part 14: Stairs

Stakeholder comments received on this Part

A number of people with vision impairments noted that there are conflicting requirements for stair nosing in the two Australian Standards referenced in Part 14 of the Transport Standards. In addition, one consumer notes in line with drafts of new Australian Standards, stair nosing should not extend over and down the riser and recommends that Part 14 be amended to reflect this (sub.78, p. 4).

The ARA sought exemptions to Parts 14.1 and 14.3. The AHRC granted exemptions for a period of three years to the ARA for both these Parts.

Review conclusions

The review recommends that the requirements of stair nosing being revised to remove inconsistencies between Australian Standards and the Transport Standards.

Part 17: Signs

Stakeholder comments received on this Part

An airline operator raised in their submission that Part 17.1 is cost-prohibitive and impractical for air conveyances as all signage within an aircraft must comply with airworthiness standards. To comply, an airline would have to get an extensive and costly Electrical Load Analysis for each individual aircraft (sub. 65, p. 4 — Confidential).

People with vision impairments consider that Part 17.6 should require tactile signage in a number of scenarios including toilet doors and bus stops, rather than just prescribing the location *if* provided (sub. 49, p. 8; sub. 12, p. 6).

As noted in Chapter 10, people with vision impairments consider that Part 17.7 should require a consistent profile for raised lettering on taxis. Further, Blind Citizens Australia (sub. 12, p. 6) consider that taxi registration numbers should be placed on the inside of taxis as well as on the exterior door.

The ARA sought exemptions to Parts 17.4, 17.5 and 17.6. The AHRC granted exemptions for a period of three years to the ARA for Parts 17.5 and 17.6.

Review conclusions

The review recommends that the Transport Standards be amended to require raised taxi numbers on the inside as well as exterior door of accessible taxis.

Part 18: Tactile ground surface indicators

Stakeholder comments received on this Part

As noted in Chapter 10, several stakeholders raised issues with the use of outdated Australian Standards in relation to TGSIs. However, one consumer with a mobility impairment considers that the 2002 Australian Standards for TGSIs should be adopted with the exception of the use of TGSIs on any sloping path for the safety of people using mobility aids (sub. 78, p. 5).

The Royal Society for the Blind and Blind Citizens Australia both raised concerns in their submissions with regards to Part 18. The Royal Society for the Blind (sub. 5, p. 1) recommended that Parts 18.1 and 18.2 be expanded to include conveyances with internal stairwells, such as double story buses. Blind Citizens Australia's also recommend that the use of TGSIs in conveyances be considered. Additionally, Blind Citizens Australia consider

the term 'change of direction' is ambiguous, Part 18.1 should be made less ambiguous by clarifying which type of TGSIs should be used and when and

the term 'colour contrast' in Part 18.3 does not adequately regulate their appearance with respect to luminance contrast levels and

any area covered by TGSIs constitutes an access path for people with vision impairments and should be subject to the same provisions as applied to access paths in Part 2. (sub. 12, p. 5)

The ARA sought exemptions to Parts 18.1, 18.2 and 18.4. The AHRC granted exemptions for a period of three years to the ARA for Parts 18.1 and 18.2.

Review conclusions

The review recommends that the Transport Standards be amended to include luminance contrast requirements rather than colour-contrast requirements.

Part 19: Alarms

Stakeholder comments received on this Part

Blind Citizens Australia (sub. 12, p. 8) consider that Part 19.1 (2) should be more specific in stipulating the provision of tactile maps and audio signals to identify exits and well developed evacuation plans.

An airline operator noted that emergency warning systems were prescribed in aircraft certification and were under the control of the certifying Airworthiness Authority and CASA. (sub. 65, p. 4 — Confidential).

The ARA sought an exemption to Part 19.1. The AHRC did not grant the ARA an exemption in relation to this Part.

Review conclusions

The review recommends that the Transport Standards be amended to require tactile maps and audio signals to identify exits.

Part 20: Lighting

Stakeholder comments received on this Part

As noted in Chapter 8, there is a technical issue with the specification of illumination levels for train and tram infrastructure (Part 20.1). The ARA's application to be exempt from Part 20.1 was granted for a period of three years.

An airline operator noted that illumination within an aircraft is prescribed in aircraft certification. (sub. 65, p. 4 — Confidential).

Review conclusions

The review recommends that the Transport Standards be amended to be consistent with the new standards for lighting at train and tram stations developed by the ARA.

Part 30: Belongings

Stakeholder comments received on this Part

As noted in Chapter 8, airline operators considered Part 30.1 (1) to be too broad as it does not specify a maximum weight and size for disability aids, or a limit on the number of disability aids.

The ARA sought an exemption to Part 30.1. The AHRC did not grant the ARA an exemption in relation to this Part.

Review conclusions

The review recommends that the Transport Standards be amended to include maximum weight limits for mobility aids on aircraft, and a limit on the number of mobility aids that can be carried on aircraft.



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