

Monday, May 27, 2013

Disabilities Transport Access Secretariat  
Transport Access Section  
Road Safety and Transport Access Branch  
Department of Infrastructure and Transport  
GPO Box 594  
CANBERRA ACT 2601

Dear Disability Access Transport Secretariat,

### **YDAS Submission to the Disability Standards for Accessible Public Transport (Transport Standards) 2012 Review**

YDAS would like to thank the Department for the opportunity to provide feedback on the second review of the Disability Standards for Accessible Public Transport.

The accessibility of public transport remains an issue of critical importance to ensuring a good quality of life for young people with disabilities in Victoria and across the country. The degree to which the public transport system is accessible, in turn affects many areas of life for young people with disabilities. This includes, for example, options for employment and opportunities to socialize and experience connection within their communities, as well as choices about where to live. The lack of a universally accessible public transport system, for example, critically limits and discounts many living options that would otherwise be available to them. For many people with disabilities, the public transport system remains their primary or only means of transportation, yet the current lack effective access forces many to pay significant additional costs in order to achieve similar levels of mobility available to those who can access the system currently. Making public transport accessible for people with disabilities is also mandated by Australia need to comply with its obligations under Convention on the Rights of Persons with Disabilities (2006).

#### **Who is YDAS?**

YDAS works alongside young people with disabilities between the ages of 12 and 25 to raise awareness of their rights and to support them to achieve what they want.

We provide one-on-one support through our individual advocacy service and also work on broader social issues affecting young people with disabilities through our systemic advocacy. This broader work is directed by the YDAS steering committee whose membership is made up exclusively of young people with a range of disabilities from across Victoria.

YDAS is a service of the Youth Affairs Council of Victoria (YACVic). We are funded by the Department of Human Services.

### **What young people with disabilities need and expect from their public transport system**

Young people with disabilities want to be able to access the public transport system to the same extent that is possible for their able-bodied peers. Members of the YDAS Steering Committee add:

"I want to be able to use the public transport system in the way that other young people without disabilities can. I want to know what the Government is doing to make this happen – they should have to report back to us, regularly, clearly, with what progress is actually being made." Jarrod, YDAS Steering Committee Member

"Increased access to public transport, the buses, for example, means I can be so much more independent. Where there is access, I can get around on my own, where there's not, I can't." Ariane, YDAS Steering Committee Member

"Why do young people with disabilities continue to have such disadvantaged access to Victoria's public transport system? As an able-bodied person, I can take getting on the next train, tram or bus for granted. Yes, there have been improvements, but a fully accessible system, how long will that take? Until we have one, there will continue to be such inequity – how is this 'ok'?" Katerina, YDAS Steering Committee Member

People with disabilities need access to public transport, where access is less than effective and safe, people are using the system anyway, resulting in serious safety concerns:

"Where there is a gap between the train platform and the low floor tram, I have asked members of the public to help me get on. On one occasion, the arm rest of my chair slipped out when the chair was lifted, as result, I came very close to breaking my arm." Jess, YDAS Steering Committee Member.

### **Response to Section C – Disability Sector and Public views**

YDAS supports the Recommendations made in the 2007 review of the DSAPT undertaken by the Allan Consulting Group. In particular, we would like to highlight the need for:

- **A comparable reporting framework for reporting on achievement of transport accessibility upgrades across the Australia's states and Territories as well as a requirement within the Standards for annual reporting by each State and Territory government. (Recommendation 1).**

In the context of this recommendation, YDAS would like to emphasize that people with disabilities, disability advocacy groups and the Australian Human Rights Commission must have input into the development and ongoing review of this framework. The reporting needs to be within agreed time periods and be developed to encapsulate all relevant information. For example, it should include reporting on instances where equivalent access has been provided, complaints reporting, as well as any other initiatives undertaken by providers to remove discrimination.

- **The Australian Human Rights Commission be tasked to provide greater support for representative complaints on behalf of people with disability, reducing the legal cost burden on individuals (Recommendation 8).**

Young people with disabilities were clear about needing more assistance and the support to make effective complaints, a greater understanding generally of how the system worked and greater transparency and accountability within it. See further discussion of this below.

- **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. (Recommendation 6).**
- **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) (Recommendation 13)**
- **Phased application of dedicated school bus services to physical access requirements in the Transport Standards, commencing in 2029 and being fully required by 2044 (Recommendation 14).**
- YDAS supports this recommendation; however, full compliance needs to be achieved before 2044.

Responses to the questions outlined in the Governments issues paper are provided below:

The information contained in responses to question 1 (for people with disabilities, representative organizations, etc) of the issues paper, essentially capture a, some accessibility upgrades and b the positive impact of these on the lives of people with disabilities. Both of these aspects should be routinely documented a part of the standardized reporting by providers and Government to the public. The positive impact

of transport upgrades should also be communicated to providers, for example, as a component in disability awareness training.

**1. Has your accessibility to public transport improved since the commencement of the first Transport Standards review in 2007?**

Young people who work with YDAS gave some examples of how their access to public transport had improved since 2007.

**1a. Changes in accessibility to conveyances (trains, buses and coaches, trams, ferries, wheelchair accessible taxi's and aircraft) included anecdotal evidence of improvements to wait times for WAT's.** Catching a WAT at peak times and Friday and Saturday nights remained difficult, however. Young people noted that being able to receive an SMS to notify them that the taxi was close by and very useful, particularly in ensuring that they were not forced to wait outside for extended periods, which was at times both a health and safety concerns.

**c. Changes to accessibility immediately boarding a conveyance (Any structure or facility that is used in conjunction with travelling on a public transport) included:**

Improvements noted to the accessibility of trains included the capacity for independent boarding at some of the Flinders St Station platforms with the newly installed flexible ramp extension, designed to fill the gap between the station and the train platform. Passengers in wheelchairs appreciated the capacity for independent boarding and the fact that this could, at least at the 'city end' of a journey, now occur more quickly and easily. Young people also commented that this helped combat the 'social stigma' they sometimes felt as other passengers watched the driver get the ramp out for first-carriage assisted boarding. However, while this system was reported to be safe and effective on some platforms (i.e., where the ramp extension provided full coverage between the platform and the lead carriage of all of the trains), wheelchair and scooter users also raised serious safety concerns when the platform addition did not meet the edge of some trains – leaving a dangerous gap well wide enough for the front wheels of a manual wheelchair to slip between. This remaining gap would also present a similar safety concern with prams. Due to the danger this presents, people with disabilities report that train drivers continue with assisted boarding onto some trains. This provides an example where accessibility upgrades do not provide the aimed for safe and independent access.

**RECOMMENDATION:** There is an ongoing reporting mechanism, within a clear and accessible format (and other than via the complaints system) for members of the commuting public to report access issues and other concerns with relation public transport. These issues should be responded to in annual reporting by

**Governments.** This information could be used as the basis for further research and for discussions regarding best practice.

**RECOMMENDATION:** That regular research is undertaken to investigate both ongoing and emerging issues (including related to accessibility upgrades) and best practice provision of accessible public transport both here and overseas. This should also include an investigation of issues for providers associated with the implementation of the Standards.

**RECOMMENDATION:** That there is greater opportunity for public transport users with disabilities to report on/communicate about the issues they are experiencing with public transport i.e., outside of limited public consultation periods/reviews etc. to relevant bodies such as the Accessible Passenger Transport National Advisory Committee Likewise, capacity for people with disabilities to report to state-based groups (such as PTAC) should be strengthened.

Young people with disabilities gave some examples of both on-going and emerging issues with relation to public transport accessibility, the type of concerns which could be identified within on-going research or within a direct reporting framework such as described above:

Young people cited that at times, disembarking from trains remained an issue. Passengers report not infrequent instances where a driver forgets where a passenger has asked to get off the train. A standardized system to remind drivers where a passenger has requested to disembark does not seem to exist and passengers report drivers often saying that they might need to “knock on the (driver-carriage) door” if it appears, when they get to their station stop that the need to assist them off the train with the boarding ramp has been forgotten. This presents a problem particularly in circumstances where the train is crowded (and the driver door is not easily reached, as well as where passengers may not have the physical capacity to move towards the door and verbal capacity to ask for assistance from other passengers). An emerging issue seems to be locating passengers inside the all weather shelters at the end of the platforms. These otherwise very helpful upgrades appear to sometimes result in the people with disabilities missing trains as they either remain out of the driver’s line of sight or are not looked for.

**RECOMMENDATION:** The onus for remembering where a passenger has asked to disembark should remain with the train driver. A clear system needs to be established and implemented enabling the driver to document where a passenger needs to disembark.

Young people with disabilities reported that while transport staff were generally friendly and helpful, there was a need for additional disability awareness training for example,

regarding appropriate language when referring to passengers with mobility aides etc. I.e., passengers using wheelchairs reported they were most often referred to as a “wheelchair”. Those with mobility difficulties, who were not wheelchair users, also reported difficulty getting assistance. (In the latter case, drivers need to be aware that it may not only be those who are in wheelchairs who need assistance to board). It is not clear whether disability awareness training is provided to the transport sector across different states and exactly what this may entail.

**RECOMMENDATION:** That there is regular, comprehensive, disability awareness training for providers across all states, developed in consultation with people with disabilities and disability advocacy organizations and transport providers. This should be delivered predominantly by people with disabilities who are regular users of public transport. That the positive impact of accessibility upgrades on the lives and mobility of people with disabilities is communicated to attendees as a standard component of such training.

**d. Greatest areas of need with regard to accessibility of public transport for people with a disability:**

Below are some of the issues in relation to the Standards which YDAS believes need addressing:

**Ensuring that accessibility upgrades are successful in providing safe, efficient and universal access for all commuters with disabilities and additional access needs. Identifying specific instances of non-compliance and clearly establishing reasons for these and ways forward to achieve accessibility.**

**Creating greater accountability of Government and providers to the public with respect to achieving transport accessibility, and enhancing the enforceability of the Standards**

The main mechanism for compliance with the Transport Standards remains complaints by people with disabilities. This places unfair burden on individuals in progressing compliance. There needs to be:

- Additional support for those undertaking complaints processes,
- Greater support for advocacy organizations to put forward complaints on behalf of groups of people and;
- Enforcement measures undertaken by Government to ensure compliance.
- Greater transparency with respect to progress towards the achievement of compliance with the Standards and accessibility improvements. Including the achievement (or otherwise) of existing milestones and implementation (or otherwise) of recommendations within previous reviews.

**RECOMMENDATION:** The Commonwealth Government provide additional funding for advocacy organizations (such as Disability Discrimination Legal Service, Victoria) to undertake public interest cases on behalf of people with disabilities.

**RECOMMENDATION:** That the Commonwealth Government use regulatory powers to penalize public transport operators when they fail to comply with the Standards.

**Greater access to and understanding of the Standards and rights, in relation to accessing public transport.**

It is apparent that young people with disabilities and disability community, in general, do not know about the Standards and therefore cannot use them to hold Government and transport operators accountable.

In addition to understanding the actual contents of this legislation, people with disabilities, the disability sector and advocacy organizations should have a clear understanding of the relevance and utility of the Standards, including clear information about:

- The rights of people with disabilities in relation to public transport access.
  - How the Standards can be enforced.
  - What people with disabilities (or representatives) can do if they feel their right to access public transport has been breached.
  - The process of a complaint, how this might be undertaken, likely outcomes, risks and benefits, what support might be available and how they can access this.

**RECOMMENDATION:** The Standards and associated documents/guidelines be made accessible to people with disabilities. This needs to include a plain language version and a range of accessible formats. These documents should be widely available and publicized. For example, this information could be included on the relevant sections of websites for the Attorney General and the Department of Infrastructure and Transport and the Australian Human Rights Commission and promoted to all state advocacy organizations.

**2. Areas of the Transport Standards where YDAS/young people with disabilities consider that a more specific requirement for compliance would improve accessibility:**

YDAS has not provided a response to this question.

**3. To what extent the requirements in the Transport Standards address all of the accessibility requirements for people with a disability and gaps in the coverage of requirements:**

The exemption of school bus services from compliance with the Transport Standards continues to impact negatively on the educational opportunities of children and young people with disabilities. Including their ability to access and undertake education, be part of ordinary school life and to integrate socially with peers.

**RECOMMENDATION: School bus services, as well as community transport with more than 12 seats, should not be exempt from compliance with the Transport Standards.**

**4. Do you find that the current processes with regard to making a complaint or seeking information are sufficient or sufficiently responsive?**

A young person on the YDAS Steering Committee who had made complaint (taken to conciliation) about Victorian transport operator Metro trains described the process as confusing and disempowering. This person felt he was at a significant disadvantage in this process (as do other people with disabilities) because of lack of knowledge of the transport standards, lack of legal assistance and the prohibitive nature of the potential costs involved in this process.

“In 2012 I made a complaint against Metro trains after a train driver wouldn’t let me board (including by second carriage doors) as the front doors were defected. After three weeks I got a disappointing response from Metro. I then submitted a complaint on the grounds of disability discrimination and went to conciliation.

That process was intimidating - Metro brought lawyers along of course, who threw evidence under my nose that I felt I had no time to check into what my rights were or have a genuine reply. After that, I had two options. 1. Take Metro to court and sue them and risking a huge legal fee that I could never pay or end my complaint there, leaving metro trains unaccountable”.

**RECOMMENDATION: There should be information available, including online (where it is most likely to be accessed by young people with disabilities) with respect to complaints mechanisms, as well as other key information and concepts relating to the Standards (e.g., the meaning of unjustifiable hardship and examples of where it may or may not apply in relation public transport accessibility) This information could usefully be presented in a question and answer type format. E.g., what is involved in making a complaint? Who can help someone in making a complaint? Etc.**