

14 July 2014

Disabilities Transport Access Secretariat
Road Safety and Transport Access Branch
Department of Infrastructure and Regional Development
GPO Box 594,
Canberra ACT 2601



Australian Institute of Architects

Dear Secretariat,

Re: 2012 Review of Disability Standards for Accessible Public Transport Draft Report

The Australian Institute of Architects (the Institute) welcomes the opportunity to comment on the Review of Disability Standards for Accessible Public Transport 2002 Draft Report released on 9 May 2014.

The Institute is an independent, national member organisation with over 11,000 members across Australia and overseas. The Institute exists to; advance the interests of members, their professional standards and contemporary practice; and expand and advocate the value of architects and architecture to the sustainable growth of our community, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

The Institute has a Universal Access Policy which includes the following statement:

The Australian Institute of Architects believes that ensuring a high level of accessibility within the built environment for people of all abilities must be a matter of priority for governments and the community as whole.

The Institute also has a nationally-convened Access Working Group to advise and inform its Practice Committee in relation to this policy.

The Institute supports the Disability Standards for the built environment under the Disability Discrimination Act, and considers these Standards as useful default criteria in its interpretation.

Review of Disability Standards for Accessible Public Transport

The Institute notes that the terms of reference define the scope of the review of the Disability Standards for Accessible Public Transport as follows:

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 Institute is disappointed that the draft report doesn't seem to meet the second point of the terms of reference. Instead the Draft Report recommends that a process be *commenced* to 'update and modernise' the Transport Standards by 30 June 2016. This does not advance the Disability Standards as anticipated and instead the review process as it currently proceeds, merely serves to delay the update of the standards.

The Institute suggests a more robust process for future reviews of the Disability Standards, and recommends the establishment of a long term (standing) committee whose function would include advising on a set of properly constructed amendments which could be put forward every five years, and which could be properly considered during the public consultation review process.

In relation to the recommendations within the Draft Report, the Institute supports the recommendations subject to the following comments in relation to Recommendation Two. Recommendation Two - "Modernise the Transport Standards" is of particular importance to the Institute. Architects have a real and practical interest in effective, consistent and realistic regulation of our built environment where it applies to accessibility and they are a significant stakeholder in the provision of safe and effective infrastructure and buildings delivering public transport service.

The recommendation on p.124 (s.10.2) of the Draft Report recommends membership of the amendment review sub-committee. We note that it does not include any representatives of the design professions which we think is an oversight which needs to be corrected. The Institute is available to suggest suitably qualified architects who could contribute to the sub-committee.

Currently the Transport Standards define three types of 'premises'; conveyances, infrastructure and premises, and specify technical requirements for each. The term 'premises' is used in two different senses; one, broadly, in the same sense as that anticipated by s.23 of the Disability Discrimination Act, and two, more precisely, to distinguish buildings from other 'premises'. The Disability (Access to Premises – Buildings) Standards 2010 makes the distinction and the title illustrates the dilemma. Because 'premises' is defined in the widest possible sense in s.4 of the Disability Discrimination Act, we consider that the term should be used consistently in all disability standards. The Institute suggests that consideration be given to describing the three types as *conveyances*, *infrastructure* and *buildings* when describing the separate components within the Transport Standards.

In the 2007 Review of Disability Standards for Accessible Public Transport, it was recommended that (Recommendation 3) "A technical group be convened, with Standards Australia, to develop technical standards specifically suited to public transport conveyances and infrastructure...." The development of the technical standards envisioned by the recommendation has not been completed. The recommendation recognised that the use of Australian Standards intended to establish criteria for access to *buildings* may not be appropriate to describe those qualities needed for *conveyances*. The Institute recommends that there is still a need to establish technical standards for accessibility for conveyances. The challenge is to understand that seamless movement at the interface between conveyances and other components - infrastructure and buildings - is vital.

Recommendation Two 'Modernising the Transport Standards' undertaken in isolation will do little to change the criteria for buildings providing public transport services, as most are subject to the Disability (Access to Premises – Buildings) Standards 2010. Any amendment to the Transport Standards should be accompanied by amendment the Premises Standards. Although it may be argued that the Review should restrict itself to its defined scope, there is a precedent for parallel amendment. The Disability Standards for Accessible Public Transport Amendment 2010 (No.1) was concurrent with the introduction of the Premises Standards. They are interdependent.

The technical standards upon which the Premises Standards rely use a notional wheelchair to establish criteria for circulation space within buildings. The regular use of larger mobility devices, *e.g.* mobility scooters, within infrastructure and buildings providing public transport services renders some of the technical standards within Part D of the Premises Standards inadequate. The components of Part H should not be discarded simply because they have different criteria than those for other buildings. Specifically, “modernisation” should ensure that there be no resulting diminution in the quality of built environment accessibility than that provided under the current Transport and Premises Standards.

We suggest Recommendation Two of the Draft Report, together with its explanatory text, be amended to reflect these observations.

I would be happy to discuss this submission further if needed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Parken', with a long horizontal flourish extending to the right.

David Parken, LFRAIA
Chief Executive Officer