



## **Local Government Association of SA Comment**

### ***Review of the Disability Standards for Accessible Public Transport***

The LGA welcomes the opportunity to comment on the *Draft report of the Review of the Disability Standards for Accessible Public Transport*.

Previous contributions have been provided to the review through attendance at the public hearing to review the Disability Standards for Accessible Public Transport 2002 in Adelaide 6 August 2007 and a subsequent written submission in support of the information provided at the hearing.

The LGA is the voice of Local Government in South Australia and represents all 68 Councils along with Anangu Pitjantjatjara. Associate members include Nepabunna Aboriginal Community, Gerard Aboriginal Community and the Outback Areas Community Development Trust. The LGA is primarily funded by member subscriptions and provides leadership to Councils and representation outwards to State and Federal governments and other key stakeholders. The LGA is a member of the Australian Local Government Association.

In participating in the Review key issues for the LGA have been:

- the need for greater clarity regarding the level of compliance required to meet the Standards; and
- the South Australian specific situation of lack of clarity of responsibilities for State Government and Local Government in respect of bus stop transport infrastructure.

Councils have suggested that “standardised” solutions should be implemented for bus stop design across the State and Nation.

While a joint LGA/State Government working party has now been established to facilitate a resolution to the issue of responsibility for bus stop infrastructure this will take some time to resolve. In the interim Councils will still have difficulty in determining if they should be the lead authority for implementing the standards.

#### **Recommendation 1:**

***APTJC to establish a technical experts group to review technical amendments proposed by the Review and consider certain issues related to current exemptions and safety requirements.***

#### **Comment:**

Development of standardised solutions on a mode basis is supported. Local Government discussions at a national level indicates that the standards would be best housed within Standards Australia rather than as separate standards attached to the *Disability Discrimination Act*.

Councils are still unclear on the standards as they apply to bus stop infrastructure eg Page 67 of the current Disability Standards for Accessible Public Transport standards list 16 items to be complied with which makes it very difficult to determine if a bus stop does or does not comply. Councils are also unsure whether a bus shelter is required to have 2 wheelchair spaces as implied in Part 7.2 of the Disability Standard within the shelter or just 2 spaces allocated at the bus stop.

Councils are finding during works to date, that to construct bus stop pads to the current standard supplied by Department Transport Energy and Infrastructure SA (DTEI) is impracticable in majority of locations due to existing driveway locations, trees, stobie poles, available footpath width, public utility boxes, crossfalls, gradients etc.

Councils remain concerned that many of the stops that have been upgraded may still not comply.

**Recommendation 2:**

***Remove exclusions for dedicated school buses, and include school bus services in the Transport Standards on a delayed compliance timeline.***

Comment:

It is suggested that any delayed compliance timeline include emphasis placed upon compliance where a demonstrated need exists.

**Recommendation 3:**

***Amend the exclusion for community bus services to include in the Transport Standards those community services whose purpose is to service people with disability or older people.***

Comment:

Community buses tend to service the disabled and disadvantaged. Community bus services also generally utilise volunteer drivers to enable cost effective service delivery. The issue for Councils will be to provide the balance between need for service and cost delivery of the service. Some Councils also participate in community transport services which involve use of Council cars to allow volunteer drivers to transport disadvantaged and aged people to medical appointments or quality of life events. Requirement to meet the standards in "mainstream" Council fleets will most likely be cost prohibitive and subsequently result in Councils withdrawing from participation.

It is suggested an option for delayed compliance timeline (as indicated in 2 above) could be given consideration in this regard.

**Recommendation 4:**

***APTJC to appoint modal sub-committees to develop (in consultation with APTNAC) Guidelines under the Transport Standards by mode of public transport.***

Comment:

As a general principle Local Government considers that the development of standards or guidelines should involve all providers (State, Local Government and private sector) and users.

**Recommendation 5:**

***APTJC sub-committee to develop a national approach to labelling mobility aids that are fit for use on public transport and establish a clearinghouse of best-practice examples of accessible public transport.***

Comment:

Standards Australia should also be utilised in this regard.

**Recommendation 6:**

***HREOC to be provided with powers to refer cases of breaches of the Transport Standards directly to the Federal Court.***

Comment:

Recourse to the Federal Court may be required but it should be a last resort. The inherent lack of clarity about what currently constitutes compliance should not be resolved by the court system but by re-drafting of the Standards and where necessary the DDA. The first and main effort should be to achieve one of the original intentions of the DSAPT, namely to limit uncertainty about what compliance with the DDA means with respect to public transport.

It is suggested the DSAPT, and if required the DDA, should be amended to provide for “Whole of Journey Compliance Agreements” within the various jurisdictions to provide a means of specifying the actions, responsibilities, timelines, resourcing and other matters necessary for providing accessible public transport..

These plans could be:

- negotiated by State and Local Government, bus and rail service providers in consultation with people with disabilities;
- evaluated by HREOC to assess compliance with the DSAPT and DDA; and
- lodged with HREOC when approved.

Key elements within these agreements might include:

- specification of what is required e.g. for a “bus stop” to comply;
- resourcing for consultation with people with disabilities who will significantly benefit from the application of the Standards (especially wheelchair users and people with vision disability);
- priority setting of implementation;
- responsibility, timelines and funding;
- measurement of compliance;
- periodic reporting of the progress of implementation;
- dealing with non-compliance in a non-adversarial manner at least in the first instance; and
- dealing with complaints

Such a system has costs and benefits.

Chief benefits:

- delivery of certainty to all stakeholders about what public transport accessibility means and how this will be measured and reported;

- avoidance of duplication of effort across Local Government incurred by separate DSAPT implementation processes for each local government area;
- avoidance of expenditure on access provision which is later found to be non-compliant ; and
- avoidance of the various costs of Federal Court litigation.

Costs:

- Commonwealth Government resourcing of HREOC in an assessing and approval role of “Whole of Journey Compliance Agreements”;
- potentially an increased cost for those State governments which currently do not assist provision of compliant bus pads and shelters; and
- cost for the lead authority in each jurisdiction to negotiate compliance agreements.

The multi-organisation form of action plan could be a useful strategy for implementing the DDA in other areas. E.g. when a Council is attempting to create a “continuous accessible path of travel”, barriers may include Department of Transport infrastructure, utility pit covers for gas, telecommunications and electricity. Such a joint action plan could be both the vehicle to assign actions and responsibility and also deliver certainty to the various parties about what the DDA requires in this situation.

**Recommendation 7:**

***APTJC to develop a mandatory reporting framework for Commonwealth, State and Territory governments and implement the framework by end-2008.***

Comment:

It is unclear what should be reported on. Any reporting should be based on current administrative mechanisms and should not require additional data collection. All spheres of Government, which includes Local Government, should be consulted on any proposed reporting frameworks to ensure consistency with current administrative arrangements.

**Recommendation 8:**

***ABS to include a question on public transport patronage in surveys of people with disability.***

Comment:

No comment

**Recommendation 9:**

***APTAC and APTJC to agree a new consultative framework with additional responsibilities for both committees.***

Comment:

The consulting framework, including draft terms of reference should be identified.