

NEW SOUTH WALES COMMENTS ON DRAFT REPORT OF THE REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT

1. The January 2008 draft report of the Review of the Disability Standards for Accessible Public Transport (“draft report”) invited comments from stakeholders on the content of the draft report by 31 March 2008.

Comment on Recommendations

Recommendation 1 – APTJC Technical Group

2. NSW has no objection to this proposal at this stage. However, it would be useful if additional information could be provided on how frequently the group will be required to meet and how it will be resourced. It would also be useful if the final report could elaborate on the copyright implications of using the text of the Australian Standards and investigate what this would actually cost.

Recommendation 2 – Dedicated School Buses

3. NSW reiterates that dedicated school buses are mostly operated by small business people who use second-hand vehicles which would often be prohibitively expensive to retrofit. There are also infrastructure issues where the pathway to and from a bus-stop may be inaccessible and where there may be difficulties in operating low floor buses. In addition, there are many areas where currently there is no requirement for school transport for children with disabilities.
4. The draft report recommends the full compliance of dedicated school buses with the Transport Standards even in areas where there is currently no requirement for school transport for children with disabilities. NSW recommends that the final report investigate methods of targeting resources in areas of specific need in light of the considerable resources involved.
5. The draft report is also too simplistic in its assessment of the 9200 children with a disability who access the NSW School Student Special Transport Scheme (SSSTS) and the cost saving of transferring these children to mainstream services. Some children have severe disabilities that prevent them from travelling independently, irrespective of whether the bus is accessible. Other children have intellectual or behavioural disabilities that would prevent them travelling unsupervised with other children. It is likely therefore that a special transport scheme would still be necessary even if all dedicated school buses were accessible.
6. In summary, NSW would wish to see the final report address the following issues in greater detail to assist its deliberations on the merits of the recommendation:
 - Financial and economic impacts to small operators in the bus industry

- Costs of adequate infrastructure provision in rural areas
- The impact on the supply and demand of WATs
- The actual impact on SSSTS given that not all children will be able to use the modified bus services
- Targeting resources to areas of specific need
- Commonwealth funding

Recommendation 3 – Community Transport

7. The National Program Guidelines for Home and Community Care (HACC) released in 2007 indicate that, to achieve equitable access, service providers should consider that all HACC facilities (such as transport vehicles owned by HACC services with a capacity of greater than eight people) should be accessible to people with physical or sensory disabilities.
8. It is proposed that compliance with the Transport Standards should be limited to a requirement that all community transport vehicles seating over eight passengers purchased on or after the gazettal of any revised Transport Standards be modified to be wheelchair accessible. It is not appropriate to require accessibility modifications for vehicles smaller than 8 seats because many of these vehicles are in the private ownership of volunteers assisting the HACC program.
9. As no analysis or discussion on the impact of any change to the regulations has been undertaken, to minimise the cost on community transport providers, it is proposed that existing unmodified vehicles in the community transport fleet be exempt and that over time, as these are replaced with new vehicles, the move to full compliance will occur.

Recommendation 4 – Guidelines

10. The draft report identifies the need for Guidelines to provide greater certainty for transport operators in how they discharge their responsibilities under the Transport Standards. NSW supports the view that such Guidelines would be useful.
11. However, the draft report recommends that APTJC subcommittees prepare these Guidelines. NSW would draw the authors' attention to work currently being undertaken by the Australasian Railways Association (ARA) on preparing Guidelines in full consultation with the Human Rights and Equal Opportunities Commission (HREOC) and peak disability groups.
12. NSW considers an approach that actively involves operators, HREOC and disability peak groups in the preparation of Guidelines to be preferable to Guidelines prepared by APTJC and the final report should consider this approach in greater detail.

Recommendation 5 – Mobility Aids

13. The draft report contains insufficient consideration of issues concerning the ability of public transport vehicles to carry various kinds of mobility devices safely. In particular, the draft report concentrates on labelling mobility devices as a solution without sufficiently considering the means by which a labelling regime would be implemented or the current methods available for various types of mobility aid to be safely carried.
14. NSW considers that the NSW State Transit ‘tether’ device should have been considered in greater detail in addition to work undertaken in the UK on these issues and the existence of wheelchair clamping devices in the US.

Recommendation 6 – HREOC power

15. NSW is of the view that there is insufficient need or support for this recommendation. The provision of such powers would not be consistent with the legislation as ratified and HREOC does not appear to be sufficiently resourced to undertake such action.

Recommendation 7 – Reporting

16. NSW supports the need for further consistency in reporting by jurisdictions and industry. However, a previous mandatory reporting initiative proposed by the APTJC was not supported by Ministers at the Australian Transport Council (ATC). Any subsequent proposal should recognise this and ensure that reporting, while consistent, does not place unrealistic resource burdens on jurisdictions and transport operators.

Recommendation 8 – ABS statistics

17. NSW supports this recommendation.

Recommendation 9 – APTJC/APTNAC Consultative Frameworks

18. NSW has no objection to this proposal at this stage. However, it would be useful if the final report contained more detail on how APTJC should consult with HREOC and peak disability representatives of APTNAC.

Omissions

19. The draft report is largely successful in collating and analysing the information provided to the review. However, there are issues which the draft report has analysed thoroughly yet failed to propose a solution or a related recommendation. The issues outlined below, in particular, warrant a proposed solution or a recommendation for further action.

Infrastructure

20. The draft report comments substantially on the lack of infrastructure for accessible bus services and the difficulties being experienced by local government in funding and providing such infrastructure (particularly in rural and regional areas). However, no recommendation addresses this critical issue. The final report should include a recommendation on the provision of accessible infrastructure by local government given its importance to ensuring overall compliance with the Transport Standards.
21. The final report should also make recommendations on the funding of accessible infrastructure on a national basis, particularly where local government is finding it difficult to allocate sufficient funding. There should also be a reference to the benefits that would result from the Commonwealth taking a leadership role in addressing this issue.

Wheelchair Accessible Taxi (WAT) response times

22. The draft report acknowledges that, based upon available evidence, the compliance target for WAT response times would not be achieved. Although the draft report has provided recommendations on other issues which could improve the provision of accessible transport, it has not done so in respect of WAT response times.
23. NSW considers that, given the significant initiatives undertaken in this jurisdiction - as outlined in the NSW formal submission to the review - the target may well have been overly optimistic and that the final report should consider a recommendation for further investigation of the compliance timeframe for WAT response times.

Other Issues

Cross Referencing

24. In assessing improvements in compliance over time, the draft report does not fully investigate earlier documents such as 'Target 2015' (1994)). There is also insufficient comparison with comparable international jurisdictions, which may have been useful in providing examples of best practice and innovative solutions to problems and issues faced in Australia.

Anecdotal Reporting

25. The draft report contains two statements from organisations which relate to NSW operators that are inaccurate or misleading. Page 79 of the draft report refers to comments made by the Australian Federation of Disability Organisations that "*to their knowledge, Victoria was the only state that has mandatory training for drivers of wheelchair accessible taxis*". This statement is incorrect: NSW has mandatory training for drivers of wheelchair accessible taxis.

26. Page 78 of the draft report refers to the Spinal Cord Injuries Australia submission which *“noted that active restraining straps that were previously provided on buses in New South Wales had been removed by operators due to concerns that they did not comply with safety standards”*. This matter would appear to relate to an isolated incident involving one bus operator in New South Wales. NSW’s largest bus operator, Sydney Buses, continues to install restraints in all new accessible vehicles and the Ministry of Transport encourages all other operators to do the same. The draft report, in its current form, gives the impression that all bus operators in NSW have removed restraints and this should be amended.

NSW
March 2008