

**Response to  
Draft Review of the Disability Standard for Accessible Public  
Transport**

**from  
Department for Planning and Infrastructure  
Western Australia**

31 March 2008

The draft five year Review of the Accessible Public Transport Standards (the Standards) has raised several issues. Many of these are key concerns and have been raised in other forums since the Standards implementation process commenced. Some issues were raised by one or two interested parties; others were raised by a more significant number. While it is important that changes are not driven by a lone voice, it is also important to recognise that any issue raised is worth considering as it may be relevant to a broader community. Also solutions proposed by the respondents should not necessarily be taken as the adopted solution; more it should guide the development of an overall solution.

It is more important to consider that the review process undertaken tends to elicit comment and input from those who have concerns and negative comments. Those who are happy with the document or with parts of the document (or parts of the original Standards, for that matter) tend to refrain from commenting on the parts they are happy with.

Of particular concern to the Department for Planning and Infrastructure (DPI) in Western Australia is the recommendation to remove the exclusions for school buses. No comment was made on this exclusion in DPI's initial submission because it was considered that the exclusion was appropriate.

Currently all 'orange' school buses contracted by the Public Transport Authority (PTA) and funded by the government have wheelchair accessibility to meet the need of entitled students travelling to Education Support centres and schools. These services target a specific need group who are regular travellers. The additional costs to make these buses compliant with the requirements of the Standards are efficiently targeted. At times the PTA will modify 'orange buses where there is a requirement for an eligible student to have wheelchair access. However, this is quite infrequent as demand is not high.

Any changes to the exclusion for private schools, school bus charter operators/community groups would create a myriad of problems for the operators. Most significant is the cost of purchasing new buses or retrofitting older buses. The issue was given substantial consideration in the initial development of the Standards.

The Regulatory Impact Statement (RIS) at the time indicated significant cost implications if school buses were not excluded. To make all school buses accessible, i.e. government (state and local) and private, would impose significant financial burden on Government as all are subsidised. For example, on 'orange' school buses the cost differential for a new bus to be fitted with a wheelchair hoist, full length tracking to allow seats to be removed for additional wheelchairs will add around \$70,000 to \$75,000 to the vehicle. Retrofitting an existing 'orange' school bus will cost \$100,000 to \$120,000 per vehicle depending on size. The retrofitting option is the least desired as it makes it only viable if the bus is up to 5 years old as it would be cheaper to buy a new bus.

Additionally the retro fitting may take away a number of seats that will require additional buses to carry the displaced passengers on regular passenger services.

There are 25,000 students using the dedicated 'orange' school bus network each day. These students would use at least 10,000 different pick up/drop off points a day of which only a handful would meet the definition of a bus stop and meet the Standards. Nearly all rural bus stops are essentially pick up/drop off points near farm properties. Thus, given the nature of school bus routes, where they vary constantly due to transient rural families, if provided, bus stops would be cost prohibitive and inefficient.

Transperth estimate that a minimally compliant stop would cost \$2,500 and a shelter about \$15,000. This does not include those situations where other infrastructure such as power poles may be required to be moved, or associated roadworks required. (Note these are metropolitan prices.) The situation will not have changed enough from the original RIS to warrant an amendment to this exemption. There is provision in the current arrangements to address the individual needs of children and come up with transport solutions to meet those needs.

A related issue raised by the draft Review is, given the DDA and the advent of the Standards, why are coaches and buses that are not compliant being manufactured after at least 5 years since their proclamation. If the industry was encouraged to come into line with the Standards there would be a gradual increase in accessible buses as stock was replaced. In time, this would assist smaller service providers. The Review should recommend that education campaigns be introduced to change the culture. Coordinated national advice to all purchasers and manufacturers is warranted and should be recommended.

A key concern which the Review discusses but does not include as a major recommendation relates to bus stops. It is doubtful that the initial RIS for the Standards comprehended the installation of the level of bus stop design currently required. This is a key issue for service operators and local government, and for the provision of accessible services. The Review needs to propose solutions to the definition of compliance (i.e. how is this measured/assessed on a constant basis), the standard for bus stop design as currently provided in the Standards, possible variations to this standard to achieve the desired outcomes, and the compliance timetable. This issue needs to be reflected as a major recommendation of the Review.

The issue of taxi response times continues to be vexed. The Review notes the issue but does not appear to make recommendations on a definition of what might constitute a 'response time' nor who should be held responsible; or a process to develop such a definition. As in many other areas, it is essential to provide more certainty for the providers and for the consumers. Although still difficult to achieve, in metropolitan WA continuing efforts are being made to achieve the targets included in the Standards.

Many people with disabilities, such as vision or hearing impairment and people using manual wheelchairs, access conventional taxis. An evaluation of the reduction in discrimination should take into account the use of conventional taxis by people who can transfer as well as looking at the response times and accessibility of WAT's.

The Review needs to recognise the circumstances where substantial effort is being made, as in WA, but where the target is still not being achieved. As is the case with Taxis, the Standards may need to be adjusted in a number of areas, now the practical issues associated with the Standards implementation are better understood after a number of years of working toward their achievement.

The forming of a technical expert group (per the Review Recommendation 1) to deal with the issues of technical dispute and clarification is on the surface a good concept. The Review however leaves too many outstanding issues to the technical expert group which in itself is ill defined. There needs to be consumer and operator involvement in this group to ensure that the practicality of solutions and implementations are bedded in reality. One of the underlying principles in the Disability Discrimination Act is the involvement by people with disabilities in achieving appropriate access outcomes. Technical committees without the input of consumers may tend to focus on why something cannot be done rather than how it can be done; i.e. a challenge to find another solution.

In addition to this technical expert group is the need legitimise the role of the Human Rights and Equal Opportunity Commission (HREOC) in disputes, and possibly, to confirm and monitor action plans and verify compliance. By providing HREOC with the powers and ability to resolve disputes before they get to the Federal Court provides a less threatening or daunting scenario for complainants but also would seem to be a less expensive scenario for all parties.

The second part of the first recommendation suggests that current exemptions should be considered as amendments to the Transport Standards when they expire. Apart from systemic exemptions, exemptions sought and agreed by HREOC should not be automatically "rolled over". Providers should have to reapply and there should at least be evidence of a change in focus and commitment after 5 years.

The issue of compliance reporting was raised on several occasions throughout the report. The definition of when compliance is achieved is an important issue and recommendations on compliance definitions and the development of compliance guidelines should be incorporated into the Review's recommendations. However, reporting should not be instigated for reporting sake. Any compliance reporting should be kept to a minimum and be clearly based on specific need or purpose.

In Western Australia the PTA has funded the development of a bus stop audit checklist by local government to ensure consistent standards are applied.

Many other issues were raised throughout the Review. Benefits of their consideration will give better effect to the Standards and lead to improved certainty among providers and the community. While some recommendations have been offered, recommendations are still needed for a number of significant issues raised.

The resolution of the identified issues are not seen as having significant cost implications except for the additional responsibility suggested for HREOC and the proposed technical expert group/s and, possibly, for the Jurisdictional Committee which are not easily estimated at this point and may have offsetting savings to the process. Most of the comments reflect how things might be done better, and proposes examining outstanding issues which are considered problematic.

The following comments relate to many of the issues raised. (Note: The page reference refers to the first mention of the issue in the Review).

### **Issues raised in the Review**

1. (P5) *Lack of certainty about what is required to meet the Standards.*
  - The recommendations of the Review do not cover this issue sufficiently. It is assumed that draft recommendation 4 could go some way to alleviating uncertainty, however it should go further.
  - A definition of compliance and when it occurs would assist in providing certainty so that operators and users know when partial or full compliance is achieved. This is especially relevant when promoting staged compliance. Technical assessment and consultation will be needed to resolve this issue. A process should be included in the Review recommendations.
  - Updated Disability Standards for Accessible Public Transport Guidelines, with additional detail, in a mode specific format would provide more certainty and advice on requirements.
  - Achieving consistency between modes will be difficult. It needs to be recognised that each mode operates differently. Therefore access between modes may disrupt or be a barrier to a continuous path of travel until connecting modes are accessible which will occur over time as a result of the Standards implementation.
  
2. (P8) *Action plans are developed and submitted voluntarily, however they do not by themselves demonstrate compliance with legal or regulatory obligations.*
  - Not all action plans are developed voluntarily. They can be the result of a complaint by a person with a disability under the DDA.
  - An action plan allows for consultation and commitment to compliance by the provider. Currently, given the comprehensive nature of the Standards, action plans are generally seen as a defence against a complaint under the DDA. Such an action plan has achieved substantial access improvement in WA.

There is an opportunity for action plans to be recognised as a tool to enable providers and others to work towards compliance. Recognition of the part action plans play in achieving compliance and access over time needs to be embedded in the Standards; and a recommendation to this effect needs to be provided.

- The Review should consider recommending that HEREOC be able to accept action plans as part of a compliance framework; either as part of an exemption application or as a justification for an adjusted timeframe. Operators would still be responsible for meeting the agreed timelines of their action plans.
- Note: a process to ratify action plans should reflect the situation where a provider is subsequently challenged for not meeting an unforeseen access outcome for an individual. It is important the provider not be seen as breaking discrimination laws, even though they would still have an obligation to work with the individual to try and achieve the desired outcome.
- Note: Action plans should take into account State based requirements. For example, WA requires Disability Action and Inclusion Plans to be developed for Government agencies and we need to be careful that layers of planning and reporting are not constantly built up at both State and Federal level.

3. (P26) *Managing any gap between carriage and platform and or the steepness of any step up or down the ramp.*

- The technical body suggested in recommendation 1 as part of the Review should be able to improve certainty by assessing applications and compliance prior to implementation.
- The need is to better comprehend the technical issues regarding the ability to achieve gap closure or correct gradients.
- The one size fits all scenario does not provide for unique local conditions. For example, jetty ramp grades in Broome or north Queensland with huge tidal variations are going to be different from those in southern areas. A station built on a hillside may not be able to meet the 1:14 gradient standard but would be able to achieve the previous 1:12 standard. The need for negotiating with local consumers is paramount in this situation and should be accepted and enshrined in the Standards when such variations are required.
- A process needs to be suggested or recommended to deal with the issue of unachievable standards due to topological or facility constraints.

4. (P28) *In situations where the trains break down, the needs of people with disability are not always considered.*

- Safety issues and emergency requirements have not been addressed by the Review.

- In situations where trains and accessible buses breakdown or are out of service, replacement service should be accessible wherever possible, noting that this cannot be guaranteed until all buses in the community are accessible. Until such time, best endeavours should be used, unless there is a specific passenger requirement, in which case, special accessible services would be provided.
- As part of duty of care, access issues need to be developed and applied as part of an operating policy for emergencies.
- These processes should not be prescribed and should not be prescriptive as different circumstances require different solutions.
- The Review should propose how these issues should be resolved at a local and national level.

5. (P40) *What is an average response time for WAT's?*

(P49) *Response times for WAT's are higher than for normal taxis.*

(P95) *The significant difference in definition of response time requires a greater prescription. Stakeholders identified that this could be undertaken in two ways:*

- i. *Include a definition of 'response time' in the Transport Standards, or*
- ii. *Prescribe the proportion of accessible taxis that are required within a taxi fleet as a means of increasing response time.*

- Clarification of what is meant by comparable response time is needed. A standard definition needs to be agreed upon to clarify the target, and enable accurate and meaningful recording of compliance.
- Although this vexed issue has instigated a lot of discussion, and more recently has been a part of an application for exemption under the Standards, there is no recommendation in the Review to deal with this issue.
- A more definitive description of requirements is required to remove uncertainty and give a more workable measurement/s. Perhaps response times could reflect more site specific response times; eg urban, regional centres and rural; off peak vs peak; service delivery times against agreed performance standards.
- Consideration should be given to a measure of response time that covers all taxis and jurisdictions equally. Currently some measure jobs not covered, others measure response time by drivers and others response time to the door. A review of responsibilities to deliver these outcomes should be recommended.
- One note of concern is the notion put forward by some stakeholders that WAT's should be a fixed proportion of the conventional taxi fleet in order to achieve the Standards. This may be a solution at an operating level but highlights the issue of parallel services which the Standards are working toward removing; and it may not fix the problem of comparable services levels. Nor does it comprehend the numbers of people who maybe able to transfer to conventional taxis.

- Taxi response times is a key access and Standards issue; and a recommendation is needed and/or possibly a process proposed to resolve it.

6. (P45) *Distribution of Taxi's and WATS in WA*

- The figure given for WAT's licensed in Western Australia needs to be updated. As at March 2008, there are 93 WAT's licensed in WA

7. (P47) *Technical information in the Standards is not specific enough (with interpretation often required) for people to be confident that what they build will be fully compliant and they will not be liable for litigation (sub61, p.1)*

- Recommendation 4 suggests modal subcommittees develop guidelines in conjunction with the Australian Public Transport Jurisdictional Committee (APTJC). These subcommittees need to consist of representatives from service operators across modes, not just policy developers. There is also a need for consultation with user groups to help provide clearer mode specific guidelines.
- A process should be proposed by the Review to obtain agreement on technical compliance without going through the complaint process, including some form of ratification process with the HREOC so that providers have more certainty. This should also include flexibility in meeting staged compliance, i.e. where another train station or bus stop close by is compliant

8. (P48) *Currently many wheelchair accessible taxis are using the footprint as defined in the Australian Standards. This however is only two dimensional. People with Disability believe that instead of a footprint the notion of an envelope should be used for the transport Standards this would allow for wheelchair users who sit high in their chairs to be able to have the door of a wheelchair taxi close... this is not always the case.*

(P89) *Allocated space for a wheelchair or similar mobility aid, does not guarantee that a chair that meets the Australian Standards will fit into the space in the WAT.*

- An information campaign needs to be launched either by the States or nationally to guide purchase and manufacture of mobility aids.
- Recommendation 1 suggesting a technical review would be able to deal with this specific adjustment to the regulations.
- Within Western Australia, the PTA has provided information on which wheelchair types fit onto the public transport system which has been built or is being upgraded to meet accessibility standards. The Standards should protect operators from claims from consumers who purchase mobility aids which are outside the specifications provided for in the Standards.
- Technical issues such as these need agreement between consumers and industry.

9. (P48) *Non standard mobility aids raise the problems of increased weight, securing issues and instability during transport.*

(P49): *Safe securing of passengers travelling in their mobility devices. Examples of taxi drivers who through lack of knowledge or lack of time did not secure passengers properly.*

(P49) *Taxi drivers had no model of best practice to work from when securing people in non standard vehicles.*

- The list of suggested parts requiring amendment in Recommendation 5 appears limited.
- Securing wheelchairs is a very complicated issue that will require the need for a special technical group in consultation with user groups. Solutions should not always sit with the transport provider, i.e. many wheelchairs come with securing straps that can be used with an appropriate strap point in the transport vehicle
- It may not be easily solved. Not all wheelchairs, gophers and other mobility aids are the same; “one size does not fit all.” The United Kingdom has a diverse range of vehicles and securing devices for mobility aids. The UK’s approach may be relevant to solving this issue, Solutions should not always sit with the transport provider, i.e. recommendations need to be made in relation to wheelchair standards
- Requirements for training should be a part of the Guidelines prepared under the Standards. The principles associated with securing devices should be taught to drivers and examples of best practice should be promoted. In WA PTA's service operators' driver training programs include modules on dealing with people with disabilities.
- There is no consistency in training. Investigations are currently underway regarding the potential for a national accreditation and training scheme for conventional taxi drivers. The inclusion of training on meeting the needs of the disabled and inclusion of training for drivers of Wheelchair Accessible Taxi needs to be part of that scheme.
- Conventional taxis drivers also carry people in wheelchairs who can transfer to conventional taxis; and people who have other disabilities such as hearing or vision impairment. Training on access issues needs to be provided for conventional as well as WAT drivers.
- A universal taxi does not exist in Australia. There is no national consistency of accessible vehicle design and the perception is that universal design is expensive. A process is needed to reconsider the feasibility and likely development of such a vehicle to determine whether it should be factored into consideration for a future Standard. The Review needs to propose recommendations to effectively deal with these matters

10. (P50) *There is currently no data available on the accessibility of taxi ranks or booking services with the requirements of the transport Standards.*
- A definition is required of what access features constitutes an accessible booking service or taxi rank, clarification of who is to provide it, and who is to report on compliance.
  - Data collection and compliance reporting is a major issue which needs addressing. Draft recommendation 7 begins to covers this; however the Review should also address some methods of reporting.
11. (P51) *Key finding: general transport information continues to be difficult to access and it is likely that the outcomes anticipated by the transport Standards for 31 December 2007 will not be met by a number of jurisdictions.*
- The PTA has worked hard at improving the legibility of timetables for the whole community. Still timetables are difficult communication devices. More definite guidelines may be needed regarding the accessibility of information for users; clarification of the level of information that will constitute compliance under the Standards is needed. In WA significant improvements have been implemented with a range of signage and information items designed to satisfy universal design principles.
  - In WA, every effort is being made to comply with information standards for public transport users by the PTA (PTA) including the provision of tactile maps at a few selected stations in the very near future.
  - The Review could consider recommending that operators of coach services be provided some assistance and advice regarding their obligations on information provision.
12. (P51) *Access to bus service infrastructure, notably bus stops has not been suitably addressed in the first five years of the Transport Standards. Consumers are seeking more accessible bus stops and providers are seeking greater guidance and assistance to fund the provision of accessible bus stops.*
- (P119) *Local Councils reported difficulties related to not being clear about whether they were actually responsible for bus stop infrastructure or not. This does impact on the implementation of the Transport Standard.,*
- (120) *In some instances an accessible bus stop cannot be installed because of topographical or space constraints.*
- The extent to which bus stops comply needs to be reconsidered. In light of experience, the Review should consider recommending that the specifications and timetable for bus stop compliance be revisited, and new design options considered and action plans prepared to achieve the desired outcomes.

- Clearer guidelines are required for sanctioning non-compliant bus stops as there are some cases where satisfying the Standards may not be possible at reasonable cost, or result in an outcome that is detrimental to the general community.
- Compliance should also comprehend the timeline for the establishment of compliant services on a route and the plans in place for working towards the next compliance milestone. Thus the practicality of which services are being targeted could be controlled. It is more beneficial to have 25% compliance of stops on a route with accessible buses than 25 % of all bus stops being compliant regardless of the level of accessible services being provided on that route.
- Meeting compliance targets for Local Governments will create a substantial financial impost for Councils if the current timetable is to be achieved. The Review does not make any suggestions regarding where these funds may be sourced. It is unclear whether extreme hardship provisions can be invoked. The Review should recommend that this matter needs to be resolved.
- The question of who is responsible determines what is achieved. A process to resolve this question needs to be recommended by the Review.
- The issue of topography restricting route and bus stop accessibility is a technical issue. Guidelines should refer to such cases and suggest relocation of stop or alternatives.
- The accessible bus stop and pathway locations should be advertised to ensure passengers know where accessible facilities are provided. The Review could consider recommending that after auditing, remedial action be undertaken which could include relocation of a bus stop to a more easily reached site before accessible bus stop facilities are provided.

For example, if a site is not accessible then the merit and possible alternative locations for a bus stop should be considered by the service operator and the Local Council. There are many issues that affect the siting of bus stops, including the Road Traffic Code 2000, the location of other existing infrastructure, such as cross walks, pedestrian refuges, road calming devices, traffic control signals, cross overs and water drains. The passenger catchment and access needs of the community should also be taken into account.

13. (P56) *Local governments raised concerns about fear of non compliance, cost of compliance and the lack of guidance on the extent to which access paths are included in the Transport Standards.*

- This concern is genuine and reflects a similar concern which was held with the initial introduction of accessible buses in WA. A similar approach needs to be taken such as the development of an action plan over a realistic timeframe, including an audit of current facilities and a more targeted, graduated response to upgrading them to achieve accessibility.

- A second part to this is the issue of stops for school buses. In regional WA, there are 25,000 students using the dedicated school buses each day. These students would use at least 10,000 different stops a day of which only a handful would meet the Standards. The cost of getting 2,500 stops up to the Standard (if it were possible). Transperth estimate that a minimally compliant stop would cost \$2,500 and a shelter about \$15,000. Note these are metropolitan prices and would be significantly higher in the regions.

An alternative (current practice) is to only provide accessible buses where there is actual demand. This could also apply to bus stops. (Note comments in section 21 of this document)

14. (P54) *Assumption is that accessible buses mean accessible services. Paths to bus stops may not be accessible or infrastructure may not allow a compliant bus stop to be built*

- The location of accessible services and accessible bus stops should be plotted on relevant maps to determine the best allocation of available resources.
- Reality of on site situation should be considered in context of the plan to upgrade. It would be pointless having an accessible stop if footpath is not accessible. If access is provided to the stop then the stop should be upgraded.
- Better communication is required between the service operator and Councils regarding footpaths, stops and upgrading programs. With this in mind, the PTA intends to record the results of bus stop audits undertaken by local councils in its route information system.
- The Review should recognise that to serve the wider community, new bus stops may not satisfy standards from day one. Operational requirements often require new bus stops to be installed urgently to overcome a range of issues, such as long term road closures and changing travel patterns of passengers.

(P51) *Limited information provided by stakeholders on the level of accessibility of coach services infrastructure or the level of repair of infrastructure.*

*Shouldn't one size fits all be the scenario for all coach services?*

(P58) *It was reported that it is unclear whether all compliance items apply to both long distance and tourist and charter coach service types*

- Any charter or long distances services which are used for the provision of public transport need to be compliant and brought under the Standards.
- Charter buses have specific markets. They may require specific guidelines. An industry approach may be needed where responsibility is shared.
- The Review should still look at the accessibility of these services in the context of the nature of the industry and recommend a process to bring them into compliance if appropriate.

- The Review could request an access component be included in the omnibus licensing provisions of buses used for public transport purposes to expedite compliance.
  - Provision and accessibility of information by these services does not appear to be covered by the Review.
  - Small Charter Vehicles (SCV) have a direct market and should continue to be exempt.
15. (P56) *Australian Standards 1428.4 has been reviewed and a new standard was approved in 2002 for design for access and mobility. This should be reflected in the Standards not the 1992 version. This raises the question of reference to the Australian Standards by Date.*
- The Review should recommend how to refer to Standards without date reference or at least recommend that the issue be pursued. There is a need to refer to the relevant Australian Standard yet still allow flexibility to ascertain which Standard was relevant when the facility was installed to avoid complaints.
16. (P60) *Accessibility of ferries needs to be accommodated by improved accessibility of wharves, jetties and pontoons.*
- Technically difficult. Guidelines and Transport Standards need to reflect the many variants in tides (among other issues) that can impact on the gradient of the ramp. (Tide variations in Broome, for example, are substantial and create many more problems for compliance than tides in the southeast of Australia.) A realistic approach to these difficulties needs to be recommended by the Review.
17. (P65) *Accessible Taxis that have been booked to receive incoming people with disability are moved on if there are flight delays or delays with assisting the passengers to disembark.*
- (P120) *New rules to improve security at airports has resulted in taxi drivers being unable to leave their taxis unattended meaning they cannot assist vision impaired customers into the terminal.*
- This may be a service issue not an issue of discrimination, per se. The Review should recommend that a process be developed for this to be resolved. Provision is made for space to stop which is set aside as a contract responsibility of the airport. Perhaps spaces need to be set aside for assistance as well, or alternatively the airports or airlines could provide a service to assist passengers from the taxi to the terminal as they are now required to do in the European Union.

18. (P78) *A quantitative comparison of accessibility between 2002 and 2007 could not be conducted for this review because of the lack of 2002 data on accessibility (or patronage)*
- (P80) *At the time of introduction of the Transport Standards baseline data of accessibility was not collected.*
- As noted by the review, access improvements commenced prior to the regulation of the Standards in 2002. However, all systems started from a low base and therefore improvements between 2002 and 2007 can be easily estimated and the status reported in 2005 could be seen as a useful indicator.
  - The setting of reporting guidelines should provide a baseline for future measurement.
  - The Review is well placed to recommend what information is missing or still required as the basis for future reporting. However care needs to be taken that reporting and data collection requirements do not become an end in itself. A clear need and purpose for any data collection or reporting needs to be established. Transport operators need to be involved in the development of reporting and data collection requirements to ensure it is relevant, useful and consistent.
19. (P76) *The achievement of 'whole of journey' accessibility at this stage is problematic due to the progressive compliance timetable.*
- While an ultimate outcome of the Standards, other issues such as footpath provision may continue to render "whole of journey" outcomes difficult to achieve in certain environments.
20. (P78) *Accessible taxis being used as defacto school buses due to the exclusion of dedicated school bus services from certain physical access provisions.*
- (P104) *The exclusions remove any requirement that dedicated school buses are accessible for any student using a mobility device, or any student who has a mobility impairment which means they cannot negotiate a series of stairs to enter and exit the bus*
- (P108) *There is no requirement to remove discrimination against students with disability by providing accessible transport for them to travel to and from school.*
- (p171) *Draft Recommendation 2. The exclusions for dedicated school buses be removed and school bus services be included in the transport standards on a delayed compliance timeline.*
- A change to the exclusion of school buses is not supported. There are still issues with the funds required to upgrade buses and associated stops for, in some cases, limited use over a possibly short period of time.
  - The exclusion of school buses received substantial consideration in the development of the initial Standards and initial RIS. The logistics, costs, and benefits lead to the exclusion from the Standards. Similar arguments and concerns still apply.

- As discussed in the introduction, 'orange' school buses contracted by the public Transport Authority and funded by the WA Government have wheelchair accessibility to meet the needs of entitled students travelling to Education Support centres and schools. These services target a specific needs group who are regular travellers. The additional costs to make these buses compliant with the requirements of the standards are efficiently targeted. To make all school buses accessible, i.e. government (state and local) and private, would impose significant financial burden on Government as all are subsidised. For example, on 'orange' school buses the cost differential for a new bus to be fitted with a wheelchair hoist, full length tracking to allow seats to be removed for additional wheelchairs will add around \$70,000 to \$75,000 to the vehicle. Retrofitting an existing 'orange' school bus will cost \$100,000 to \$120,000 per vehicle depending on size. The retrofitting option is the least desired as it makes it only viable if the bus is up to 5 years old as it would be cheaper to buy a new bus. Additionally the retro fitting may take away a number of seats that will require additional buses to carry the displaced passengers on regular passenger services.
- There are alternatives such as taxis, which may use the services they provide to schools as "regular" revenue to defray the unreliable nature of revenue derived from normal taxi work.
- An education campaign is required to ensure manufacturing of all new buses and coaches meets DDA requirements. Thus as the current fleet is replaced, low floor buses should become school buses.
- The vast areas covered by the School Bus system in Western Australia would mean that accessible services would often be provided where there was no need. The provision of school bus stops are demand driven especially in the country where stops may be changed on a regular basis as children move on to regional schools or boarding schools. The cost of a short term accessible bus stop – to be born by a Council – is hard to justify in many situations. There are more practical solutions to this issue.

21. (P78) *The lack of requirements in the transport Standards for restraints or locking devices to be used for mobility aids on buses.*

(P137) *The effective restraint of mobility devices is a major concern to the industry the need for restraints for wheelchairs and scooters on buses may need review.*

- This is a duty of care or a customer care issue but not an equity or Standards issue. Other public transport users are not strapped in or required to wear seat belts. It may be discriminatory to require this for some users but not others.
- Duty of care needs to be shown as being genuine not an excuse not to provide access to services.

- If the issue of the variation in seat belts and tie down locations can be solved, then it might be possible to incorporate this as a service option. However the operational implication will also need to be considered and costed.
- An Assessment of this issue should be recommended by the Review.

22. (P79) *The Inconsistency of public transport staff training and awareness can lead to different experiences for people with disability.*

- This can lead to discrimination. Australian Standards AS 3906-2004 (Quality of service - Guide to customer expectations) should be referred to, as well as strengthening the training component for bus and taxi driver training.
- The Review could consider recommending a training regime to deal with recalcitrant bus and taxi drivers.

23. (P82) *Progress reports published on HEROC website create an inaccurate picture of accessibility because they focus on a relatively narrow definition of disability - that is physical accessibility.*

- This approach is based on the logic that if a facility or service is physically accessible, it will lead to genuine improvements in access by the whole community. Other areas of accessibility are harder to define and report against
- Other measures may need to be developed to reflect other aspects of accessibility (eg Information).
- A process of review should be proposed to provide a broader view.

24. (P83) *Level of prescription within the Standards is inappropriate; guidance provided is inaccurate.*

- The Review should recommend new Guidelines be developed by the proposed technical expert group in consultation with consumers to address this and provide support to users and operators.
- The use of the Guidelines to defend an access complaint needs to be considered.

25. (P83) *A co-regulatory approach is not suited to the transport Standards, given the characteristics of activities regulated. Some non-regulatory approaches to explicit government intervention, such as action plans and compliance reporting requirements could be used as a complement to the current regulatory approach.*

- The Review should recommend that authority should be given to HREOC to approve action plans to reduce uncertainty for facility and service providers. The process also needs to take into account State based regulations and requirements.

26. (P99) *For some requirements the current Standards are incorrect and are producing poor outcomes.*
- The Review should recommend a technical re-evaluation of these issues in consultation with consumers to address these issues.
27. (P99) *The current structure of the Transport Standards around components rather than modes of transport mean that some prescriptive requirements are being applied across several modes, in some cases inappropriately.*
- The implementation of the bus stop Standards is a case in point and the Review should suggest a process to resolve these anomalies.
28. (P100) *Alternative approaches to explicit government regulation -including co-regulatory and non-regulatory approaches.*
- Some non-regulatory approaches to explicit government intervention, such as action plans, backed by the HREOC, and compliance reporting requirements could be used as a complement to the current regulatory approach.
29. (P101) *Current utilisation of unjustifiable hardship provisions is unclear because there is no registration or other means to lodge a claim, other than in the process of a legal hearing.*
- Detailed guidelines of what constitutes unjustifiable hardship should be prepared.
  - The review should recommend that an entity such as HREOC to be responsible for assessing and confirming these claims in order to provide certainty to providers.
30. (P101) *Equivalent Access provisions are being utilised by some providers, such as through staff assistance or substitution of one type of service for another accessible one. There is no mechanism to confirm that these provisions are compliant with the transport Standards unless a complaint is made.*
- A mechanism or process needs to be put into place to deal with this and other questions of compliance certainty.
  - Guidelines approach or advice by jurisdictions or technical body by way of submissions or audits could assist in certainty.
  - The Review could recommend an entity, such as HREOC, be responsible for assessing and confirming these solutions

31. (P111) *The current definition of targeted services (Community Transport) implies that even if the 'target group' is defined by disability or likely to include a large number of people with disability such as older people, the transport does not need to be accessible. This is a puzzling outcome.*

(P171) *Draft 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.*

- Community Transport Services are not generic and are not public transport services, per se. They are generally services designed for a specific purpose and for a specific target market. Perhaps the reference should relate to the buses being accessible if the target group includes people with disability or operating a genuine public transport.
- However the issue of community buses losing their exemption if they carry elderly and or disabled as a "target group" is in regional areas as there is a smaller group of potential users. Seniors in particular, are regular users of these services because they are cheap. Many of these services have been operating for many years and if they have to meet the Standards, it would rule out many older buses used by community groups and could therefore put transport out of the reach of the community.
- From an operator point of view there is a natural reluctance to retrofit vehicles and public transport facilities to meet the Standards based on cost to do the modifications and the possible loss of income from the reduction in space available for the general public. As the current and proposed system relies on court decisions to enforce the Standards only on operators who are complained against, there is a tendency to take the risk of not getting caught.
- This also has the potential to stifle competition as one operator who has a compliant vehicle is forced to charge more (to cover his additional costs) for his services than a non compliant operator. This is further exacerbated by the majority of potential passengers not having disabilities. The option open to a compliant operator is to take the non compliant operator to court which has the potential to take up time and money, particularly for regional operators who have to travel to Perth to attend court.

32. (P120) *Some bus routes provide a prepay service only. Tickets for these services are sold by ticketing agents many of which are small newsagents which are inaccessible.*

- The accessible locations for prepay ticket purchase should be advertised to ensure there are an increasing number of accessible sites for purchase. A process should be developed to ensure that these services are not discriminatory
- Over time, and consistent with the draft Access to Premises Standard, all ticketing sites should be accessible.

33. (P121) *Many people with disabilities reported difficulties in using footpaths or crossing roads which are aspects of built infrastructure not within the scope of the transport codes*

*Moving beyond the public transport infrastructure is difficult because of a lack of accessible infrastructure (footpath networks).*

- The linkages to public transport infrastructure affects the “continuous path of travel” for the entire community, but more so for people with disabilities.
- Given the intention of the DDA and the Standards, the Review may need to recommend that further clarification be sought regarding the inclusion of this infrastructure under the Standards.

34. (P121) *Greater attention needs to be given to an integrated approach to accessibility in order to avoid issues resulting from different authorities being responsible for accessibility to education, transport or access to premises. Increased interaction will increase the effectiveness of all measures taken to improve accessibility.*

- The Review could recommend a process to progress improving communication and innovation between relevant authorities to deliver agreed outcomes.

35. (P131) *Requirements are structured around components of a public transport system rather than by a mode of transport. Where requirements are prescribed across all modes of transport difficulties in implementation arise.*

- Where appropriate, mode specific details should be provided within the Standards or referenced in the Standards and provided in the Guidelines.

36. (P132) *A lack of mechanism to share best practice solutions to particular requirements in the transport Standards.*

- The Review should suggest the Secretariat or APTJC conduct information sessions and prepare “information bulletins” to provide broad advice to local governments, providers and users on best practice solutions

37. (P133) *The lack of any form of certification or approval process for compliance.*
- (P144) *An additional gap in certification or sign off for providers that what they are doing will be compliant prior to making an investment.*
- (P134) *General confusion about how the timetable for compliance should be interpreted.*
- (P154) *The current complaints process is considered flawed by many, placing too much emphasis on individuals to make complaints and progress these on to the federal courts.*
- (P136) *Although HREOC can provide some advice, providers are acutely aware that until there are some legal precedents, there is little certainty over what they need to do to meet the compliance timetable.*
- The Review should be recommending that process for improving the definition of compliance across modes and facilities be established. compliance definition be established
  - APTJC need to have an advisory role and HREOC an approving role to provide certainty on compliance requirements and progressive achievement of targets. If this is the case APTJC should have greater operator membership.
  - At this time, the Standards cannot comprehend all claims. A process to provide certainty will assist but not stop a consumer requesting another measure to reduce discrimination under the DDA. If the provider has achieved or working toward the Standards under an action plan or similar consumer agreement, any additional complaint should not be able to be seen as discrimination claim under the DDA.
  - The Review should recommend a change to legislation to enable HREOC or a similar body to “settle” unjustifiable hardship claims, validate equitable access provisions, or confirm progressive compliance in consultation with providers and consumers.
  - The current process is intimidating and expensive if matters are to be taken to the High Court. Relying on people with disabilities taking shortcomings through HREOC is both discriminatory and an added burden for people with disabilities. Many peoples' disabilities would prevent them from reporting operators for failing to provide an accessible service. The process needs to be simplified and made easier for all concerned so that certainty is provided for all parties.
  - Using the threat of legal action as the only form of encouragement to implement the recommendations is a negative way to achieve them. Operators should be able to find out what they are required to do in the form of a legally binding certification of their individual action plan. Failure to implement the recommendations could result in penalty enforcement, not from the court system, but from certified auditors/inspectors. This could be carried out by qualified inspectors like it is for vehicle safety.

38. (137) *Conflict between DDA and OHS (public transport operators are seeking clarification within the transport Standards on operators responsibilities in light of possible conflicts with OHS legislation.*

(P139) *Inconsistencies between Civil Aviation Amendment Act 2005 and DDA*

- Independent assessments should ensure that OHS and passenger safety is not compromised to provide service and vice-a-versa.
- A process will need to be put in place to ensure claims for OHS and passenger safety can be verified on the same basis as unjustifiable hardship.
- Consultation between airline industry, the jurisdictions and consumers is required to ensure any compromise between the two requirements is practical and does not impinge on the underlying principles of either Standard.

39. (P140) *Managing the wide variation in the size of Mobility Aids and extreme weights P140(over 300Kgs)*

- There needs to be an agreed limit due to OHS and passenger safety and structural capabilities of the vehicles and ramps.
- Guidelines should be set in consultation with service providers and users; and information provided to public transport providers, suppliers of devices and to users / purchasers of this equipment.

40. (P140) *For the Transport Standards to be effective they also need to set out clearly for people with disability what rights they have in accessing public transport.*

- In the absence of this coordinated approach, some States have prepared information relevant to their systems. The Commonwealth departments should prepare a discussion paper in consultation with the States and HREOC to develop an agreed approach to this issue.
- Once agreement is reached, the information should be widely distributed

41. (P144) *Several gaps in the information and support processes for the transport Standards. A lack of an authoritative source of guidance for providers when addressing cases where requirements are ambiguous.*

- The Review should propose a means of establishing an authoritative source, eg the HREOC, the responsible Commonwealth Department or other (new) body.