

**Spinal Cord Injuries Australia's (SCIA) submission
on the review of the Disability Standards for
Accessible Public Transport (DSAPT) 2002**

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Spinal Cord Injuries Australia continues the 40 year history of providing consumer based support and rehabilitation services to people with physical disabilities that it began as the Australian Quadriplegic Association.

Vision

An Australian culture that embraces people with disabilities and encourages them to participate equally in social and economic life.

Mission

To be Australia's leading charitable enterprise in the PREVENTION of spinal cord injuries, CARE for those who have spinal cord injury and the support of research to find a CURE for spinal cord injury.

Response compiled with the input of Spinal cord Injuries Australia's members and using information from a recent SCIA driven accessible transport survey.

1) Has the accessibility of public transport improved since the introduction of the Transport Standards?

- How has accessibility to conveyances (e.g. trains, buses, trams, ferries, taxis, aircraft, etc) changed? Can you provide examples?

The accessibility to conveyances has in some parts altered more positively, in others more negatively. It is this disparate application of the standards that will form the large part of our submission.

- How has accessibility of information (e.g. maps, timetables, announcements, etc) changed? Can you provide examples?

In our opinion and backed up with community consultation there has been small progress made in providing accessible information.

- 1) Internet. Often the information on accessible services is confusing In NSW the 131500 service does not have, in its route planner an accessible option tick box. Once a route is displayed there is no accessibility information on the buses or stations that make up your journey to allow you to adequately plan your trip. A person with a disability is expected to phone ahead and plan a simple bus trip. This is echoed although increased in issue planning through the trains.***
- 2) Printed information is available, as we understand it through most transport providers. The quality of that information isn't consistent with one provider giving a lot of detail as to the bus layout, what the passenger can expect, how they will be assisted (if required) and others being very basic. If there was a clear provision in the standards that laid out a set level for data in information brochures and even websites that would be positive.***
- 3) Conveyed Information. This is often the most problematic as staff seem to not know what is required. An example of this is with the M50 Taxi booking system. One of our members who finds it difficult to fit into two of the four sizes of WAT's available in NSW (he is incidentally within the standards) indicates which taxis he can fit into to the M50 operator. The M50 operator then sends the incorrect taxi to meet him, this upsets the driver as he has no fare and more importantly the individual with a disability who still has no transport. Another example can be bus timetabling, in NSW bus timetabling over the phone is not consistent or up to date (an accessible bus may have been taken out of service but the call centre not informed). This leaves the person with a disability waiting for an accessible bus that doesn't show up.***

- How has accessibility of infrastructure (e.g., access to stations, stops, ports, piers, airport, interchanges, etc, as well as access to co-located facilities such as toilets, waiting rooms, and food and drink, etc) changed? Can you provide examples?

In some examples, yet again it has improved and other not improved. An example where it has not improved is bus ticketing on pre-pay routes. State transit sell bus tickets in non accessible shops leaving a wheelchair user unable to use pre-pay buses. At airports there is a non consistent approach to working with wheelchair users. Some arrive and spend hours in an airport chair, some are met at the plane with their own chairs.

There has been improvements in many of the interchanges with increased ramps and lifts being present but these are always contrasted against no clear regulations to make concourse shops accessible such as at Rockdale.

2) Have these changes matched your expectations of the implementation and uptake of the Transport Standards?

- Do you consider that the changes have matched (1) the compliance requirements and (2) your expectations?
- If the changes have fallen short of your expectations, can you provide examples?

We feel that unfortunately the implementation of the standards hasn't matched expectations. There has been an increase in accessibility but there have also been instances where it has remained dormant or backward particularly in regional transport and how different states have complied. Areas would be the NSW government purchasing non-accessible buses for the Illawarra to work on the school runs. The Railcorp rollout schedule for station modifications were done with little consultation and have not been helped by a few high profile alterations that only resulted in new guards buildings. Safety hasn't increased for people with disabilities across the network with no clear obvious advertised plan of how to evacuate trains.

3. Do you consider that the level of compliance required at the end of the first five-year period is sufficient to have had an impact on accessibility?

I think it would be difficult to argue that there had not been some positive changes to transport accessibility. Where there is a growing issue is that the standards are being implemented in a piecemeal fashion. By this I mean that one transport operator may choose to be 100% compliant, one may not. One council may choose to implement fully accessible bus stops one may not. In our opinion this disparate take up can be avoided by setting clear and distinct whole of transport goals. For example a bus operator cannot claim a level of accessibility if the bus stops are not accessible. At present the measure is against fleet accessibility with no recognition of a whole of transport approach. The proposed measures by us should, in theory, force operators to work more closely with councils ensuring that routes are accessible not just buses that cannot be entered with inappropriate infrastructure. We recognise that in the standards that bus accessibility and infrastructure accessibility targets are equal (25%-25%, 50%-50%) but for a

standards lifetime of 20 years to achieve 100% compliance, this is a long time to wait for a bus.

4. To what extent do you consider current data on accessibility are reliable? Can you provide examples of problems with data that you are aware of?

Current data recording is difficult as it is not black and white. As an example a country link diesel train in NSW may be accessible in that a wheelchair user can take it from A to B however that wheelchair user has to sit by the doors with vents breathing in diesel exhaust fumes whereas the able bodied passengers can move away from this area. Statistically yes the train is accessible but in terms of fairness, equivalency and safety it is lacking. The same point is made above that data on accessibility should be linked to routes or whole of transport should be explored by the standards. An accessible Bus is nothing without an accessible stop: accessibility targets should be altered to reflect this change.

5. How could reporting of accessibility data be improved for future stages of the implementation of the Transport Standards?

Data capture is one of the most important elements of increasing accessibility. If we are to make a business case, operators need to see that changes in increasing accessibility lead to increased patronage whether it be taxis, buses, trams, airlines or trains. The question is how do you capture that data? Tickets sold via concession could be reported but there are many issues here as the same concession in NSW can equally apply to the elderly and war widows which would create false statistics. Bus operators could attempt to record each person with a disability that boards (This is problematic as many disabilities are not visible and you cannot be seen to unfairly or inappropriately target people with disabilities). Despite these issues in capturing data there should be some form to demonstrate clear use of transport.

In our Survey of Australian wheelchair users we found that certain WAT's, trains and buses are classified by their wheelchair users as more accessible and some as less accessible. By this we mean that the vast majority of wheelchair users can get into one vehicle but only some into another. Some buses may be fitted with restraining straps some in the rural areas may not although both are low floor with dedicated wheelchair spaces. A train may have space for a wheelchair user but without restraint a user has described the method of wedging themselves behind a vertical hand rail to make them feel safer. All of this information is not captured by accessibility data. This data capture needs to be more thorough and take into consideration all components that make a mode of transport accessible. This could be achieved by involving the community in sign off on mode of transport purchases.

6. Are you aware of examples where improved accessibility of public transport has led to increased patronage?

We have witnessed many routes start to roll out accessible buses, for Trains, WATS this isn't really an issue so we will focus on buses for this question. At present there is little information being recorded as to wheelchair users take up of

accessible routes. In NSW with 42% of State transits bus fleet being accessible you would hope that there had been greater take up. Factors that could affect takeup:

- 1) Bus maintenance schedules could mean that many accessible buses are being worked on decreasing the percentage of accessible buses on the road**
- 2) Timetabling, as it is understood by us and laid out by State transit their aim is to have 100% accessible routes where all buses on that route are accessible as opposed to some accessible buses on some routes. Is an accessible bus replaced if it breaks down with another accessible bus?**

Increased patronage can only truly happen when there is certainty of vehicle arrival and access to it. The issues are lack of proper timetabling, access to buses from the ground, a general perception that an accessible bus is a bus by planners as opposed to an accessible bus.

With a limited percentage of 25%, if we take the standards as a benchmark, that means that on a regular 4 buses per hour route 1:4 will be accessible. That means that should an accessible bus be taken out of service the total wait for a wheelchair user would be around 1 hour before boarding. This isn't a sustainable timeframe for a transport user.

7. Has the introduction of the Transport Standards helped you better understand your rights as a public transport user? If yes, in what ways has it done this?

Through consultation it has been found that, where the standards have been understood, implementation of the transport standards has done little to demonstrate rights but a lot to increase frustration. Now that there are clear levels of compliance that are available to all to read this bigger picture document does little to reassure the small picture existence of many people with disabilities.

8. Are the Transport Standards and the accompanying Disability Standards for Accessible Public Transport Guidelines 2004 (No.3)(the Guidelines) a sufficient source of information on your rights as a user of public transport, or have you needed to consult other sources? What other sources have you consulted? How did you find out about these sources?

The guidelines fulfil the need of providing information to the general public and operators only in so far as you are able to understand a guidelines document. What would be beneficial is if there was an easy to read booklet that outlined clear aims and expectations for both passengers and operators. This could be developed in consultation with the community.

9. Are you aware of other users of public transport who appear to be unaware of their rights or obligations? How could this lack of awareness be addressed?

An advertising campaign to introduce the rights that passengers should have and the progress that the standards have had with clear descriptions of the goals of the standards would be very beneficial to the community.

13. Are there areas of the Transport Standards that you consider unclear in terms of the adjustments operators and providers need to make? Please specify.

1) Wheelchair footprint dimension. As laid out under Q.16

2) Carer travel on Public transport. It is our thought, that carers should receive free travel under the standards when accompanied by the person they are working for. The carer is employed by the person with a disability to provide assistance where they can not manage to do a task themselves. If the person with a disability wishes to travel and a carer is required they are only undertaking that journey to provide assistance to the person with a disability.

3) Active restraining straps. Restraining straps is a growing issue, with operators in NSW removing them from accessible buses as they understand they do not comply with specific standards. There needs to be clear guidance in the standards that outline strap strengths, lengths and fasteners. This would provide clarity and ensure that all can use the accessible buses.

14. Have the exemptions allowed under the Transport Standards (as specified in the previous chapter), reduced the clarity of obligations under the Transport Standards?

They standards do require certain things but with an exemption mechanism you may be able to be non-compliant for 19 years, although HREOC have to rule on this I believe that a comply, non comply based standards is more effective.

15. To what extent do the Transport Standards allow operators and providers a choice of ways in which they can demonstrate compliance?

The standards in trying to exist in a middle ground (balance the needs of providers and operators as well as the needs of people with disabilities) fails to adhere to the original premise of the standards, that of correcting clear discrimination with regards to all aspects of transport.

It could be argued that where equivalent access has not been planned for and resulted in a service not being available to all of the population then it is up to the providers who have not planned properly in the past to step up and correct the issues immediately. By offering levels of compliance that are not inter-modal then you are effectively shutting off the network to some people.

16. Where Australian Standards or other technical requirements are specified, are these appropriate? Please provide examples where you believe the use of Australian Standards is not appropriate.

WAT footprint. There are two fundamental flaws in the wheelchair footprint as it stands under the standards. They are that the cube (LxBxH) is an internal dimension as opposed throughout the whole entry and exit of the vehicle(That is

separated) and that the wheelchair footprint is perceived by some modifiers to be 2 dimensional as opposed to three (also separated).

The first issue about LXBXH creates essentially a cube that a wheelchair user fits into. It could be argued that an egg tilted slightly rearward would be a better shape although nearly impossible to create a standard set of dimensions from. By having two separate height measurements 1410 internally and 1400 at the door covered under two separate sections of the standards there is the possibility for confusion but more worryingly there is inconsistency in this measurement. The door threshold should be equal to the space inside.

The standard for the wheelchair accessible footprint for WAT's in particular is in two parts. 9.3 uses LxB and only when you apply 9.3 to 9.4 do you get the cube as a three dimensional object. The standards should state that through all conveyances a set measurement (LXBXH) needs to be observed whether it be train, WAT, Tram or aircraft.

17. Are there requirements that have proven to be impractical or difficult to implement? If so, please specify.

N/A

18. As a public transport user, are there areas of the Transport Standards where you consider that a more specific requirement for compliance would improve accessibility?

We believe that there are a few areas that a specific requirement for compliance would bring the levels of transport services to an equivalent level for people with disabilities.

1) Safety and evacuation. It is of great concern to us that in emergency planning, often the specific needs of people with disabilities are overlooked when looking at safety and evacuation. An example of evacuation planning not being applied to all is the case of a Sydney wheelchair user being stranded on a train for 4 hours when it broke down on the Harbour bridge. We recommend that through community consultation with Transport providers backed up by specific standards a case based safety and evacuation system be developed. This has many merits in that you can involve the specifics of a disability in planning for safety and evacuation. This equally applies to all modes of transport. The way that the standards can regulate this would be, for example:

1.22.1a

The standards require that all transport providers in ensuring an equivalent level of safety for all passengers make necessary plans with community consultation for safety and emergency evacuation. Plans made need to take into account the range of disabilities as laid out under the disability discrimination act 1992. These plans are to be reviewed under specific state disability action plans and with community consultation every 5 years to ensure compliance with all disabilities.

2) Wheelchair footprints. In the standards this is in the wrong place and needs to be moved up to be clearly applied to buses

3) Staff Disability training. Under the standards this is down as a recommendation. This needs to be re-worded to become a mandatory piece of compliance. This training also needs to take the form of real workplace scenarios with people with disabilities ensuring that staff members better understand the needs of people with disabilities.

4) Staff assistance, where appropriate, assistance needs to be enshrined into the standards but not as a matter of information or customer service but in providing the journey itself. For example a person requiring assistance onto a mode of transport is assisted by a staff member of that mode to enable them to use transport so rather than providing service they are providing the transport itself.

5) A standard should be written outlaying that no two consecutive exemptions on a single matter can be processed as this would equal 10 years. It is our opinion that owing to political and the financial climate should any modifications need to be made they can be done within five years. A transport provider needs to be able to adapt to the needs of their clients rather than call on exemptions that stop them from seeking funding to make the changes.

6) An exemption from a standard cannot also be made upon certain set standards. These set standards could be developed with the community and providers and include such areas as:

- **Disability awareness training**
- **Signage and information provision**
- **Assistance whilst travelling**

These are just a few examples of what should be fundamental parts of the standards that are exempt from exemption.

7) There should be a standard to ensure that when a journey is undertaken that is accessible and there is a breakdown, equivalent access should be provided by the supporting transport used. For example When a train that has accessible carriages breaks down if buses are provided to carry passengers on to their destination that bus should and must mirror the same degree of accessibility as the train.

19. Do you consider that the requirements in the Transport Standards have been applied consistently across different modes of public transport?

We would argue that no they have not been applied the same across different modes of transport. This could also apply to same modes of transport but in different regions of the same states. In NSW largely the DSAPT has been picked up with in metropolitan areas and until recently lightly implemented in the regions.

20. Will any current areas of inconsistency be addressed through the future stages of implementation of the Transport Standards? (see Appendix B)

Areas of inconsistency will not be resolved by future changes as the DSAPT stands at present. Inconsistency is caused by different providers making different interpretations of the standards as well as different states showing differing levels of commitment. If the standards can represent this issue we may have a starting point.

21. Do you consider that the current exemptions granted are appropriate? Should these exemptions be reduced over time?

In our opinion current exemptions need to be reviewed and examples of formal community consultation linked to these exemptions. We understand that HREOC is tasked with consultation but we have seen little evidence of this.

22. In implementation of the Transport Standards, have the requirements led to a relatively consistent standard of compliance across all modes of public transport? If not, where are the major differences in approach?

In understanding whether cross modally there has been an improvement throughout in accessibility it may be beneficial to look at how take up has been across Australia and metro versus regional. The standards do not distinguish between regional operator and metro operator. This is correct as a person with a disability is the same whether a country dweller or a city inhabitant. Throughout Australia there has been an inconsistent approach to the standards with some states outstripping others. With an aim of increasing accessibility across the board this is very worrying. When we look at metro versus regional it becomes even more worrying. In NSW at present Metro bus operator the State transit Authority is 43% accessible. This contrasts with other local operators who are at 24.9%. Although this appears to virtually satisfy the first 5 year benchmark under the standards the reality is that of that 24.9% the lionshare that is above the standards are other metro bus companies. The NSW ministry published figures do not distinguish between rural and metro. The regions have very few accessible buses.

23. To what extent do the requirements in the Transport Standards address all of the accessibility requirements for people with disability? Are there gaps in the coverage of requirements?

In our experience the standards are positive in the breadth and recognition of the fundamental needs of different groups of people. There are areas where the standards could be more explicit to ensure that providers recognise exactly what is required. This is demonstrated in the wheelchair envelope description.

24. Does the compliance timetable provide for a gradual improvement of accessibility over the 30 year implementation period? Are there aspects of this timetable that present compatibility problems? How could these requirements be improved?

As we see it there are many factors that affect implementation for different modes of transport and infrastructure.

1) Mode of transport life length, this being the amount of time an operator can keep a bus, train, plane, WAT in service for. This impacts on compliance in the way the compliance tables are constructed. The standards should read that all new transport purchases will be accessible from the date of implementation of the standards. If that had been the case a greater percentage of transport would now be accessible. An example would be door entry heights in WAT's why not have 1500mm in all new WAT's from today? 2013 is a very long rollout time.

2) Council funding for infrastructure changes. Often one of the reasons that we, as an organisation have heard with regards to infrastructure from councils is that they cannot afford it and it's a state issue. This will not help improve accessibility onto modes of transport.

3) Changes to the DDA. At present Australia has agreed in principle to the UN Convention on the rights of persons with a disability. This is to be opened for debate prior to, it is hoped, ratification. This may change the DDA to make it more compliance based as opposed to guidelines based.

4) Unjustifiable hardship, as outlined in the DDA this is a perfect way for providers, infrastructure or other to claim that they cannot make the necessary changes as either patronage take up would not be enough to cover costs of altering vehicles or that the costs were simply too high to remain viable as an operator. With an ageing population in Australia no provider can afford to not be accessible as in the future a large number of their passengers will be over 65 with greater accessibility needs.

25. Are providers meeting their obligations across all aspects of accessibility, which ensures compatibility?

True accessibility is only gained when you link in the different areas of the standards. At present the standards are a separate list that as an operator you can say, this applies to me and this doesn't. Only when you look at a whole of journey or transport approach can you get an integrated accessible transport system.

26. Do the requirements of the Transport Standards need to more explicitly recognise /the potential other regulatory constraints that impede the capacity of transport providers to deliver the objects of the Transport Standards?

Yes. The DSAPT should have an over-riding power where other regulations can impede on the implementation only in so far as safety and viability are maintained.

27. How well are the current arrangements for making complaints about accessibility understood by the public?

If you are to look at a complaint processes or types of complaint you should look at this from an able bodied and a disabled perspective. An able bodied person may say with regards to a taxi, I had to wait 20 minutes for a taxi and I am unhappy. A person with a disability may say I had to wait 40 minutes for a taxi and

it was the wrong one, one I cannot get into so I had to wait a further 40 minutes (comment made in SCI Australia's Accessible transport survey 2007) . What this means for complaining is that simply traffic can hold back an able bodies persons taxi and this may also be true in the WAT but what happens when the wheelchair footprint isn't right? The difference is that often complaint mechanisms are not geared up to deal with complaints of the calibre of a DSAPT complaint so a standard complaint is instantly a HREOC one. This may turn some people away from complaining.

28. Are the current processes sufficiently responsive to complaints, or requests for information or advice on the Transport Standards?

To make a complaint about any aspect of the Disability standards you are directed towards HREOC meaning that the standards are policed solely through individual complaints. It is our recommendation that HREOC be empowered with the ability to raise issues against an operator or council independent of an individual complaint. When an individual complains that issue may be resolved in their area but not across the whole of transport where it may exist also. This often systemic nature of complaints warrants formal policing.

Independent of HREOC there should always be standard complaints procedures that take into account specific requirements for people with disabilities in using public transport.

There needs to be recognition and this was borne out in our transport survey that often people are reticent to complain formally about a service as they feel that that service rather than being fixed will be denied to them. This is quite well represented with WAT's were some people have indicated that complaining leads to blacklisting.