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## **BUS INDUSTRY CONFEDERATION RESPONSE TO THE REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT 2002**

### Introduction

The Bus Industry Confederation (BIC) has provided a joint industry, (BIC, ARA, ATIA, UITP) response to the Review of Disability Standards for Accessible Public Transport which is attached.

This submission reflects specific issues and concerns as they relate to the bus and coach industry.

### **Mobility Devices – Identification**

The bus and coach industry seeks support of State and Federal Governments to have mobility devices clearly identifiable as being able to be carried on public transport.

Currently there is no requirement or mechanism for bus and coach drivers to determine which mobility devices are suitable for use on conveyances.

The Bus Industry Confederation calls on the Commonwealth Government to make it a requirement for mobility device manufacturers to ensure that all devices are appropriately identifiable as being safe and suitable to be carried on a public transport conveyance and that purchasers of such devices are made aware of the limitations that the standards impose, for example in the areas of size, mass and maneuverability.

### **Mobility Devices – Safety**

A concern for bus and coach operators in relation to mobility devices is the safety of people using them and the safety of other passengers.

The areas of concern relate to:

- Mobility devices and their impact on the safety of the user and other passengers on buses in the event of an accident, heavy braking or swerving incident if the device/passenger is not secured.
- The inconvenience caused to other public transport users and the dignity of people with disabilities, when mobility devices which are not suitable for use on a conveyance results in accessibility ramps breaking on entry or the devices not being enabled to be maneuvered into allocated spaces due to their size and turning circle.
- The safety consequences of mobility devices of the "scooter" type that carry wet cell batteries. Wet cell batteries are a major concern due to possible leakage, the fluid is very acidic and flammable. Wet cell batteries have also been known to explode on impact and may be a safety hazard in the event of an accident or some form of impact on the battery.
- The effective restraint of mobility devices is a major concern to the industry. The bus and coach industry is required to meet stringent seat strength and anchorage requirements under Australian Design Rules, ADR 68. Key issues to be considered here are seat strength and mobility devices that are not secure becoming projectiles.

The Bus Industry Confederation is concerned that wheelchairs and other mobility devices do not meet any equivalent seat strength or anchorage standard and the actual restraint of such devices to the ADR 68/00 standards is physically impossible.

In addition mobility devices vary in their stability and are often at risk of being tipped over, even when restraints either active or passive are applied.

It is clear that people with disabilities being carried on a bus or coach in a mobility device is receiving a lower standard of occupant safety compared to other passengers in ADR 68/00 seats which raises a number of legal and safety issues that need to be investigated and addressed.

### **Allocated Wheelchair Spaces**

The bus and coach industry has concerns in relation to the two allocated spaces that are required by the Disability Standards.

Due to the positioning of the spaces, the first seat on the bus has no 'compartmentalisation' for passengers and has resulted in this area becoming a safety concern for passengers traveling in these positions. This is even more so, as these positions are usually reserved for the elderly.

The BIC after 5 years of monitoring the actual use of allocated wheelchair spaces is calling on the requirement to be relaxed to allow operators to choose between providing one or two allocated spaces for wheelchairs. A reduction to one allocated wheelchair space would also assist in addressing the problem identified above and also provide greater scope to have holding devices and poles in place for standing passengers.

## **Regional and Remote Bus and Coach Operators**

An area of real financial hardship and concern has been the 'one size fits all' approach adopted in implementing the disability standards for public transport.

For regional and remote operations the standards have resulted in increased costs for maintenance and reduced longevity of low floor accessible vehicles operating life. These vehicles are often operating on dirt roads, hilly terrain, frequent road culverts and floodways which take a heavy toll on the vehicles, often when there is little or no demand for such vehicles.

The BIC believes that a review of actual operating circumstances and demand for accessible transport services needs to be undertaken to assess whether bus services in many circumstances are the most cost effective and sensible approach to removing discrimination in many operating circumstances.

This situation is exacerbated in regional and remote areas where the lack of complimentary infrastructure, for example curbing, makes it pointless to operate low floor vehicles.

## **Charter Services**

The Bus Industry Confederation would like confirmed if bus and coach charter services need to meet accessible transport standards.

Charter services are dedicated services carrying specific groups of people who are undertaking a dedicated and defined service of their own making.

If accessible transport is required, this will form part of the charter request by the customer.

The Bus Industry Confederation would like to see HREOC clarify in the standards that bus and coach charter services are excluded from the requirement to meet the accessible public transport standards. If the view is held that charter services are included, the BIC would like to hold further discussions on this matter.

## **Coach Tours**

The coach sector has had to deal with a considerable level of financial hardship in relation to the fitment of wheelchair chair lifts that are rarely being used.

The coach sector is seeking greater clarity in relation to equal access to coaches and how this can be achieved in the absence of wheelchair lifts and greater flexibility given to meet the needs of people with disabilities.

Coach operators are also seeking clarification in relation to destinations and tour visit locations that are not DDA compliant.

Many areas simply do not provide the facilities for people with disabilities and coach operators have no control over this.

The Bus Industry Confederation believes that the exemption in relation to 'adventure travel' should be extended to allow coach operators the flexibility to

assess the suitability of coach tours and destinations if a person with disability wishes to travel and be able to advise that the tour is not suitable for people with disabilities without fear of a complaint.

### **Workplace Injury and Practices**

The Bus Industry Confederation is concerned about workplace injuries that are occurring as a direct result of the disability standards for accessible transport.

These injuries tend to occur in the context of drivers having to assist people in mobility devices that are not suitable to travel on buses or coaches, where infrastructure does not provide easy access to accessible buses, or in attempting to provide equivalent access to a person with a disability.

These issues are an unexpected outcome of the standards introduction and highlight the situation bus and coach operators and drivers have been put in. The complaints driven nature of the HREOC process provides little scope to refuse access at threat of a complaint and is compromising existing safe workplace practices for bus and coach industry staff and imposing significant costs on the industry in the form of injury, rehabilitation and compensation.

The BIC would like confirmation provided that Occupational, Health and Safety regulations override the requirements of the Disability Discrimination Act, Accessibility Standards for Public Transport

### **State Government Contracts**

An important aspect of the implementation of the accessible transport standards that needs to be seriously addressed by State Governments HREOC and this Review is the nature of contractual arrangements that are entered into between State governments and private bus operators to provide contracted route services.

In some States route service contracts do not provide the funding to allow bus operators to upgrade their fleet to meet the compliance timeframe of the disability standards.

For example in NSW and Victoria the Government contracts include a minimum age of fleet requirement as well as including the cost of capital as an inclusion in the contract to assist operators meet the age of fleet requirements.

States like Tasmania have for many years not provided this within contractual arrangements and the result is the oldest fleet in Australia with an average of 25 years. This means that Tasmanian private bus operators in most instances have no capacity to purchase new vehicles to meet the compliance requirements of the disability standards without severe financial hardship.

The BIC believes that this Review should recommend that contractual arrangements in each state be assessed, and where contracts do not provide incentives or the financial support to renew the bus fleet and meet the compliance timeframe of the Act, as outlined above, consideration be given to providing a general exemption to the bus and coach industry in that State.

## **Whole of Trip Accessibility**

The Bus Industry Confederation would like to raise concerns in relation to the provision of compliant infrastructure. Both State and Local Government have lagged behind in relation to investing in infrastructure that is compliant with the disability standards.

This often results in bus and coach operators not being able to provide accessible trips as the surrounding infrastructure for the "whole trip" does not allow such a trip to occur. Where an operator does provide accessible vehicles in these circumstances it often results in significant assistance by drivers and other passengers to assist the person with a disability. This often compromises their dignity, puts both driver and passenger at risk of possible injury and generally results in the bus operator being accused of not providing an accessible service.

The real need here is for greater coordination and investment by State and Local Governments to address the "whole of trip" gaps that are evident in the system as a result of infrastructure that is inaccessible and not suitable for the provision of low floor bus services.

Consideration needs to be given to how the compliance time frame for accessible vehicles and services can more fairly reflect these circumstances to allow operators to meet compliance requirements in alignment with the provision of infrastructure that is compliant with the Standards.

Yours Sincerely

Michael Apps  
Executive Director  
Bus Industry Confederation